

HOUSE BILL 373

R2

(8lr0265)

ENROLLED BILL

—Environmental Matters / Finance—

Introduced by **The Speaker (By Request - Administration) and Delegates McIntosh, Howard, Ali, Barve, Bronrott, Burns, Cardin, Conaway, Gaines, Glenn, Griffith, Guzzone, Haynes, Kirk, Lafferty, Montgomery, Oaks, Rosenberg, Sophocleus, Stukes, Vaughn, ~~and Walker~~ Walker, Healey, Frush, Stull, Carr, Stein, Malone, Norman, Hucker, Weir, Holmes, V. Clagett, Niemann, and Beidle**

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 **Maryland Transit Administration - Transit-Oriented Development**

3 FOR the purpose of establishing that the realization of certain transit-oriented
4 development of certain property located near transit stations is a transportation
5 purpose that is essential for the attainment of certain objectives; *providing for*
6 *the construction of certain provisions of this Act;* defining certain terms;
7 ~~*providing for the construction of this Act;*~~ *declaring the intent of the General*
8 *Assembly for local governments to coordinate with the Maryland Transit*
9 *Administration in a certain manner;* and generally relating to transit oriented
10 development.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – Transportation
 3 Section 7–101 and 7–102
 4 Annotated Code of Maryland
 5 (2001 Replacement Volume and 2007 Supplement)

6 Preamble

7 WHEREAS, In recognition of the role transit plays in reducing highway
 8 congestion and greenhouse gas emissions, it is the intent of the General Assembly that
 9 land uses surrounding transit stations throughout the State be developed in a manner
 10 that is conducive to greater transit ridership and designed to promote transit, walking,
 11 and bicycling in addition to the automobile as means of transportation; and

12 WHEREAS, Households within one-half of a mile of transit service own fewer
 13 automobiles than households where transit is not available and people who live near
 14 transit are more likely to use transit to commute; and

15 WHEREAS, Transit-oriented development includes a mix of uses built in a
 16 compact form that is oriented to the transit station, streets designed to be safe and
 17 pleasant for pedestrians, buildings oriented to the streets, sufficient parking to
 18 support transit ridership and commercial land uses, and public open spaces; and

19 WHEREAS, The State has made a substantial investment in transit that can be
 20 leveraged to achieve smart growth outcomes; and

21 WHEREAS, It is in the interest of the State to support local governments as they
 22 exercise their land use authority to develop around planned transit stations in a
 23 manner that improves the efficiency and effectiveness of planned transit systems; and

24 WHEREAS, The support and promotion of transit-oriented development
 25 throughout the State is in the interest of the citizens of the State and is a critical
 26 component of a high functioning transportation system; now, therefore,

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

29 **Article – Transportation**

30 7–101.

- 31 (a) In this title the following words have the meanings indicated.
- 32 (b) “Administration” means the Maryland Transit Administration.
- 33 (c) “Administrator” means the Maryland Transit Administrator.

1 (d) "District" means:

2 (1) The Metropolitan Transit District, consisting of Baltimore City,
3 Baltimore County, Anne Arundel County, and other areas as designated by the
4 Secretary after consultation and coordination with the affected jurisdiction and subject
5 to the provisions of the Washington Metropolitan Transit Authority Compact; and

6 (2) Any area in which railroad service is performed under contract
7 with the Administration or in which railroad facilities are owned by the
8 Administration.

9 (e) "Excursion train" means any special event train sponsored or contracted
10 for in connection with the promotion of a public event benefiting the State and its
11 citizens.

12 (f) "Light rail transit" means rail transit which is electrically powered and
13 can operate in mixed traffic with automobiles.

14 (g) "Private carrier" means any person that renders transit service within
15 the District under an operating permit or license issued by an agency of this State
16 exercising regulatory jurisdiction over transportation of passengers within this State
17 and over persons engaged in that business.

18 (h) "Proof of fare payment" means evidence of fare prepayment authorized by
19 the Administration for the use of transit service.

20 (i) "Railroad company" means any entity engaged in the providing of
21 railroad service under this title.

22 (j) (1) "Railroad facility" means any facility used in providing railroad
23 services, and includes any one or more or combination of:

24 (i) Switches, spurs, tracks, structures, terminals, yards, real
25 property, and other facilities useful or designed for use in connection with the
26 transportation of persons or goods by rail; and

27 (ii) All other appurtenances, including locomotives, cars,
28 vehicles, and other instrumentalities of shipment or carriage, useful or designed for
29 use in connection with the transportation of persons or goods by rail.

30 (2) "Railroad facility" does not include any transit facility.

31 (k) "Railroad service" means any service utilizing rail or railroad facilities
32 performed by any common carrier operating under the jurisdiction of the State or
33 federal government as a common carrier and includes any such service performed by
34 the National Railroad Passenger Corporation.

1 (1) "Transit facility" includes any one or more or combination of tracks,
 2 rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports,
 3 parking areas, equipment, fixtures, buildings, structures, other real or personal
 4 property, and services incidental to or useful or designed for use in connection with the
 5 rendering of transit service by any means, including rail, bus, motor vehicle, or other
 6 mode of transportation, but does not include any railroad facility.

7 (M) "TRANSIT-ORIENTED DEVELOPMENT" MEANS A MIX OF PRIVATE OR
 8 PUBLIC PARKING FACILITIES, COMMERCIAL AND RESIDENTIAL STRUCTURES,
 9 AND USES, IMPROVEMENTS, AND FACILITIES CUSTOMARILY APPURTENANT TO
 10 SUCH FACILITIES AND USES, THAT:

11 (1) IS PART OF A DELIBERATE DEVELOPMENT PLAN OR
 12 STRATEGY INVOLVING:

13 (I) PROPERTY THAT IS ADJACENT TO THE PASSENGER
 14 BOARDING AND ALIGHTING LOCATION OF A PLANNED OR EXISTING TRANSIT
 15 STATION; OR

16 (II) PROPERTY, ANY PART OF WHICH IS LOCATED WITHIN
 17 ONE-HALF MILE OF THE PASSENGER BOARDING AND ALIGHTING LOCATION OF A
 18 PLANNED OR EXISTING TRANSIT STATION;

19 (2) IS PLANNED TO MAXIMIZE THE USE OF TRANSIT, WALKING,
 20 AND BICYCLING BY RESIDENTS AND EMPLOYEES; AND

21 (3) IS DESIGNATED AS A TRANSIT-ORIENTED DEVELOPMENT BY
 22 ~~THE~~:

23 (I) THE SECRETARY IN CONSULTATION WITH THE
 24 SECRETARIES OF BUSINESS AND ECONOMIC DEVELOPMENT, GENERAL
 25 SERVICES, HOUSING AND COMMUNITY DEVELOPMENT, THE ENVIRONMENT,
 26 AND PLANNING; AND

27 (II) THE LOCAL GOVERNMENT OR MULTICOUNTY AGENCY
 28 WITH LAND USE AND PLANNING RESPONSIBILITY FOR THE RELEVANT AREA.

29 [(m)] (N) (1) "Transit service" means the transportation of persons and
 30 their packages and baggage and of newspapers, express, and mail in regular route,
 31 special, or charter service by means of transit facilities between points within the
 32 District.

33 (2) "Transit service" does not include any:

- 1 (i) Taxicab service;
- 2 (ii) Vanpool operation; or
- 3 (iii) Railroad service.

4 ~~[(n)]~~ (O) (1) **“TRANSIT STATION” MEANS ANY FACILITY, THE**
 5 **PRIMARY FUNCTION OF WHICH RELATES TO THE BOARDING AND ALIGHTING OF**
 6 **PASSENGERS FROM TRANSIT VEHICLES.**

7 (2) **“TRANSIT STATION” INCLUDES PLATFORMS, SHELTERS,**
 8 **PASSENGER WAITING FACILITIES, PARKING AREAS, ACCESS ROADWAYS, AND**
 9 **OTHER REAL PROPERTY USED TO FACILITATE PASSENGER ACCESS TO TRANSIT**
 10 **SERVICE OR RAILROAD SERVICE.**

11 (P) **“Transit vehicle” means a mobile device used in rendering transit service.**
 12 **7–102.**

13 (a) (1) The development of improved and expanded railroad facilities,
 14 railroad services, transit facilities, and transit services operating as a unified and
 15 coordinated regional transportation system, [is] **AND THE REALIZATION OF**
 16 **TRANSIT-ORIENTED DEVELOPMENT THROUGHOUT THE STATE, REPRESENT**
 17 **TRANSPORTATION PURPOSES THAT ARE** essential for the satisfactory movement of
 18 people and goods, the alleviation of present and future traffic congestion, the economic
 19 welfare and vitality, and the development of the metropolitan area of Baltimore and
 20 other political subdivisions of the State.

21 (2) **THE ESTABLISHMENT OF THE REALIZATION OF**
 22 **TRANSIT-ORIENTED DEVELOPMENT AS A TRANSPORTATION PURPOSE UNDER**
 23 **PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO:**

24 (I) **LIMIT THE AUTHORITY OF LOCAL GOVERNMENTS TO**
 25 **GOVERN LAND USE AS ESTABLISHED UNDER ANY OTHER LAW; OR**

26 (II) **GRANT THE STATE OR A DEPARTMENT OF THE STATE**
 27 **ADDITIONAL AUTHORITY TO SUPERSEDE LOCAL LAND USE AND PLANNING**
 28 **AUTHORITY.**

29 (b) It is the policy of this title to create a regional transportation system in
 30 the District that will provide compatibility with other contiguous or neighboring
 31 systems.

32 (c) The desired regional transportation system cannot be achieved by the
 33 unilateral action of any one political subdivision, but requires action by this State

1 through a State agency that is politically responsive to local needs and will assure that
 2 the development of the regional transportation system fosters general development
 3 plans for this State, the region, and the local development plans of the participating
 4 political subdivisions.

5 ~~SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may~~
 6 ~~be construed to:~~

7 ~~(1) limit the authority of local governments to govern land use as~~
 8 ~~established under any other law; or~~

9 ~~(2) grant the State or a department of the State additional authority~~
 10 ~~to supersede local land use and planning authority.~~

11 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
 12 General Assembly that in order for areas with planned transit stations to be considered
 13 for designation as a transit-oriented development, local governments shall coordinate
 14 with the Maryland Transit Administration on land-use planning elements such as
 15 right-of-way preservation; density; pedestrian, bicycle, bus, and automobile access;
 16 project financing mechanisms; and other critical design elements.

17 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
 18 effect October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.