



OFFICE OF THE INSPECTOR GENERAL
MONTGOMERY COUNTY MARYLAND

MEGAN DAVEY LIMARZI, ESQ.
INSPECTOR GENERAL

Review of the Transportation Management Districts

Montgomery County Department of Transportation

OIG Publication # 25-09

March 17, 2025

51 MONROE STREET, SUITE 600 | ROCKVILLE, MARYLAND 20850

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EXECUTIVE SUMMARY

In 1987, Montgomery County began establishing Transportation Management Districts (TMD) that are managed by the Department of Transportation to encourage the use of public transportation and thereby decrease traffic congestion, reduce air and noise pollution, and improve traffic safety. This review examined compliance with County Code requirements relative to TMDs, including participation by affected employers and employees, and required reporting by MCDOT. Additionally, this review sought to evaluate claims of effectiveness in achieving TMD goals.

Our review found varying degrees of participation by employers submitting Transportation Demand Management (TDM) plans and employees completing biennial commuter surveys which has led to incomplete reporting on the effectiveness of the program. We also found that MCDOT did not produce reports as required by law. In addition to violating County law, failure to comply with these requirements could negatively impact the County's ability to understand commuting behaviors, leading to initiatives that do not advance the County's goals and potentially waste taxpayer dollars.

OBJECTIVES

Through this review, we attempted to (1) evaluate compliance with requirements for the Transportation Management Districts (TMDs) on reducing single-occupancy vehicle trips among government, developers, employers, property owners, and the public and (2) evaluate the data used by the TMDs to support claims of effectiveness in increasing Non-Auto Driver Mode Share (NADMS) within the County.

SCOPE AND STANDARDS

Our review covered performance reports on transportation demand management from all County TMDs and commuter surveys issued by TMDs including survey responses and a breakdown of response rates between July 1, 2021, and June 30, 2023. Additionally, we covered Non-Auto Driver Mode Share (NADMS) goals and actuals for FY20 and FY23 presented to County Council during the July 22, 2024, committee work session.

RESULTS

1. MCDOT did not ensure that employers complied with County Code requirements related to TDM plans and commuter surveys.
2. MCDOT did not publish or provide affected entities with biennial progress reports as mandated by the County Code.

RECOMMENDATIONS

We made 3 recommendations intended to encourage compliance with the County Code and further the County's goals. As such, we recommended MCDOT develop a strategy to increase employer participation in completing TDM plans and improve the collection of data tied to commuting habits. Additionally, we recommended MCDOT publish required biennial reports as mandated by the Code.

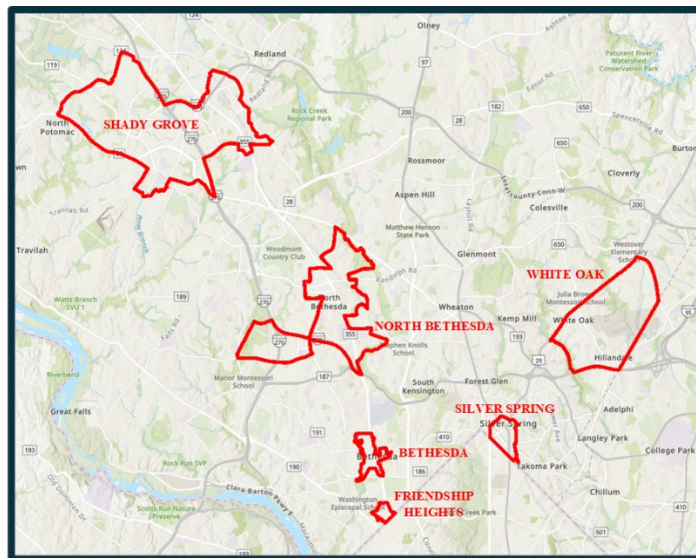
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BACKGROUND

The Montgomery County Department of Transportation (MCDOT) Commuter Services Section oversees a transportation demand management program to provide strategies that promote the use of alternative transportation modes and strive to reduce the number of single-occupant vehicles on County roads. MCDOT organizes these efforts through six Transportation Management Districts (TMDs) in the County's major business districts.¹ The TMDs are charged with encouraging the use of public transportation and thereby decreasing traffic congestion, reducing air and noise pollution, and improving traffic safety. They employ a number of strategies to accomplish this goal, including hosting community events, distributing flyers, and meeting with affected employers. The map in Figure 1 depicts the locations of each TMD across the County.

Figure 1: TMD Locations



This review focused on MCDOT's administration of TMDs including compliance with County Code requirements and claims of effectiveness in reducing single-occupancy vehicle trips. County Code section 42A-24, Transportation Demand Management Plans for Employers, states that "an employer must submit a TDM [transportation demand management] Plan to the Director if... (D) the employer is in one of the transportation management districts and has 25 or more employees reporting to or assigned to the workplace". Additionally, "each employer must submit its TDM Plan within 90 days after receiving written notice from the [MCDOT] Director that it is required." An employer's TDM Plan must include strategies for how that employer intends to support County commuting goals. County Code section 42A-28 also requires the MCDOT Director to "conduct a commuter survey, or obtain through other available mechanisms, data on commuting by employees and residents within a defined area." To satisfy this requirement, MCDOT uses a contractor to distribute biennial commuter surveys and aggregate response data.

¹ Legislation enacted in FY2020 expanded the number of employers over a certain size that are required to file TDM plans by introducing new geographic policy areas in addition to TMD's.

BACKGROUND

The response data from the surveys is used to evaluate commuter behaviors against Non-Auto Driver Mode Share (NADMS) goals established by the County Council. The NADMS goals represent target percentages for trips taken to businesses within TMDs by modes other than single-occupancy vehicle. The goals are developed through the Maryland National Capital Park and Planning Commission (MNCPPC) utilizing their travel demand forecasting model, are published every four years in the Growth and Infrastructure Policy (GIP) and are subject to update as the Council deems appropriate.

In fiscal years 2022, 2023, and 2024 MCDOT spent approximately \$1.8 million, \$1.9 million, and \$1.8 million respectively to fund the six TMDs. Funding to operate the TMD's includes Transportation Demand Management (TDM) Fees, general funds, and other designated revenue streams such as grants, parking citations, parking permit fees, developer contributions, and parking meters. The Council established the TDM fee structure in 2006 to support TMD efforts. This fee is assessed based on a property owner's gross commercial occupied floor area. Table 4 displays the amount of TDM fee revenue collected during our audit scope period.

Table 1: *TDM Fees Collected*

TMD	FY22 TMD Fee Revenue	FY23 TMD Fee Revenue	FY24 TMD Fee Revenue
North Bethesda	\$338,518	\$338,180	\$358,090
Bethesda	\$208,906	\$308,939	\$355,700
Friendship Heights	\$117,748	\$117,748	\$117,748
Silver Spring	\$57,058	\$40,620	\$41,620
Greater Shady Grove	\$204,968	\$229,392	\$240,058
White Oak	\$64,355	\$68,580	\$68,580
TOTAL	\$991,553	\$1,103,459	\$1,181,796

OIG Approach

We conducted this review in accordance with generally accepted government auditing standards (GAGAS).

Appendix A contains additional information on this review's objectives, scope, and methodology.

FINDINGS AND RECOMMENDATIONS

County law includes several requirements to aid in developing strategies to promote the increased use of alternative modes of transportation. Enforcing and monitoring compliance with Code requirements is critical to planning efforts, including setting goals, allocating resources, and changing commuter habits. Our review found MCDOT's oversight of the collection of TDM plans and collection of commuter data to be lacking. We also found that MCDOT did not produce related required reports as prescribed by law.

Our findings are strikingly similar to those reported in a July 19, 2016 report by the Montgomery County Office of Legislative Oversight (OLO), [OLO Report 2016-9, Performance Review of Transportation Management Districts](#). They too found fault with, among other things, MCDOT's failure to produce required reports, data collection efforts, and enforcement of compliance with TMD plan requirements.

Continued failure to comply with Code requirements can negatively impact the County's ability to understand commuting behaviors, leading to initiatives that do not advance the County's goals, create obligations on County employers, and potentially waste taxpayer dollars. In fact, given the lack of enforcement and limited data collected, we question the value in continuing the program as currently structured.

Finding 1: MCDOT did not ensure that employers comply with County Code requirements related to TDM plans and commuter surveys.

Transportation Demand Management Plans

From FY2020 to FY2024, MCDOT estimated that there were 436 employers across all of the TMDs who had reported having 25 or more employees at some point during this period and therefore, should have been completing TDM plans. Since TDM plans are an annual requirement for employers, this would have equated to approximately 2,180 TDM plans collected for the five-year period for which we were provided with data. However, MCDOT reported having only received 601 plans during this time. MCDOT explained that some employers have stated they simply do not have the time to complete the TDM annual plans and that MCDOT does not have the resources to pay for the level of staffing required to ensure full compliance with the requirement to submit TDM plans.

The County Code provides that an entity that does not submit a "TDM Plan or required report, comply with required provisions of a plan, or provide survey data consistent with the requirements of Section 42A-28 within 30 days after a second notice has committed a class C violation." MCDOT told us that they notify employers in February or March of each year that annual TDM plans are due within 30 days. MCDOT told us that they maintain a list of all affected employers and confirmed they sent notifications to those employers within our scope period. Additional notifications are sent if employers do not submit the TDM plans as required; however, they do not pursue charges against those that ultimately do not provide TDM plans.

FINDINGS & RECOMMENDATIONS

Commuter Survey and Data Collection

In addition to requiring the collection of TDM plans, the County Code mandates the director of MCDOT to collect data on employees' commuting habits in an effort to monitor progress towards meeting the County's transportation goals. With respect to TMDs, this is done through the administration of a biennial commuter survey distributed by a contractor to affected employers. Employers in turn are expected to circulate the survey to their employees. Once responses are received by the contractor, they aggregate the survey results and provide them to MCDOT to compare against NADMS goals which were established to drive the use of alternative modes of transportation.

In a July 2024 presentation at a joint County Council committee work session, Council staff provided data purporting to show that almost all of the TMDs met their NADMS goals in FYs 2020 and 2023 for the number of commuters using varied alternative modes of transportation.² However, our evaluation revealed that the comparisons are based on survey response rates that are lower than what is mandated by the County Code and therefore may be presenting a distorted view of how commuters are actually traveling to and from work, hence invalidating any possible comparison.

As of March 2020, the Code stipulates that any entity required to participate in the commuter survey process must make a good-faith effort to generate survey responses from their target population with the objective of achieving at least a 40% compliance rate for an entity with 100 or more employees and 50% for an entity with less than 100 employees.

Our analysis of survey response rates for employers in the respective TMD areas found that for FY2023 compliance rates were far below expectations. Table 2 displays response rates by TMD relative to the number of employees.

Table 2: FY2023 Response Rates by Size of Employer

TMD	100+ Employees (40% required)	Less Than 100 Employees (50% required)
Bethesda	14%	16%
North Bethesda	3%	26%
Friendship Heights	0%	38%
Silver Spring	0%	11%
Shady Grove	5%	21%
White Oak	0%	50%
AVERAGE	4%	27%

² Table 1 on page 2 of the July 22, 2024 Worksession to Develop Recommendations for Council Consideration shows a breakdown of survey results by TMD and commuting mode.

FINDINGS & RECOMMENDATIONS

We learned through discussions with MNCPPC that they are collecting information similar to what the TMD program is supposed to generate. Perhaps it would make sense for MCDOT to look for opportunities to partner with MNCPPC on the collection of data rather than continue to devote funds and staffing on a survey process that is resource intensive, has low response rates, is not producing enough useful information, may be duplicative of work by another publicly-funded agency, and is consistently not meeting County Code requirements.

The completion of TDM plans is critical to the County's ability to leverage employers to help decrease traffic congestion, reduce air and noise pollution, and improve traffic safety. Additionally, the collection and analysis of data provided through commuter surveys is in turn a bellwether to understanding if initiatives are having the desired effect, where future work is required, and what resources are needed to further these initiatives. Poor participation by employers and employees hampers the County's ability on both fronts.

Recommendation 1

We recommend MCDOT

- a) Develop and implement a strategy to increase compliance with County Code requirements related to the completion of TDM plans by employers, including increasing notifications and seeking prosecutions when warranted.**
- b) Develop and implement strategies to increase the collection of data on the commuting habits of residents.**

Finding 2: MCDOT did not publish or provide affected entities with biennial progress reports as mandated by the County Code.

The County Code requires that MCDOT submit biennial progress reports to individual TMD advisory committees, the Montgomery County Planning Board, and to the County Council. The reports are specific to each TMD and intended to provide an overview of transportation related data, including, among other things, employee and residential commuting patterns, traffic flow measurements, infrastructure improvements, and transit use. The report must also include information on the source and use of any relevant funding sources, such as the TDM fee usage. The data presented in these reports should also help guide planning decisions.

To evaluate compliance with the County Code, we obtained the most recent version of these reports from MCDOT. We observed that the most recent version of any report was produced for the Bethesda TMD with data covering FY2020 – FY2021. The report was not dated, and employees could not tell us when the report was provided to any of the required entities but speculated that it was provided to the Council in FY2022. For four of the remaining TMDs, the last report issued covered activity from FY2004 – FY2014 while the remaining report covered

FINDINGS & RECOMMENDATIONS

activity from FY2019 – FY2020. Table 3 provides an overview of the periods covered in the most recent publications for each TMD.

Table 3: *Periods Covered in Most Recent TMD Reports*

TMDs	Period Covered in Most Recent Report
North Bethesda	FY19 – FY20
Bethesda	FY20 – FY21
Friendship Heights	FY04 – FY14
Silver Spring	FY04 – FY14
Greater Shady Grove	FY11 – FY14
White Oak	Established in 2015 – Report never completed

MCDOT personnel admitted that TMD performance reports have not been published according to the schedule required by the County Code. MCDOT attributes the noncompliance to challenges with staffing, the time commitment required to prepare the reports, and to the COVID 19 pandemic. An MCDOT manager speculated that perhaps in the future they could delegate the work to a contractor which would create an additional cost. The manager also told us that MCDOT planned on issuing a “catch up” report in FY2025 that would capture all the information from the years that were missed.

Failure by MCDOT to comply with the County law and issue these reports means that stakeholders are missing out on relevant data that could drive the development of more effective policies and actions that could not only reduce traffic congestion but result in the byproducts of such efforts.

Recommendation 2

We recommend MCDOT publish biennial reports as mandated by the County Code.

OIG COMMENTS TO CHIEF ADMINISTRATIVE OFFICER RESPONSE

The County Chief Administrative Officer's response to our report is included in its entirety in Appendix B. The response indicates concurrence with the OIG's recommendation. Appendix C summarizes the CAO's response to our recommendation and the OIG's assessment of the County's progress towards fully implementing the stated action.

APPENDIX A: OBJECTIVES, SCOPE AND METHODOLOGY

Objectives

The objectives of this review were to:

- 1) Evaluate compliance with requirements for the Transportation Management Districts on reducing single-occupancy vehicle trips among government, developers, employers, property owners, and the public.
- 2) Evaluate the data used by the TMDs to support claims of effectiveness in increasing Non-Auto Driver Mode Share (NADMS) within the County.

Scope and Methodology

The scope of our review covered various subject areas and time periods as outlined below:

- Performance reports on transportation demand management from all County transportation management districts between July 1, 2021, and June 30, 2023.
- Commuter surveys issued by transportation management districts between July 1, 2021, and June 30, 2023, including survey responses and a breakdown of response rates.
- Non-Auto Driver Mode Share (NADMS) goals and actuals for FY20 and FY23 presented in the staff packet for the July 22, 2024, County Council Work Session presentation.

From July to October 2024, we conducted fieldwork to achieve our objectives. We interviewed and conducted walkthroughs with personnel from the MCDOT's Commuter Services Section and the Maryland National Capital Park and Planning Commission (MNCPPC). We also reviewed Article II of the County Code regarding requirements for transportation demand management and performed several analyses of TMD data received from MCDOT.

We obtained and reviewed the following criteria for our review:

- 1) Montgomery County Code, Chapter 42A Article II Transportation Demand Management.
- 2) Executive Regulation 8-21, Transportation Demand Management.
- 3) County Council Resolutions for all County Transportation Management Districts.
- 4) Non-Auto Driver Mode Share goal percentages set by the County Council with input from MNCPPC.

Objective 1 – Compliance with TMD Requirements

To evaluate compliance with requirements, we obtained and reviewed all TMD requirements laid out in County Code Chapter 42A Article II Transportation Demand Management. After noting the requirements for publishing biennial TMD reports, the collection of annual TDM plans from applicable employers, and the obligation of the MCDOT director to conduct biennial commuter surveys and achieve certain response rates, we conducted interviews and walkthroughs with MCDOT staff to gain a better understanding of these requirements. We also obtained supporting documentation for these requirements such as the most recent biennial TMD reports, sample TDM plans, the number of TDM plans received during our scope period, and FY20 and FY23 consolidated survey response data.

We reviewed the latest biennial TMD reports to determine the timeframe covered by each report and how often MCDOT was reporting out TMD information. Additionally, we evaluated the number of TDM plans received during our scope period and compared that to the expected number of TDM plans that should be on file with MCDOT based on the number of applicable employers presented to Council. Finally, we conducted an analysis of commuter survey data to determine what percentage of applicable employers were not compliant with County Code in achieving the necessary response rates. We did this by utilizing the consolidated data to determine how many employees at each employer responded to the survey compared to the total number of employees assigned to that same employer. We then aggregated this information to obtain the percentage of employers that were not compliant.

Objective 2 – Evaluation of TMD Data

To evaluate the data used by the MCDOT Commuter Services Section to support claims of effectiveness in increasing NADMS within the County, we sought to gain an understanding of how NADMS goals and actual metrics were calculated. To do this we conducted interviews with MCDOT Commuter Services Section personnel as well as personnel from the Maryland National Capital Park and Planning Commission (MNCPPC). We also reviewed the Growth and Infrastructure Policy (GIP) covering our scope period that was published by MNCPPC and contained the NADMS goals along with the methodology for goal creation. Additionally, we reviewed County Council committee work sessions where these goals were discussed and compared to actual metrics.

After gaining an understanding of the NADMS process and metrics as well as what was presented to the Council, we obtained the FY20 and FY23 consolidated commuter survey data from MCDOT. We then performed a recalculation of the actual NADMS metrics that were presented to ensure that all the required data points were included in the calculation and that the calculation was accurate. The required data points included the percentage and number of

APPENDIX A: Objectives, Scope and Methodology

trips taken in each TMD by specific modes of transportation such as driving alone, walking, biking, metro/commuter bus, or teleworking.

Internal Controls

We evaluated compliance with policies and procedures related to MCDOT's transportation demand management program and performed various analyses and recalculations. However, we did not assess MCDOT's internal control structure to provide assurance on its effectiveness. We conducted walkthroughs, interviews, and documentation reviews to assess whether policies and procedures were designed and implemented. Internal controls are not significant to this engagement as it is a review engagement, the scope of which is less than that of an audit engagement and includes only procedures that provide limited assurance to support a conclusion.

Standards

We conducted this review in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the review to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our objectives.

APPENDIX B: CHIEF ADMINISTRATIVE OFFICER (CAO) RESPONSE

The Chief Administrative Officer provided the following response to our report:



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

Richard S. Madaleno
Chief Administrative Officer

MEMORANDUM

March 14, 2025

TO: Megan Davey Limarzi, Inspector General

FROM: Richard S. Madaleno, Chief Administrative Officer *RSM*

SUBJECT: Inspector General Confidential Draft Report: Review of the Transportation Management Districts (OIG Publication #OIG-25-09)

Thank you for the opportunity to respond to the issues identified in the Office of Inspector General's (OIG) Review of Transportation Management Districts (TMD) draft report. The Montgomery County Department of Transportation (MCDOT) Commuter Services section works with employers in the County to encourage commuter programs that are focused on reducing single occupancy driving and offering alternatives. While businesses are responsible for implementing the programs, MCDOT helps in program design, promotion and employee participation.

In FY24, MCDOT Commuter Services outreach representatives made more than 11,400 direct contacts with employers and conducted a total of 103,000 total contacts with employers using a variety of outreach methods. They also held more than 170 individual meetings with employers in Montgomery County. In recognition of this work, the Metropolitan Washington Council of Governments (MWCOG) Commuter Connections Program recognized MCDOT with the Employer Services Outreach Team Achievement Award two years in a row. In both 2023 and 2024, MCDOT received the honor for top public sector agency work in creating and promoting commute alternative programs with employers.

We acknowledge that there are opportunities to improve the use of TMDs across the County. As noted below, we are committed to taking appropriate steps to address the report's findings and recommendations.

Recommendation 1 - We recommend the MCDOT:

- a) Develop and implement a strategy to increase compliance with County Code requirements related to the completion of TDM plans by employers, including increasing notifications and seeking prosecutions when warranted.

101 Monroe Street • Rockville, Maryland 20850
240-777-2550 • MD Relay 711 TTY • 240-777-2517 FAX
www.montgomerycountymd.gov

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- b) Develop and implement strategies to increase the collection of data on the commuting habits of residents.

CAO Response: We concur with these recommendations. MCDOT notes that the Code lists survey response rates as “targets” based on “good faith efforts” from MCDOT and employers; it does not require MCDOT to ensure employers achieve those response rates. Regarding Recommendation 1.a. - By March 31, 2025, MCDOT will 1) send notices to all employers who are required to file but have not yet filed TDM Plans. We will follow up with second notices by May 31, 2025, informing them that if they do not file within 90 days, they will be considered to be in violation of the County Code; and 2) send notices to all employers who have TDM Plans on file and are required to file TDM Annual Reports, again noting the violation provisions. By August 31, 2025, MCDOT will provide an end-of-fiscal year report to the CAO and Council summarizing these notifications, responses received, outreach activities conducted, and total numbers of completed Employer TDM Plans and Annual Reports and will advise regarding proposed enforcement actions against delinquent employers.

Regarding Recommendation 1.b. - MCDOT has retained a new survey consultant that is scoped to increase the collection of data on commuting habits of residents, including through use of new technologies. The survey will be conducted this spring, beginning in March 2025 and concluding by the end of FY2025. By September 30, 2025, MCDOT will produce a report that includes response rates for each TMD and recommendations for actions that could increase response rates for the next survey. By the end of calendar year 2025, MCDOT will work with Montgomery Planning to obtain an inventory of commuting data they currently collect and to conduct an assessment as to geography, granularity, frequency, sources and alignment with the requirements of County Code and TDM program needs. Based on that assessment, MCDOT will determine whether the current survey approach can be replaced or supplemented with Planning’s data. If changes to the survey approach require changes to the Code provisions of Sec. 42A-28, MCDOT will make recommendations to Council.

Recommendation 2 - We recommend the MCDOT publish biennial reports as mandated by the County Code.

CAO Response. We concur with the recommendation. MCDOT will ensure it complies with the stated Code requirements and will transmit the next round of TMD reports for review by the respective Advisory Committees and Planning Board by December 1, 2026.

Your report’s findings and recommendations will be useful as we continue to improve TMD processes in the future. Thank you for bringing these matters to our attention.

cc: Fariba Kassiri, Deputy Chief Administrative Officer, Office of the County Executive
Christopher Conklin, Director, Department of Transportation
Maxene Bardwell, Internal Audit Manager, Office of the County Executive

APPENDIX C: Recommendation Status and Follow-Up

This Appendix provides a summary of the findings and recommendations presented in this report along with the OIG’s assessment of the county’s progress towards addressing the recommendations. The OIG categorizes progress towards implementation into the following 4 status groups:

- Open Unresolved: No management response, inadequate response, or no agreement on corrective action plan.
- Open In Progress: Agreed on planned action, auditee is in the process of implementing stated actions, but no evidence of implementation has yet been provided to the OIG.
- Open Resolved: Auditee provided support to OIG indicating implementation was complete, OIG testing to ensure implementation.
- Closed: Recommendation has been implemented.

Finding #	Finding	Recommendation	CAO Response	Status
1	MCDOT did not ensure that employers comply with County Code requirements related to TDM plans and commuter surveys.	1a: We recommend MCDOT develop and implement a strategy to increase compliance with County Code requirements related to the completion of TDM plans by employers, including increasing notifications and seeking prosecutions when warranted.	<p>Concur</p> <ul style="list-style-type: none"> • MCDOT will send notices to all employers who are required to file but have not yet filed TDM plans and employers who have TDM plans on file and are required to file TDM Annual Reports. • MCDOT will follow up with second notices if employers do not file within 90 days informing them that they will be considered in violation of the County Code. 	Open – In Progress

APPENDIX C: Recommendation Status and Follow Up

Finding #	Finding	Recommendation	CAO Response	Status
			<ul style="list-style-type: none"> • MCDOT will provide an end-of-fiscal year report to the CAO and Council summarizing these notifications and responses received. 	
		<p>1b: We recommend MCDOT develop and implement strategies to increase the collection of data on the commuting habits of residents.</p>	<p>Concur</p> <ul style="list-style-type: none"> • MCDOT retained a new survey consultant that is scoped to increase the collection of data on commuting habits of residents using new technologies. • MCDOT will conduct a survey this spring and will produce a report that includes response rates for each TMD and recommendations for actions that could increase response rates. • MCDOT will work with Montgomery Planning to 	<p>Open – In Progress</p>

APPENDIX C: Recommendation Status and Follow Up

Finding #	Finding	Recommendation	CAO Response	Status
			<p>obtain an inventory of commuting data they currently collect and MCDOT will conduct an assessment of the information to determine whether the current survey approach can be replaced or supplemented with Planning’s data.</p>	
2	<p>MCDOT did not publish or provide affected entities with biennial progress reports as mandated by the County Code.</p>	<p>2: We recommend MCDOT publish biennial reports as mandated by the County Code.</p>	<p>Concur</p> <ul style="list-style-type: none"> • MCDOT will ensure it complies with the stated Code requirements and will transmit the next round of TMD reports for review by the respective Advisory Committee and Planning Board by December 1, 2026. 	<p>Open – In Progress</p>