

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 981

(Delegate Walkup, *et al.*)

Environmental Matters

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**Northern Bay Crossing**

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This bill prohibits the State Roads Commission, the Maryland Department of Transportation (MDOT), the Maryland Transportation Authority (MdTA), and Kent County from planning, designing, financing, condemning property for, or constructing an additional Chesapeake Bay crossing, such as a bridge, with a terminus in Kent County. MDOT and MdTA must refocus attention away from bridges across the Chesapeake Bay and consider other alternatives, such as providing incentives to encourage motorists to use the Susquehanna River Bridge on Interstate 95 and reestablishing ferry service across the bay.

The bill takes effect June 1, 2007.

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**Fiscal Summary**

**State Effect:** Potential future impact on nonbudgeted expenditures and revenues due to a prohibition on selecting Kent County as a possible site for an additional crossing; however, the exact effect cannot be reliably determined at this time.

**Local Effect:** Kent County government could be affected by a prohibition on a bay crossing, as could any county selected as an alternative to Kent County for the terminus of a bay crossing; however, the magnitude of this impact cannot be reliably estimated at this time.

**Small Business Effect:** The small business impact cannot be reliably estimated at this time, nor can the magnitude of the impact.

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## **Analysis**

**Bill Summary:** No unit of MDOT or MdTA may include in the Consolidated Transportation Program, the Maryland Transportation Plan, or any other plan, study, analysis, report, proposal, or any other document a reference to such a crossing, unless it is to specifically prohibit such a crossing. This prohibition also applies to Kent County and its comprehensive plan. If such references exist in any of MdTA's or MDOT's documents when the bill takes effect, they must be removed. MDOT and MdTA may not use any funding mechanism of any nature authorized by statute to finance such a crossing.

MDOT must carefully re-examine the provisions of the federal National Environmental Policy Act (NEPA) before making an assumption that any enactment of the General Assembly removing the concept of a Chesapeake Bay Crossing with a terminus in Kent County would conflict with NEPA. The bill also makes specified findings and declarations regarding Kent County.

**Current Law:** The State Roads Commission (now part of the State Highway Administration) has the authority to construct, maintain, and operate a crossing either parallel to the existing William Preston Lane, Jr. Memorial Bridge (better known as the Chesapeake Bay Bridge) and running between Sandy Point and Kent Island, or between Millers Island and a point in Kent County. The State Roads Commission may perform preliminary engineering for such a crossing, acquire a right-of-way for the crossing, and issue revenue bonds to fund such a crossing.

A State agency, including MdTA, must get the approval of the majority of affected governments to construct a toll road, toll highway, or toll bridge in several counties, including Kent County.

MdTA has general supervision over all transportation facilities projects (including the Chesapeake Bay Bridge) and may do anything necessary and convenient to carry out its powers.

**Background:** The Chesapeake Bay Bridge, built in 1952, connects Maryland's Eastern Shore recreational regions with the metropolitan areas of Baltimore, Annapolis, and the District of Columbia. Based on one-way toll collection, it is estimated that over 26.5 million vehicles crossed the bridge in fiscal 2006. Traffic congestion on the bridge can be particularly severe. Several factors can cause congestion on the bridge. For example, the lack of shoulders on the bridge requires MdTA to close at least one lane to perform maintenance. Also, due to reduced lane capacity on the Chesapeake Bay Bridge

relative to the approach lanes, vehicles have to merge into fewer lanes, causing congestion when there is high volume of traffic.

The *Bay Bridge Transportation Needs Report* estimates that, by 2025, traffic will increase on the bridge by at least 41% over 2001 levels on both weekdays (61,000 vehicles in 2001, increasing to 86,000 in 2025) and summer Saturdays (95,000 on an August Saturday in 2001, set to increase to 135,000 in 2025).

A task force was established in 2004, the Task Force on Traffic Capacity Across the Chesapeake Bay, to examine issues surrounding the construction of a new bay crossing, regardless of site location. The task force released its final report in 2006 but reached no definitive conclusion as to where a new bay crossing should be located.

Also in 2004, the *Bay Bridge Transportation Needs Report* assessed the requirements for improving the existing crossing. However, the needs report reached no definitive conclusions about what improvements are required.

**State Fiscal Effect:** It is not possible at this time to reliably estimate the fiscal effect of restricting the location of transportation facilities; however, MdTA advises that restricting future options for transportation facilities could have a financial impact at some point.

As MdTA has not begun the process of selecting a site for a potential additional bay crossing, it has not yet been determined whether or not a site in Kent County would be more cost-effective than a site in another location. In addition, MdTA has not begun engineering or designing a potential crossing; therefore, there are only the most preliminary estimates as to the costs of a bay crossing (at least \$2 billion).

The Task Force on Traffic Capacity Across the Chesapeake Bay divided its study area into four zones. Kent County is in zones 1 and 2, with Kent County comprising the entire eastern section of zone 1. A crossing in zone 1 would be approximately seven to nine miles long, while a crossing in zone 2 would be four miles long. A crossing in zone 1 could be a cable-stayed bridge based on the main span length (1,200 feet for zone 1 as opposed to 2,000 feet for zone 2, and 3,000 to 4,000 feet for zones 3 and 4), while bridges in other zones would have to be suspension bridges.

In addition, several roads would have to be upgraded for a zone 1 crossing; however, this is true of all zones. Without a design or plan for an additional crossing, there is no clear picture of whether costs would be higher or lower for a Kent County crossing as opposed to another area.

**Local Fiscal Effect:** The selection of a site for a bay crossing could drastically affect local governments through increased traffic, possible changes in property values (and thereby a change in property tax revenues), and increased development. Prohibiting a crossing in Kent County could lead to decreased future revenues for Kent County once a crossing has been completed, but without a determination as to whether or not a site would have been selected in Kent County without the passage of this bill, the impact on local governments cannot be determined.

**Small Business Effect:** The small business impact cannot be reliably estimated at this time. Small businesses could be affected by the selection of a site as a bay crossing in many ways. For example, a business could have its property or land purchased by MdTA for construction purposes, or business could increase due to location near a bay crossing or by development spurred by a bay crossing. Without a determination as to the location of any new bay crossing, the impact on small businesses cannot be reliably determined at this time.

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### **Additional Information**

**Prior Introductions:** Similar bills, SB 864 and HB 1341, were introduced in the 2006 session. HB 1341 received an unfavorable report from the House Environmental Matters Committee. SB 864 was heard by the Senate Finance Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Anne Arundel County, Baltimore County, Kent County, Queen Anne's County, *Bay Bridge Transportation Needs Report*, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 14, 2007  
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