

HOUSE BILL 1189

Unofficial Copy
R2

2000 Regular Session
(01r2958)

ENROLLED BILL
-- Environmental Matters/Finance --

Introduced by **Delegate Guns**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Transportation - Priority Funding Areas**

3 FOR the purpose of requiring the Department of Transportation ~~jointly with the~~
4 ~~Office of Planning to provide counties with maps establishing performance goals~~
5 ~~to reduce traffic congestion and increase the use of nonautomobile traffic;~~
6 ~~establishing a subcommittee of the Transportation Commission on~~
7 ~~Transportation in Priority Funding Areas; providing that the members of the~~
8 ~~Task Force are entitled to reimbursement for certain expenses; specifying the~~
9 ~~membership and duties of the Task Force; requiring certain information about~~
10 ~~priority funding areas to be included in certain transportation plans and~~
11 ~~reports; and generally relating to transportation in priority funding areas to~~
12 ~~submit a certain report to the Governor and General Assembly in a certain~~
13 ~~manner and by a certain date; providing for the contents of the report; requiring~~
14 ~~the Department to establish certain long-term goals and intermediate~~
15 ~~benchmarks for certain transportation indicators; requiring an advisory~~
16 ~~committee to be assembled to advise the Department on certain matters;~~
17 ~~providing for the membership of the advisory committee; establishing how often~~

1 the advisory committee will meet; requiring the Department and the advisory
 2 committee to consider certain issues; authorizing the Department to conduct
 3 certain activities; altering the frequency of the revision of the Maryland
 4 Transportation Plan and the manner in which it is revised; providing that
 5 certain performance indicators, benchmarks, and goals established by the
 6 Department may not serve as the basis for certain causes of action; and
 7 generally relating to the study of certain transportation issues in priority
 8 funding areas.

9 ~~BY repealing and reenacting, with amendments,~~
 10 ~~Article—State Finance and Procurement~~
 11 ~~Section 5-7B-09~~
 12 ~~Annotated Code of Maryland~~
 13 ~~(1995 Replacement Volume and 1999 Supplement)~~

14 BY repealing and reenacting, with amendments,
 15 Article - Transportation
 16 Section 2-103.1
 17 Annotated Code of Maryland
 18 (1993 Replacement Volume and 1999 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 20 MARYLAND, That the Laws of Maryland read as follows:

21 **~~Article—State Finance and Procurement~~**

22 ~~5-7B-09.~~

23 (a) ~~The Office of Planning shall:~~

24 (1) ~~establish a process for the review of projects by the appropriate State~~
 25 ~~agencies and the Office of Planning for compliance with this subtitle;~~

26 (2) ~~provide to each State agency and unit of State government the~~
 27 ~~location of priority funding areas; and~~

28 (3) ~~make available to each county, and to the public for review, copies of~~
 29 ~~maps illustrating:~~

30 (i) ~~priority funding areas certified by the local governments; and~~

31 (ii) ~~any comments by the Office of Planning on the areas certified.~~

32 (b) ~~By October 1, 1998, the Office of Planning shall complete surveys of~~
 33 ~~municipal, county, and State governments for infrastructure needs and shall~~
 34 ~~maintain a list of needed projects that includes information relating to the financial~~
 35 ~~capacity of the affected unit of government to undertake such projects.~~

1 (e) A copy of this list of projects shall be made available upon request to
2 members of the General Assembly, local government officials, and the general public.

3 (d) Each State agency subject to this subtitle shall report annually to the
4 Office of Planning on the implementation of this subtitle in a form approved by the
5 Office of Planning.

6 ~~(E) (1) BEGINNING WITH THE YEAR 2000 ANNUAL REPORT AND
7 CONTINUING THEREAFTER, THE DEPARTMENT OF TRANSPORTATION SHALL REPORT
8 TO THE GENERAL ASSEMBLY REGARDING:~~

9 ~~(I) THE ESTABLISHMENT OF CERTAIN MEASURABLE
10 PERFORMANCE GOALS AND BENCHMARKS FOR REDUCING AUTOMOBILE TRAFFIC IN
11 PRIORITY FUNDING AREAS AND FOR INCREASING THE USE OF NONAUTOMOBILE
12 TRANSPORTATION IN PRIORITY FUNDING AREAS; AND~~

13 ~~(II) THE DEGREE TO WHICH THE PROJECTS AND PROGRAMS
14 CONTAINED IN THE PROPOSED AND APPROVED MARYLAND TRANSPORTATION PLAN
15 AND CONSOLIDATED TRANSPORTATION PROGRAM ATTAIN THOSE GOALS AND
16 BENCHMARKS.~~

17 ~~(2) THE DEPARTMENT SHALL PREPARE THIS ELEMENT OF ITS ANNUAL
18 REPORT JOINTLY WITH THE OFFICE OF PLANNING.~~

19 ~~(3) THE DEPARTMENT AND THE OFFICE OF PLANNING SHALL JOINTLY
20 ESTABLISH MEASURABLE LONG TERM GOALS, AND INTERMEDIATE BENCHMARKS
21 OF PROGRESS TOWARD THE ATTAINMENT OF THE LONG TERM GOALS, FOR EACH OF
22 THE FOLLOWING TRANSPORTATION INDICATORS FOR ITS ANNUAL REPORT:~~

23 ~~(I) AN INCREASE IN THE SHARE OF TOTAL PERSON TRIPS FOR
24 EACH OF TRANSIT, HIGH OCCUPANCY AUTO, PEDESTRIAN, AND BICYCLE MODES OF
25 TRAVEL;~~

26 ~~(II) A DECREASE IN INDICATORS OF TRAFFIC CONGESTION AS
27 DETERMINED BY THE DEPARTMENT AND THE OFFICE OF PLANNING; AND~~

28 ~~(III) ANY OTHER PERFORMANCE GOALS ESTABLISHED BY THE
29 DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING FOR REDUCING
30 AUTOMOBILE TRAFFIC AND INCREASING THE USE OF NONAUTOMOBILE TRAFFIC.~~

31 ~~(F) (1) A SUBCOMMITTEE OF THE MARYLAND TRANSPORTATION
32 COMMISSION SHALL BE ASSEMBLED TO PROVIDE RECOMMENDATIONS FOR THE
33 ESTABLISHMENT OF THE TRANSPORTATION GOALS, BENCHMARKS, AND INDICATORS
34 UNDER SUBSECTION (E)(3) OF THIS SECTION.~~

35 ~~(2) MEMBERSHIP OF THE SUBCOMMITTEE SHALL INCLUDE, BUT IS NOT
36 LIMITED TO, THE FOLLOWING:~~

37 ~~(I) MEMBERS OF THE HOUSE OF DELEGATES APPOINTED BY THE
38 SPEAKER OF THE HOUSE;~~

1 (II) MEMBERS OF THE SENATE OF MARYLAND APPOINTED BY THE
2 PRESIDENT OF THE SENATE; AND

3 (III) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

4 1. A TECHNICAL EXPERT ON MASS TRANSIT;

5 2. A TECHNICAL EXPERT ON PEDESTRIAN
6 TRANSPORTATION;

7 3. A TECHNICAL EXPERT ON BICYCLE TRANSPORTATION;

8 4. A TECHNICAL EXPERT ON TRANSPORTATION DEMAND
9 MANAGEMENT;

10 5. A REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY
11 ORGANIZATION;

12 6. A REPRESENTATIVE OF A SMART GROWTH ADVOCACY
13 ORGANIZATION; AND

14 7. A REPRESENTATIVE OF A SOCIAL JUSTICE ADVOCACY
15 ORGANIZATION.

16 (3) THE GOVERNOR SHALL APPOINT THE CHAIRMAN OF THE
17 SUBCOMMITTEE.

18 (4) STAFF FOR THE SUBCOMMITTEE SHALL BE PROVIDED BY THE
19 DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING.

20 (5) MEMBERS OF THE SUBCOMMITTEE SHALL SERVE WITHOUT
21 COMPENSATION EXCEPT THAT THE MEMBERS MAY BE REIMBURSED FOR EXPENSES
22 UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
23 BUDGET.

24 (6) THE SUBCOMMITTEE OF THE MARYLAND TRANSPORTATION
25 COMMITTEE ASSEMBLED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
26 PROVIDE ITS RECOMMENDATIONS FOR TRANSPORTATION BENCHMARKS AND
27 INDICATORS IN AN INTERIM REPORT TO BE COMPLETED BY SEPTEMBER 1, 2000.
28 FINAL RECOMMENDATIONS ON LONG-TERM TRANSPORTATION GOALS,
29 INTERMEDIATE BENCHMARKS, AND INDICATORS SHALL BE DEVELOPED WITH
30 PARTICIPATION FROM THE PUBLIC AND SHALL BE PROVIDED BY DECEMBER 31, 2000.

31 (7) WHEN PREPARING ITS RECOMMENDATIONS, THE SUBCOMMITTEE
32 SHALL CONSIDER:

33 (1) TRANSPORTATION AND POPULATION TRENDS AND THEIR
34 IMPACT ON THE STATE'S TRANSPORTATION SYSTEM AND PRIORITY FUNDING AREAS;

35 (II) PAST AND PRESENT STATE FUNDING DEVOTED TO THE
36 VARIOUS TRANSPORTATION MODES AND DEMAND MANAGEMENT;

1 (III) THE FULL RANGE OF UNMET TRANSPORTATION NEEDS IN
2 PRIORITY FUNDING AREAS;

3 (IV) THE FULL RANGE OF TRANSPORTATION MEASURES AND
4 FACILITIES AVAILABLE, AND THEIR ROLE, EFFECTIVENESS, AND COST
5 EFFECTIVENESS IN PROVIDING TRAVEL CHOICES AND REDUCING CONGESTION;

6 (V) A REVIEW OF TRANSPORTATION PERFORMANCE INDICATORS
7 AND THEIR USE IN OTHER STATES;

8 (VI) HOW TO COORDINATE STATE TRANSPORTATION INVESTMENTS
9 WITH LOCAL GROWTH PLANS FOR PRIORITY FUNDING AREAS; AND

10 (VII) THE TYPES OF INVESTMENTS NEEDED AND THEIR LEVELS OF
11 FUNDING FOR SUPPORTING THE GOALS AND BENCHMARKS RECOMMENDED BY THE
12 SUBCOMMITTEE.

13 (G) THE DEPARTMENT MAY CONDUCT ITS ANALYSIS OF PLANNED
14 TRANSPORTATION INVESTMENTS IN PRIORITY FUNDING AREAS ON A STATEWIDE
15 BASIS OR IN GROUPINGS OF PRIORITY FUNDING AREAS CENTERED ON REGIONS,
16 METROPOLITAN AREAS, CITIES, OR OTHER GROUPINGS SUITABLE FOR
17 TRANSPORTATION MODELING, AND THE DEPARTMENT MAY CHOOSE TO EXCLUDE
18 FROM ANALYSIS PRIORITY FUNDING AREAS WHICH HAVE AN INSIGNIFICANT ROLE
19 IN TRANSPORTATION TRENDS BECAUSE OF SMALL SIZE, POPULATION, OR PHYSICAL
20 ISOLATION.

21 (H) IN REPORTING ON THE ATTAINMENT OF TRANSPORTATION
22 PERFORMANCE GOALS AND BENCHMARKS, THE DEPARTMENT AND OFFICE OF
23 PLANNING SHALL:

24 (1) USE NARRATIVE, GRAPHS, CHARTS, TABLES, AND MAPS AS
25 APPROPRIATE TO MAKE THE RESULTS EASILY UNDERSTOOD BY THE PUBLIC;

26 (2) INCLUDE PROJECTED LONG TERM TRENDS FOR EACH OF THE
27 INDICATORS AND THE EFFECT OF PLANNED TRANSPORTATION INVESTMENTS ON
28 THE TRENDS;

29 (3) TO THE EXTENT PRACTICABLE, ACCOUNT FOR THE EFFECT OF
30 PLANNED TRANSPORTATION INVESTMENTS ON INDUCING AUTOMOBILE TRAVEL;

31 (4) TO THE EXTENT PRACTICABLE, ACCOUNT FOR AUTOMOBILE TRIPS
32 NOT TAKEN DUE TO DEMAND MANAGEMENT MEASURES, INCLUDING TELEWORK,
33 TELESHOPPING, AND LAND USE PATTERNS SUPPORTING ALTERNATIVES TO
34 DRIVING; AND

35 (5) INDICATE THE COST EFFECTIVENESS OF INVESTMENTS FOR
36 ACHIEVING RELEVANT PERFORMANCE GOALS AND BENCHMARKS.

Article - Transportation

1
2 2-103.1.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) "Capital project" means:

5 (i) Any project for which funds are expended for construction,
6 reconstruction, or rehabilitation of a transportation facility by the Department or of a
7 transportation facilities project by the Maryland Transportation Authority; or

8 (ii) Capital equipment, as defined by the Secretary.

9 (3) "Construction phase" means the phase of a capital project in which
10 the project is committed and advanced from the project development phase to
11 completion.

12 (4) "Major capital project" means any new, expanded, or significantly
13 improved facility or service that involves planning, environmental studies, design,
14 right-of-way, construction, or purchase of essential equipment related to the facility
15 or service.

16 (5) "Minor capital project" means any project for the preservation or
17 rehabilitation of an existing facility or service, including the planning, design,
18 right-of-way, construction, or purchase of equipment essential to the facility or
19 service, and generally not requiring the preparation of an environmental impact
20 assessment.

21 (6) "Project development phase" means the phase of a capital project in
22 which planning, engineering, and environmental studies and analyses are conducted
23 with full participation by the public, prior to commitment to construction.

24 (7) "Significant change" means any change that affects the size or
25 character of a project to the extent that the change:

26 (i) Substantially modifies the capacity, level of service, or cost of
27 the project;

28 (ii) Alters the function or purpose of the project; or

29 (iii) Impacts the ability of a modal administration to accomplish the
30 program priorities established by the Secretary in the State Report on
31 Transportation.

32 (8) "Transportation facility" has the meaning stated in § 3-101(l) of this
33 article.

34 (9) "Transportation facilities project" has the meaning stated in §
35 4-101(i) of this article.

1 (b) The State Report on Transportation consists of the Consolidated
2 Transportation Program and the Maryland Transportation Plan.

3 (c) (1) The Consolidated Transportation Program shall:

4 (i) Be revised annually; and

5 (ii) Include:

6 1. A list of Program priorities;

7 2. A statement of the Department's projected annual
8 operating costs, set forth separately for the Office of the Secretary and for each modal
9 administration;

10 3. Expanded descriptions of major capital projects;

11 4. A list of major capital projects for the current year, the
12 budget request year, and the 4 successive planning years;

13 5. A list of anticipated minor capital projects, including a
14 specific list of anticipated special projects for the current year and the budget request
15 year and an estimate of the Program level for each of the 4 successive planning years;

16 6. A list of major bridge work projects;

17 7. A summary of the capital and operating programs, as
18 defined by the Secretary, for the Maryland Transportation Authority;

19 8. For each listed major capital project, an indication
20 whether the revenue source anticipated to support that project consists of federal,
21 special, general, or other funds;

22 9. A glossary of terms; and

23 10. A cross-reference table for the information contained in
24 the various parts of the State Report on Transportation.

25 (2) In addition to the items listed in paragraph (1) of this subsection, the
26 Consolidated Transportation Program shall include:

27 (i) A summary of current efforts and future plans, prepared after
28 consultation with the Bicycle Advisory Board established under § 21-1213 of this
29 article:

30 1. To develop and promote bicycle transportation; and

31 2. Working together with local jurisdictions, to accommodate
32 in a safe and effective manner pedestrians and bicycles within a reasonable distance
33 for walking and bicycling to rail stops, light rail stops, and subway stations;

1 (ii) A listing of all bicycle and pedestrian transportation projects
2 expected to use State or federal highway funds; and

3 (iii) Reflected under the Office of the Secretary, any
4 technology-related project to be funded from the account established under § 2-111 of
5 this article, along with a description and projected cost of each.

6 (3) Annually, the Consolidated Transportation Program shall include a
7 report that:

8 (i) Identifies each major capital project for which the budget bill or
9 a supplemental budget amendment first requests funds for the project development
10 phase or for the construction phase;

11 (ii) With respect to each major capital project for which funds are
12 requested in the budget request year, states:

13 1. The amount of the funds requested; and

14 2. The total estimated cost of the project;

15 (iii) Identifies significant changes in the cost, scope, design, or
16 scheduling of major capital projects for each completed fiscal year;

17 (iv) When there is a significant change in cost, states the amount by
18 which the expenditures that have been authorized exceed the original project
19 estimate;

20 (v) When there is a significant change, states:

21 1. The amount by which costs exceed projected costs during
22 each completed fiscal year; and

23 2. The total amount that has been expended for a major
24 capital project; and

25 (vi) Includes any other information that the Secretary believes
26 would be useful to the members of the General Assembly or other recipients of the
27 Consolidated Transportation Program.

28 (4) The total operating and capital expenditures for the Department or
29 for the Office of the Secretary or any modal administration projected in the
30 Consolidated Transportation Program for the budget request year may not exceed the
31 budget request for the Department, Office, or modal administration for that year.

32 (d) The Maryland Transportation Plan shall:

33 (1) Be revised every ~~2~~ 3 years THROUGH AN INCLUSIVE PUBLIC
34 PARTICIPATION PROCESS;

1 (2) Include a 20-year forecast of State transportation needs, based on
 2 the financial resources anticipated to be available to the Department during that
 3 20-year period;

4 (3) Be expressed in terms of ~~Program~~ GOALS AND objectives; and

5 (4) Include a summary of the types of projects AND PROGRAMS that are
 6 proposed to accomplish the ~~Program~~ GOALS AND objectives, using ~~an inter-modal~~
 7 ~~administration~~ A MULTI-MODAL approach when feasible.

8 (e) On or before November 15 of each year, the Department shall visit each
 9 county to give local governments and local legislative delegations information about
 10 and an opportunity to comment on the proposed Consolidated Transportation
 11 Program and the proposed Maryland Transportation Plan.

12 (f) At the earliest practical date but no later than November 1 of each year,
 13 the Department shall provide the proposed Consolidated Transportation Program and
 14 the proposed Maryland Transportation Plan to the Office of Planning for review and
 15 comment on planning issues including consistency between transportation
 16 investments and the State Economic Growth, Resource Protection, and Planning
 17 Policy AND STATE PRIORITY FUNDING AREAS ESTABLISHED UNDER TITLE 5,
 18 SUBTITLE 7B, OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

19 ~~(G) THE DEPARTMENT:~~

20 ~~(1) SHALL SUBMIT ITS ANNUAL REPORT ON THE ATTAINMENT OF~~
 21 ~~TRANSPORTATION GOALS AND BENCHMARKS FOR THE APPROVED AND PROPOSED~~
 22 ~~MARYLAND TRANSPORTATION PLAN AND APPROVED AND PROPOSED CONSOLIDATED~~
 23 ~~TRANSPORTATION PROGRAM, AS REQUIRED UNDER § 5-7B-09 OF THE STATE~~
 24 ~~FINANCE AND PROCUREMENT ARTICLE, TO THE LEGISLATURE PRIOR TO THE~~
 25 ~~LEGISLATURE'S CONSIDERATION OF THE PROPOSED MARYLAND TRANSPORTATION~~
 26 ~~PLAN AND CONSOLIDATED TRANSPORTATION PROGRAM; AND~~

27 ~~(2) SHALL PRESENT ITS REPORT IN HEARINGS BEFORE COMMITTEES OF~~
 28 ~~THE SENATE AND THE HOUSE WITH RESPONSIBILITY FOR TRANSPORTATION~~
 29 ~~OVERSIGHT.~~

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

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

1 (I) THE ESTABLISHMENT OF CERTAIN MEASURABLE
2 PERFORMANCE INDICATORS OR BENCHMARKS, IN PRIORITY FUNDING AREAS AT A
3 MINIMUM, DESIGNED TO QUANTIFY THE GOALS AND OBJECTIVES SPECIFIED IN THE
4 MARYLAND TRANSPORTATION PLAN; AND

5 (II) THE DEGREE TO WHICH THE PROJECTS AND PROGRAMS
6 CONTAINED IN THE APPROVED MARYLAND TRANSPORTATION PLAN AND
7 CONSOLIDATED TRANSPORTATION PROGRAM ATTAIN THOSE GOALS AND
8 BENCHMARKS AS MEASURED BY THE PERFORMANCE INDICATORS OR BENCHMARKS.

9 (2) THE DEPARTMENT SHALL INCLUDE IN ITS REPORT MEASURABLE
10 LONG-TERM GOALS, AND INTERMEDIATE BENCHMARKS OF PROGRESS TOWARD THE
11 ATTAINMENT OF THE LONG-TERM GOALS FOR THE FOLLOWING MEASURABLE
12 TRANSPORTATION INDICATORS:

13 (I) AN INCREASE IN THE SHARE OF TOTAL PERSON TRIPS FOR
14 EACH OF TRANSIT, HIGH OCCUPANCY AUTO, PEDESTRIAN, AND BICYCLE MODES OF
15 TRAVEL;

16 (II) A DECREASE IN INDICATORS OF TRAFFIC CONGESTION AS
17 DETERMINED BY THE DEPARTMENT; AND

18 (III) ANY OTHER PERFORMANCE GOALS ESTABLISHED BY THE
19 DEPARTMENT OF TRANSPORTATION FOR REDUCING AUTOMOBILE TRAFFIC AND
20 INCREASING THE USE OF NONAUTOMOBILE TRAFFIC.

21 (I) (1) AN ADVISORY COMMITTEE SHALL BE ASSEMBLED TO ADVISE THE
22 DEPARTMENT ON THE ESTABLISHMENT OF THE TRANSPORTATION GOALS,
23 BENCHMARKS, AND INDICATORS UNDER SUBSECTION (H) OF THIS SECTION.

24 (2) MEMBERSHIP OF THE ADVISORY COMMITTEE SHALL INCLUDE, BUT
25 IS NOT LIMITED TO, THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

26 (I) A REPRESENTATIVE OF THE MARYLAND BUSINESS
27 COMMUNITY;

28 (II) A REPRESENTATIVE OF THE DISABLED CITIZENS COMMUNITY;

29 (III) A REPRESENTATIVE OF RURAL INTERESTS;

30 (IV) A REPRESENTATIVE OF AN AUTO USERS GROUP;

31 (V) A REPRESENTATIVE OF A TRANSIT USERS GROUP;

32 (VI) A REPRESENTATIVE OF THE GOODS MOVEMENT INDUSTRY;

33 (VII) A NATIONALLY RECOGNIZED EXPERT ON TRANSPORTATION
34 DEMAND MANAGEMENT;

35 (VIII) A NATIONALLY RECOGNIZED EXPERT ON PEDESTRIAN AND
36 BICYCLE TRANSPORTATION;

1 (IX) A NATIONALLY RECOGNIZED EXPERT ON TRANSPORTATION
2 PERFORMANCE MEASUREMENT;

3 (X) A REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY
4 ORGANIZATION;

5 (XI) A REPRESENTATIVE FROM THE MARYLAND OFFICE OF
6 PLANNING;

7 (XII) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF
8 COUNTIES; AND

9 (XIII) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL LEAGUE.

10 (3) THE GOVERNOR SHALL APPOINT THE CHAIRMAN OF THE ADVISORY
11 COMMITTEE.

12 (4) THE ADVISORY COMMITTEE SHALL MEET AT LEAST FOUR TIMES
13 DURING THE PROCESS OF THE DEVELOPMENT OF THE MARYLAND TRANSPORTATION
14 PLAN TO PROVIDE ADVICE TO THE DEPARTMENT ON MEETING THE REQUIREMENTS
15 OF SUBSECTION (H) OF THIS SECTION.

16 (5) THE DEPARTMENT AND THE ADVISORY COMMITTEE SHALL
17 CONSIDER THE FOLLOWING:

18 (I) TRANSPORTATION AND POPULATION TRENDS AND THEIR
19 IMPACT ON THE STATE'S TRANSPORTATION SYSTEM AND PRIORITY FUNDING AREAS;

20 (II) PAST AND PRESENT STATE FUNDING DEVOTED TO THE
21 VARIOUS TRANSPORTATION MODES AND DEMAND MANAGEMENT;

22 (III) THE FULL RANGE OF UNMET TRANSPORTATION NEEDS IN
23 PRIORITY FUNDING AREAS;

24 (IV) THE FULL RANGE OF TRANSPORTATION MEASURES AND
25 FACILITIES AVAILABLE, AND THEIR ROLE, EFFECTIVENESS, AND COST
26 EFFECTIVENESS IN PROVIDING TRAVEL CHOICES AND REDUCING CONGESTION;

27 (V) A REVIEW OF TRANSPORTATION PERFORMANCE INDICATORS
28 USED IN OTHER STATES;

29 (VI) A REVIEW OF THE COORDINATION OF STATE TRANSPORTATION
30 INVESTMENTS WITH LOCAL GROWTH PLANS FOR PRIORITY FUNDING AREAS; AND

31 (VII) THE TYPES OF INVESTMENTS NEEDED AND THEIR LEVELS OF
32 FUNDING FOR SUPPORTING THE GOALS AND OBJECTIVES OF THE MARYLAND
33 TRANSPORTATION PLAN.

34 (J) THE DEPARTMENT MAY:

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

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

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

11 (1) USE NARRATIVE, GRAPHS, CHARTS, TABLES, AND MAPS AS
12 APPROPRIATE TO MAKE THE RESULTS EASILY UNDERSTOOD BY THE PUBLIC;

13 (2) INCLUDE PROJECTED LONG-TERM TRENDS FOR EACH OF THE
14 INDICATORS AND THE EFFECT OF PLANNED TRANSPORTATION INVESTMENTS ON
15 THE TRENDS;

16 (3) TO THE EXTENT PRACTICABLE, ACCOUNT FOR THE EFFECT OF
17 PLANNED TRANSPORTATION INVESTMENTS ON INDUCING AUTOMOBILE TRAVEL;

18 (4) TO THE EXTENT PRACTICABLE, ACCOUNT FOR AUTOMOBILE TRIPS
19 NOT TAKEN DUE TO DEMAND MANAGEMENT MEASURES, INCLUDING TELEWORK,
20 TELESHOPPING, AND LAND USE PATTERNS SUPPORTING ALTERNATIVES TO
21 DRIVING; AND

22 (5) INDICATE THE COST EFFECTIVENESS OF INVESTMENTS FOR
23 ACHIEVING RELEVANT PERFORMANCE GOALS AND BENCHMARKS, INCLUDING A
24 SPECIFIC ANALYSIS OF PLANNED TRANSPORTATION INVESTMENTS DETAILING:

25 (I) ANY PROJECTED DECREASES OR INCREASES IN INDICATORS
26 OF TRAFFIC CONGESTION AS DEFINED BY THE DEPARTMENT; AND

27 (II) THE COST PER PASSENGER MILE AND OTHER INDICATORS OF
28 COST EFFECTIVENESS AS DEFINED BY THE DEPARTMENT.

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

34 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect October 1, 2000.

