

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 731

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 20, after "reports;" insert "providing that certain performance indicators, benchmarks, and goals established by the Department may not serve as the basis for certain causes of action;".

AMENDMENT NO. 2

On page 9, strike in their entirety lines 12 through 25, inclusive, and substitute:

"(G) BEGINNING WITH THE YEAR 2002 STATE REPORT ON TRANSPORTATION AND CONTINUING THEREAFTER, BEFORE THE GENERAL ASSEMBLY CONSIDERS THE PROPOSED MARYLAND TRANSPORTATION PLAN AND PROPOSED CONSOLIDATED TRANSPORTATION PROGRAM, THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT ON THE ATTAINMENT OF TRANSPORTATION GOALS AND BENCHMARKS FOR THE APPROVED AND PROPOSED MARYLAND TRANSPORTATION PLAN AND APPROVED AND PROPOSED CONSOLIDATED TRANSPORTATION PROGRAM TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

(H) (1) THE REPORT REQUIRED UNDER SUBSECTION (G) OF THIS SECTION SHALL INCLUDE:";

in line 34, strike "ESTABLISH" and substitute "INCLUDE IN ITS REPORT"; and in line 37, strike "FOR THE DEPARTMENT'S ANNUAL REPORT".

On page 10, in line 8, strike "(H)(2)" and substitute "(H)"; and in line 9, after "INCLUDE" insert "BUT IS NOT LIMITED TO".

(Over)

On page 11, strike in their entirety lines 23 through 32, inclusive, and substitute:

“(J) THE DEPARTMENT MAY:

(1) CONDUCT ITS ANALYSIS OF PLANNED TRANSPORTATION INVESTMENTS IN PRIORITY FUNDING AREAS ON A STATEWIDE BASIS OR IN GROUPINGS OF PRIORITY FUNDING AREAS CENTERED ON REGIONS, METROPOLITAN AREAS, CITIES, OR OTHER GROUPINGS SUITABLE FOR TRANSPORTATION MODELING; AND

(2) CHOOSE TO EXCLUDE FROM ITS ANALYSIS PRIORITY FUNDING AREAS WHICH HAVE AN INSIGNIFICANT ROLE IN TRANSPORTATION TRENDS BECAUSE OF SMALL SIZE, POPULATION, OR PHYSICAL ISOLATION.

(K) IN THE REPORT REQUIRED UNDER SUBSECTION (H) OF THIS SECTION, THE DEPARTMENT SHALL:”.

On page 12, after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the measurable performance indicators, benchmarks, and goals established by the Department under this Act may not serve as the basis of any cause of action brought by any party seeking damages or injunctive relief, or in any tort action to block a transportation project for the alleged failure to meet the indicators, benchmarks, or goals.”;

and in line 14, strike “2.” and substitute “3.”.