

HOUSE BILL 373

R2

8lr0265
CF SB 204

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**

Introduced and read first time: January 25, 2008

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2008

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; defining
6 certain terms; providing for the construction of this Act; and generally relating
7 to transit oriented development.

8 BY repealing and reenacting, with amendments,
9 Article – Transportation
10 Section 7–101 and 7–102
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2007 Supplement)

13 Preamble

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

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.



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

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

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

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

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

15 **Article – Transportation**

16 7–101.

17 (a) In this title the following words have the meanings indicated.

18 (b) “Administration” means the Maryland Transit Administration.

19 (c) “Administrator” means the Maryland Transit Administrator.

20 (d) “District” means:

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

25 (2) Any area in which railroad service is performed under contract
26 with the Administration or in which railroad facilities are owned by the
27 Administration.

28 (e) “Excursion train” means any special event train sponsored or contracted
29 for in connection with the promotion of a public event benefiting the State and its
30 citizens.

31 (f) “Light rail transit” means rail transit which is electrically powered and
32 can operate in mixed traffic with automobiles.

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

(h) “Proof of fare payment” means evidence of fare prepayment authorized by the Administration for the use of transit service.

(i) “Railroad company” means any entity engaged in the providing of railroad service under this title.

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

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

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

(2) “Railroad facility” does not include any transit facility.

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

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

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

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

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

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

4 **(2) IS PLANNED TO MAXIMIZE THE USE OF TRANSIT, WALKING,**
5 **AND BICYCLING BY RESIDENTS AND EMPLOYEES; AND**

6 **(3) IS DESIGNATED AS A TRANSIT-ORIENTED DEVELOPMENT BY**
7 **~~THE~~;**

8 **(I) THE SECRETARY IN CONSULTATION WITH THE**
9 **SECRETARIES OF BUSINESS AND ECONOMIC DEVELOPMENT, GENERAL**
10 **SERVICES, HOUSING AND COMMUNITY DEVELOPMENT, THE ENVIRONMENT,**
11 **AND PLANNING; AND**

12 **(II) THE LOCAL GOVERNMENT OR MULTICOUNTY AGENCY**
13 **WITH LAND USE AND PLANNING RESPONSIBILITY FOR THE RELEVANT AREA.**

14 [(m)] (N) (1) “Transit service” means the transportation of persons and
15 their packages and baggage and of newspapers, express, and mail in regular route,
16 special, or charter service by means of transit facilities between points within the
17 District.

18 (2) “Transit service” does not include any:

19 (i) Taxicab service;

20 (ii) Vanpool operation; or

21 (iii) Railroad service.

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

25 (2) **“TRANSIT STATION” INCLUDES PLATFORMS, SHELTERS,**
26 **PASSENGER WAITING FACILITIES, PARKING AREAS, ACCESS ROADWAYS, AND**
27 **OTHER REAL PROPERTY USED TO FACILITATE PASSENGER ACCESS TO TRANSIT**
28 **SERVICE OR RAILROAD SERVICE.**

29 (P) “Transit vehicle” means a mobile device used in rendering transit service.

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

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

(c) The desired regional transportation system cannot be achieved by the unilateral action of any one political subdivision, but requires action by this State through a State agency that is politically responsive to local needs and will assure that the development of the regional transportation system fosters general development plans for this State, the region, and the local development plans of the participating political subdivisions.

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.