

HOUSE BILL 1013

R2

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CF SB 908

By: Delegates Beidle, Lierman, B. Barnes, Branch, Brooks, Busch, Clippinger, Fennell, Frush, Haynes, Healey, Hixson, Holmes, C. Howard, ~~Jacobs~~, Krimm, Lafferty, McCray, McIntosh, Moon, Reznik, Tarlau, and P. Young

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Assigned to: Appropriations and Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2016

CHAPTER _____

1 AN ACT concerning

2 **Maryland Open Transportation Investment Decision Act of 2016**

3 FOR the purpose of establishing State transportation goals; establishing measures by
4 which the Department of Transportation is required to score the extent to which
5 major capital projects satisfy the goals; requiring the Department to develop a
6 project-based scoring system and promulgate certain regulations; requiring the
7 Department to submit a certain list; requiring the Department to evaluate, score,
8 and rank major capital projects for inclusion in the draft and final Consolidated
9 Transportation Program, in a certain manner; requiring, with a certain exception,
10 that certain capital projects with higher scores be ranked ahead of capital projects
11 with lower scores; requiring the Department to incorporate the State transportation
12 goals in the Consolidated Transportation Program and Maryland Transportation
13 Plan; requiring that certain analyses and benchmarks are included in the
14 Consolidated Transportation Program and Maryland Transportation Plan; providing
15 for the application of this Act; defining a certain term; altering certain definitions;
16 making certain conforming changes; and generally relating to State transportation
17 goals.

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 2–103.1
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2015 Supplement)

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 BY adding to
 2 Article – Transportation
 3 Section 2–103.7
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume and 2015 Supplement)

6 Preamble

7 WHEREAS, It is the intent of the General Assembly that a public process for
 8 transportation planning be developed that provides Maryland citizens with a clear and
 9 transparent explanation as to how their transportation taxes and revenues are allocated to
 10 fund major capital transportation projects; now, therefore,

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

13 **Article – Transportation**

14 2–103.1.

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

16 (2) “Capital project” means:

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

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

21 (3) “Construction phase” means the phase of a capital project in which the
 22 project is committed and advanced from the project development phase to completion.

23 (4) “Major capital project” means any new, expanded, or significantly
 24 improved facility or service that involves planning, environmental studies, design,
 25 right-of-way, construction, or purchase of essential equipment related to the facility or
 26 service.

27 **(5) “MAJOR TRANSPORTATION PROJECT” HAS THE MEANING STATED**
 28 **IN § 2–103.7 OF THIS SUBTITLE.**

29 ~~(5)~~ **(6)** “Minor capital project” means any project for the preservation or
 30 rehabilitation of an existing facility or service, including the planning, design,
 31 right-of-way, construction, or purchase of equipment essential to the facility or service,
 32 and generally not requiring the preparation of an environmental impact assessment.

1 ~~(6)~~ **(7)** “Project development phase” means the phase of a capital project
2 in which planning, engineering, and environmental studies and analyses are conducted
3 with full participation by the public, prior to commitment to construction.

4 ~~(7)~~ **(8)** (i) “Proposing entity” means a government agency or political
5 subdivision that requests that a transportation project be included in the Consolidated
6 Transportation Program.

7 (ii) “Proposing entity” includes a county, a municipality, a
8 metropolitan planning organization, or a modal administration or any other agency of the
9 Department.

10 ~~(8)~~ **(9)** “Purpose and need summary statement” means a brief statement
11 that specifies the underlying purpose and need for a project.

12 ~~(9)~~ **(10)** “Significant change” means any change that affects the size or
13 character of a project to the extent that the change:

14 (i) Substantially modifies the capacity, level of service, or cost of the
15 project;

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

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

19 ~~(10)~~ **(11)** “State transportation goals” means the goals described in [the
20 Maryland Transportation Plan] **§ 2-103.7 OF THIS SUBTITLE**.

21 ~~(11)~~ **(12)** “Transportation facilities project” has the meaning stated in §
22 4-101(i) of this article.

23 ~~(12)~~ **(13)** “Transportation facility” has the meaning stated in § 3-101(l) of
24 this article.

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

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

28 (i) Be revised annually ~~IN ACCORDANCE WITH § 2-103.7 OF THIS~~
29 ~~SUBTITLE~~; and

30 (ii) Include:

31 1. A list of:

1 A. The current State transportation goals;

2 B. Program priorities; ~~and~~

3 C. For projects in the construction phase, the criteria used to
4 select major capital projects for inclusion in the capital program[, as determined by the
5 Department]; AND

6 **D. IF APPLICABLE, THE MANNER IN WHICH EACH MAJOR**
7 **CAPITAL PROJECT WAS EVALUATED AND RANKED UNDER § 2-103.7 OF THIS**
8 **SUBTITLE;**

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

12 3. Expanded descriptions of major capital projects;

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

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

18 6. A list of major bridge work projects;

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

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

24 9. The Department's estimates of the levels and sources of
25 revenues to be used to fund the projects in the Program;

26 10. A glossary of terms; and

27 11. A cross-reference table for the information contained in
28 the various parts of the State Report on Transportation.

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

1 (i) A summary of current efforts and future plans, prepared after
2 consultation with the Director of Bicycle and Pedestrian Access and the Bicycle and
3 Pedestrian Advisory Committee established under § 2–606 of this title:

4 1. To develop and promote bicycle and pedestrian
5 transportation; and

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

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

11 (iii) Reflected under the Office of the Secretary, any
12 technology–related project to be funded from the account established under § 2–111 of this
13 subtitle, along with a description and projected cost of each.

14 (3) Annually, the Consolidated Transportation Program shall include a
15 report that:

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

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

21 1. The amount of the funds requested; and

22 2. The total estimated cost of the project;

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

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

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

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

30 2. The total amount that has been expended for a major
31 capital project;

32 (vi) Provides a purpose and need summary statement that includes:

1 1. A general description and summary that describes why
2 the project is necessary and satisfies State **TRANSPORTATION** goals, including [current
3 State transportation goals and] Climate Action Plan goals required by the Greenhouse Gas
4 Emissions Reduction Act of 2009 under § 2–1205(b) of the Environment Article;

5 2. The location of the project, including a map of the project
6 limits, project area, or transportation corridor; and

7 3. A summary of how the project meets the selection criteria
8 ~~ESTABLISHED UNDER § 2–103.7 OF THIS SUBTITLE~~ for inclusion in the capital program;
9 and

10 (vii) Includes any other information that the Secretary believes would
11 be useful to the members of the General Assembly, the general public, or other recipients
12 of the Consolidated Transportation Program.

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

17 (5) For a major capital project to be considered for inclusion in the
18 construction program of the Consolidated Transportation Program, a request must be
19 submitted to the Secretary by the proposing entity along with a purpose and need summary
20 statement justifying the project that includes:

21 (i) The location of the project, including a map of the project limits,
22 project area, or transportation corridor;

23 (ii) The need for the project; and

24 (iii) A discussion of how the project:

25 1. Addresses State transportation goals; and

26 2. Supports local government land use plans and goals.

27 (6) (i) The Department shall evaluate requests for major capital
28 projects based on the State's **TRANSPORTATION** goals **AND, IF APPLICABLE, USING THE**
29 **MEASURES ESTABLISHED UNDER § 2–103.7 OF THIS SUBTITLE** and, as appropriate,
30 criteria as determined by the information submitted by the proposing entity and the
31 availability of funding.

32 (ii) As part of the evaluation under this paragraph, the Department
33 shall acknowledge the difference between urban and rural transportation needs.

1 (7) (i) The Department, in developing a construction or improvement
2 project involving a bridge or other transportation facility that is adjacent to or crosses a
3 waterway for inclusion in the Consolidated Transportation Program, shall consider any
4 reasonable and appropriate measures to provide or improve in the vicinity of the bridge or
5 other transportation facility water access for fishing, canoeing, kayaking, or any other
6 nonmotorized water dependent recreational activity.

7 (ii) The Department, in consultation with the Department of
8 Natural Resources and interested stakeholders, shall establish:

9 1. Standards and guidelines for identifying appropriate
10 bridges and other transportation facilities to be considered for the provision or
11 improvement of water access under this paragraph; and

12 2. Best practices and cost effective strategies for
13 accommodating water access under this paragraph.

14 (d) The Maryland Transportation Plan shall:

15 (1) [Be] **EXCEPT AS OTHERWISE PROVIDED, BE** revised every 5 years
16 through an inclusive public participation process;

17 (2) Include a 20–year forecast of State transportation needs, based on the
18 financial resources anticipated to be available to the Department during that 20–year
19 period;

20 (3) Be expressed in terms of **THE STATE TRANSPORTATION** goals and
21 [objectives] **MEASURES**; and

22 (4) Include a summary of the types of projects and programs that are
23 proposed to accomplish the **STATE TRANSPORTATION** goals and [objectives] **MEASURES**,
24 using a multi–modal approach when feasible.

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

29 (f) At the earliest practical date but no later than November 1 of each year, the
30 Department shall provide the proposed Consolidated Transportation Program and the
31 proposed Maryland Transportation Plan to the Department of Planning for review and
32 comment on planning issues including consistency between transportation investments
33 and the State Economic Growth, Resource Protection, and Planning Policy and State
34 priority funding areas established under Title 5, Subtitle 7B of the State Finance and
35 Procurement Article.

1 (g) Beginning with the year 2002 State Report on Transportation and continuing
2 thereafter, before the General Assembly considers the proposed Maryland Transportation
3 Plan and the proposed Consolidated Transportation Program, the Department shall submit
4 an annual report on the attainment of **STATE** transportation goals and benchmarks for the
5 approved and proposed Maryland Transportation Plan and the approved and proposed
6 Consolidated Transportation Program to the Governor and, subject to § 2-1246 of the State
7 Government Article, to the General Assembly.

8 (h) (1) The report required under subsection (g) of this section shall include:

9 (i) The establishment of certain measurable performance indicators
10 or benchmarks, in priority funding areas at a minimum, designed to quantify the **STATE**
11 **TRANSPORTATION** goals and [objectives] **MEASURES** specified in the Maryland
12 Transportation Plan **AND § 2-103.7 OF THIS SUBTITLE**; and

13 (ii) The degree to which the projects and programs contained in the
14 approved Maryland Transportation Plan and Consolidated Transportation Program attain
15 those goals and benchmarks as measured by the performance indicators or benchmarks.

16 (2) The Department shall include in its report measurable long-term goals,
17 and intermediate benchmarks of progress toward the attainment of the long-term goals,
18 for the following measurable transportation indicators:

19 (i) An increase in the share of total person trips for each of transit,
20 high occupancy auto, pedestrian, and bicycle modes of travel;

21 (ii) A decrease in indicators of traffic congestion as determined by
22 the Department; and

23 (iii) Any other performance goals established by the Department for
24 reducing automobile traffic and increasing the use of nonautomobile traffic.

25 (3) The performance indicators or benchmarks described in this subsection
26 shall acknowledge the difference between urban and rural transportation needs.

27 (i) The Smart Growth Subcabinet, established under Title 9, Subtitle 14 of the
28 State Government Article, shall conduct an annual review of the **STATE** transportation
29 goals, benchmarks, and indicators.

30 (j) (1) An advisory committee shall be assembled to advise the Department on
31 the [establishment of the] **STATE** transportation goals, benchmarks, and indicators under
32 subsection (h) of this section.

33 (2) Membership of the advisory committee shall include but is not limited
34 to the following members appointed by the Governor:

- 1 (i) A representative of the Maryland business community;
- 2 (ii) A representative of the disabled citizens community;
- 3 (iii) A representative of rural interests;
- 4 (iv) A representative of an auto users group;
- 5 (v) A representative of a transit users group;
- 6 (vi) A representative of the goods movement industry;
- 7 (vii) A nationally recognized expert on transportation demand
8 management;
- 9 (viii) A nationally recognized expert on pedestrian and bicycle
10 transportation;
- 11 (ix) A nationally recognized expert on transportation performance
12 measurement;
- 13 (x) A representative of an environmental advocacy organization;
- 14 (xi) A representative from the Maryland Department of Planning;
- 15 (xii) A representative of the Maryland Association of Counties; and
- 16 (xiii) A representative of the Maryland Municipal League.
- 17 (3) The Governor shall appoint the chairman of the advisory committee.
- 18 (4) The advisory committee shall meet at least four times during the
19 process of developing the Maryland Transportation Plan to provide advice to the
20 Department on meeting the requirements of this subsection.
- 21 (5) The Department and the advisory committee shall consider the
22 following:
- 23 (i) Transportation and population trends and their impact on the
24 State's transportation system and priority funding areas;
- 25 (ii) Past and present State funding devoted to the various
26 transportation modes and demand management;
- 27 (iii) The full range of unmet transportation needs in priority funding
28 areas;

1 (iv) The full range of transportation measures and facilities
2 available, and their role, effectiveness, and cost effectiveness in providing travel choices
3 and reducing congestion;

4 (v) A review of transportation performance indicators and their use
5 in other states;

6 (vi) A review of the coordination of State transportation investments
7 with local growth plans for priority funding areas;

8 (vii) The types of investments needed and their levels of funding for
9 supporting the **STATE TRANSPORTATION** goals and [objectives of the Maryland
10 Transportation Plan] **MEASURES ESTABLISHED UNDER § 2-103.7 OF THIS SUBTITLE;**

11 (viii) The impact of transportation investment on:

12 1. The environment;

13 2. Environmental justice as defined in § 1-701 of the
14 Environment Article;

15 3. Communities; and

16 4. Economic development; and

17 (ix) The Climate Action Plan goals required by the Greenhouse Gas
18 Emissions Reduction Act of 2009 under § 2-1205(b) of the Environment Article.

19 (k) The Department may:

20 (1) Conduct its analysis of planned transportation investments in priority
21 funding areas on a statewide basis or in groupings of priority funding areas centered on
22 regions, metropolitan areas, cities, or other groupings suitable for transportation modeling;
23 and

24 (2) Choose to exclude from its analysis priority funding areas which have
25 an insignificant role in transportation trends because of small size, population, or physical
26 isolation.

27 (l) In the report required under subsection (g) of this section, the Department
28 shall:

29 (1) Use narrative, graphs, charts, tables, and maps as appropriate to make
30 the results easily understood by the public;

31 (2) Include projected long-term trends for each of the indicators and the
32 effect of planned transportation investments on the trends;

1 (3) To the extent practicable, account for the effect of planned
2 transportation investments on inducing automobile travel;

3 (4) To the extent practicable, account for automobile trips not taken due to
4 demand management measures, including teleworking, teleshopping, and land use
5 patterns supporting alternatives to driving; and

6 (5) Indicate the cost effectiveness of investments for achieving relevant
7 performance goals and benchmarks, including a specific analysis of planned transportation
8 investments detailing:

9 (i) Any projected decreases or increases in indicators of traffic
10 congestion and accessibility as defined by the Department; and

11 (ii) The cost per passenger mile and other indicators of cost
12 effectiveness as defined by the Department, including the estimated annual cost of
13 maintenance and operations.

14 (m) (1) (i) Subject to § 2-1246 of the State Government Article:

15 1. On or before September 1 of each year, the Department
16 shall submit copies of the proposed Consolidated Transportation Program, ~~INCLUDING~~
17 ~~THE MANNER IN WHICH EACH MAJOR PROJECT WAS EVALUATED AND RANKED~~
18 ~~UNDER § 2-103.7 OF THIS SUBTITLE~~, and the supporting financial forecast to the General
19 Assembly; and

20 2. On submission of the budget bill to the presiding officers
21 of the General Assembly, the Department shall submit copies of the approved Consolidated
22 Transportation Program, **INCLUDING THE MANNER IN WHICH EACH MAJOR PROJECT**
23 **WAS EVALUATED AND RANKED UNDER § 2-103.7 OF THIS SUBTITLE**, and the
24 supporting financial forecast to the General Assembly.

25 (ii) Notwithstanding § 2-1246(b)(2) of the State Government Article,
26 the Department shall provide to each member of the General Assembly a copy of the
27 proposed Consolidated Transportation Program and the approved Consolidated
28 Transportation Program.

29 (2) (i) The financial forecast supporting the Consolidated
30 Transportation Program to be submitted to the General Assembly under paragraph (1) of
31 this subsection shall include the following components:

32 1. A schedule of operating expenses for each specific modal
33 administration;

34 2. A schedule of revenues, including tax and fee revenues,
35 deductions from revenues for other agencies, Department program and fees, Motor Vehicle

1 Administration cost recovery, deductions for highway user revenues, operating revenues
2 by modal administration, and miscellaneous revenues; and

3 3. A summary schedule for the Transportation Trust Fund
4 that includes the opening and closing Fund balance, revenues, transfers, bond sales, bond
5 premiums, any other revenues, expenditures for debt service, operating expenses, amounts
6 available for capital expenses, bond interest rates, bond coverage ratios, total bonds
7 outstanding, federal capital aid, and the total amount for the Transportation Capital
8 Program.

9 (ii) The financial forecast shall include, for each of the components
10 specified in subparagraph (i) of this paragraph:

11 1. Actual information for the last full fiscal year; and

12 2. Forecasts of the information for each of the six subsequent
13 fiscal years, including the current fiscal year, the fiscal year for the proposed budget, and
14 the next four subsequent fiscal years.

15 (iii) The Department shall incorporate in the financial forecast the
16 most recent estimates by the Board of Revenue Estimates of the revenues from:

17 1. The corporate income tax and the sales and use tax for
18 each of the six subsequent years, including the current fiscal year and the fiscal year for
19 the proposed budget; and

20 2. Motor fuel taxes and motor vehicle titling taxes for the
21 current fiscal year and the fiscal year for the proposed budget.

22 **2-103.7.**

23 (A) (1) ~~IN THIS SECTION, "MAJOR CAPITAL PROJECT" HAS THE MEANING~~
24 ~~STATED IN § 2-103.1 OF THIS SUBTITLE~~ THE FOLLOWING WORDS HAVE THE
25 MEANING INDICATED.

26 (2) "MAJOR CAPITAL PROJECT" HAS THE MEANING STATED IN §
27 2-103.1 OF THIS SUBTITLE.

28 (3) (1) "MAJOR TRANSPORTATION PROJECT" MEANS A MAJOR
29 CAPITAL PROJECT IN THE STATE HIGHWAY ADMINISTRATION OR THE MARYLAND
30 TRANSIT ADMINISTRATION WHOSE TOTAL COST FOR ALL PHASES EXCEEDS
31 \$5,000,000 AND THAT:

32 1. INCREASES HIGHWAY OR TRANSIT CAPACITY;

33 2. IMPROVES TRANSIT STATIONS OR STATION AREAS;

1 OR

2 3. IMPROVES HIGHWAY CAPACITY THROUGH THE USE
3 OF INTELLIGENT TRANSPORTATION SYSTEMS OR CONGESTION MANAGEMENT
4 SYSTEMS.

5 (II) “MAJOR TRANSPORTATION PROJECT” DOES NOT INCLUDE:

6 1. PROJECTS IN THE MARYLAND AVIATION
7 ADMINISTRATION, THE MARYLAND PORT ADMINISTRATION, OR THE MARYLAND
8 TRANSPORTATION AUTHORITY;

9 2. MAINTENANCE AND STORAGE FACILITIES PROJECTS;

10 3. WATER QUALITY IMPROVEMENT PROJECTS; OR

11 4. PROJECTS RELATED TO MARYLAND’S PRIORITIES
12 FOR TOTAL MAXIMUM DAILY LOAD DEVELOPMENT.

13 ~~(B) THE DEPARTMENT SHALL EVALUATE AND RANK MAJOR CAPITAL~~
14 ~~PROJECTS FOR INCLUSION IN THE DRAFT AND FINAL CONSOLIDATED~~
15 ~~TRANSPORTATION PROGRAM BASED ON THE GOALS AND MEASURES ESTABLISHED~~
16 ~~UNDER SUBSECTION (C) OF THIS SECTION.~~

17 (B) THE DEPARTMENT SHALL:

18 (1) IN ACCORDANCE WITH FEDERAL TRANSPORTATION
19 REQUIREMENTS, DEVELOP A PROJECT-BASED SCORING SYSTEM USING THE GOALS
20 AND MEASURES ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION;

21 (2) DEVELOP THE WEIGHTING METRICS FOR EACH GOAL AND
22 MEASURE ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION;

23 (3) ON OR BEFORE JANUARY 1, 2017, ADOPT REGULATIONS TO
24 CARRY OUT THE PROVISIONS OF THIS SECTION; AND

25 (4) IN ACCORDANCE WITH THE PROJECT-BASED SCORING SYSTEM
26 DEVELOPED UNDER THIS SUBSECTION, RANK MAJOR TRANSPORTATION PROJECTS
27 FOR INCLUSION IN THE DRAFT AND FINAL CONSOLIDATED TRANSPORTATION
28 PROGRAM.

29 (C) (1) THE STATE TRANSPORTATION GOALS ARE:

30 (I) SAFETY AND SECURITY;

- 1 (II) SYSTEM PRESERVATION;
- 2 (III) QUALITY OF SERVICE;
- 3 (IV) ENVIRONMENTAL STEWARDSHIP;
- 4 (V) COMMUNITY VITALITY;
- 5 (VI) ECONOMIC PROSPERITY;
- 6 (VII) EQUITABLE ACCESS TO TRANSPORTATION; ~~AND~~
- 7 (VIII) COST EFFECTIVENESS AND RETURN ON INVESTMENT; AND
- 8 (IX) LOCAL PRIORITIES AND PLANNING.

9 (2) IN EVALUATING WHETHER AND TO WHAT EXTENT A MAJOR
 10 CAPITAL PROJECT SATISFIES THE GOALS ESTABLISHED UNDER PARAGRAPH (1) OF
 11 THIS SUBSECTION, THE DEPARTMENT, USING A 20-YEAR FORECAST IN THE
 12 PROJECT AREA, SHALL ASSIGN A SCORE FROM 1 TO 100 FOR EACH GOAL ~~IN THE~~
 13 ~~FOLLOWING MANNER~~ USING THE FOLLOWING MEASURES:

14 (I) FOR SAFETY AND SECURITY:

15 1. THE EXPECTED REDUCTION IN TOTAL FATALITIES
 16 AND SEVERE INJURIES IN ALL MODES AFFECTED BY THE PROJECT ~~SHALL ACCOUNT~~
 17 ~~FOR 50% OF THE SCORE;~~ AND

18 2. THE EXTENT TO WHICH THE PROJECT IMPLEMENTS
 19 THE MARYLAND STATE HIGHWAY ADMINISTRATION'S COMPLETE STREETS
 20 POLICIES ~~SHALL ACCOUNT FOR 25% OF THE SCORE; AND~~

21 ~~3. THE EXTENT TO WHICH THE PROJECT IS EXPECTED~~
 22 ~~TO REDUCE VEHICLE MILES TRAVELED SHALL ACCOUNT FOR 25% OF THE SCORE.~~

23 (II) FOR SYSTEM PRESERVATION:

24 1. THE DEGREE TO WHICH THE PROJECT INCREASES
 25 THE LIFESPAN OF THE AFFECTED FACILITY ~~SHALL ACCOUNT FOR 40% OF THE~~
 26 ~~SCORE;~~

27 2. THE DEGREE TO WHICH THE PROJECT INCREASES
 28 THE FUNCTIONALITY OF THE FACILITY ~~SHALL ACCOUNT FOR 30% OF THE SCORE;~~
 29 AND

1 3. **THE DEGREE TO WHICH THE PROJECT RENDERS THE**
2 **FACILITY MORE RESILIENT ~~SHALL ACCOUNT FOR 30% OF THE SCORE.~~**

3 **(III) FOR QUALITY OF SERVICE:**

4 1. **THE EXPECTED CHANGE IN CUMULATIVE JOB**
5 **ACCESSIBILITY WITHIN AN APPROXIMATELY ~~45-MINUTE~~ 60-MINUTE COMMUTE FOR**
6 **HIGHWAY PROJECTS OR ~~AN APPROXIMATELY 60-MINUTE COMMUTE FOR~~ TRANSIT**
7 **PROJECTS ~~SHALL ACCOUNT FOR 50% OF THE SCORE;~~**

8 ~~2. **THE EXPECTED CHANGE IN CUMULATIVE JOB**~~
9 ~~**ACCESSIBILITY FOR DISADVANTAGED POPULATIONS WITHIN A 45-MINUTE**~~
10 ~~**COMMUTE FOR HIGHWAY PROJECTS OR AN APPROXIMATELY 60-MINUTE COMMUTE**~~
11 ~~**FOR TRANSIT PROJECTS SHALL ACCOUNT FOR 20% OF THE SCORE; AND**~~

12 **2. THE DEGREE TO WHICH THE PROJECT HAS A**
13 **POSITIVE IMPACT ON TRAVEL TIME RELIABILITY; AND**

14 3. **THE DEGREE TO WHICH THE PROJECT SUPPORTS**
15 **CONNECTIONS BETWEEN DIFFERENT MODES OF TRANSPORTATION AND PROMOTES**
16 **MULTIPLE TRANSPORTATION CHOICES ~~SHALL ACCOUNT FOR 30% OF THE SCORE.~~**

17 **(IV) FOR ENVIRONMENTAL STEWARDSHIP:**

18 1. **THE POTENTIAL OF THE PROJECT TO LIMIT OR**
19 **REDUCE HARMFUL EMISSIONS ~~SHALL ACCOUNT FOR 30% OF THE SCORE;~~**

20 2. **THE DEGREE TO WHICH THE PROJECT AVOIDS**
21 **IMPACTS ON STATE RESOURCES IN THE PROJECT AREA AND ADJACENT AREAS**
22 **~~SHALL ACCOUNT FOR 30% OF THE SCORE; AND~~**

23 3. **THE DEGREE TO WHICH THE PROJECT ADVANCES THE**
24 **STATE ENVIRONMENTAL GOALS ~~OF THE STATE SHALL ACCOUNT FOR 40% OF THE~~**
25 **~~SCORE.~~**

26 **(V) FOR COMMUNITY VITALITY:**

27 1. **THE DEGREE TO WHICH THE PROJECT IS PROJECTED**
28 **TO INCREASE THE USE OF WALKING, BIKING, AND TRANSIT ~~SHALL ACCOUNT FOR~~**
29 **~~25% OF THE SCORE;~~**

30 2. **THE DEGREE TO WHICH THE PROJECT ENHANCES**
31 **EXISTING COMMUNITY ASSETS ~~SHALL ACCOUNT FOR 25% OF THE SCORE; AND~~**

1 3. **THE DEGREE TO WHICH THE PROJECT FURTHERS THE**
2 **AFFECTED COMMUNITY'S AND STATE'S PLANS FOR REVITALIZATION ~~SHALL~~**
3 **~~ACCOUNT FOR 25% OF THE SCORE; AND~~**

4 4. ~~**THE DEGREE TO WHICH THE PROJECT SUPPORTS**~~
5 ~~**COMPACT DEVELOPMENT PATTERNS IN EXISTING COMMUNITIES AND DOES NOT**~~
6 ~~**INDUCE PREMATURE AND LOW DENSITY DEVELOPMENT ON THE OUTSKIRTS OF**~~
7 ~~**EXISTING COMMUNITIES SHALL ACCOUNT FOR 25% OF THE SCORE.**~~

8 (VI) **FOR ECONOMIC PROSPERITY:**

9 1. **THE PROJECTED INCREASE IN THE CUMULATIVE JOB**
10 **ACCESSIBILITY WITHIN AN APPROXIMATELY ~~45-MINUTE~~ 60-MINUTE COMMUTE FOR**
11 **PROJECTS ~~SHALL ACCOUNT FOR 40% OF THE SCORE;~~**

12 2. **THE EXTENT TO WHICH THE PROJECT IS PROJECTED**
13 **TO ENHANCE ACCESS TO CRITICAL INTERMODAL LOCATIONS FOR THE MOVEMENT**
14 **OF GOODS AND SERVICES ~~SHALL ACCOUNT FOR 30% OF THE SCORE; AND~~**

15 3. **THE PROJECTED INCREASE IN FURTHERING**
16 **NONSPECULATIVE LOCAL AND STATE ECONOMIC DEVELOPMENT STRATEGIES IN**
17 **EXISTING COMMUNITIES ~~SHALL ACCOUNT FOR 30% OF THE SCORE.~~**

18 (VII) **FOR EQUITABLE ACCESS TO TRANSPORTATION:**

19 1. **THE EXPECTED INCREASE IN JOB ACCESSIBILITY FOR**
20 **DISADVANTAGED POPULATIONS WITHIN AN APPROXIMATELY ~~45-MINUTE~~**
21 **60-MINUTE COMMUTE FOR PROJECTS ~~SHALL ACCOUNT FOR 40% OF THE SCORE;~~**
22 **AND**

23 2. **THE PROJECTED ECONOMIC DEVELOPMENT IMPACT**
24 **ON LOW-INCOME COMMUNITIES ~~SHALL ACCOUNT FOR 30% OF THE SCORE; AND~~**

25 3. ~~**THE POTENTIAL FOR THE PROJECT TO REVITALIZE**~~
26 ~~**AND ENHANCE LOW INCOME COMMUNITIES SHALL ACCOUNT FOR 30% OF THE**~~
27 ~~**SCORE.**~~

28 (VIII) **FOR COST EFFECTIVENESS AND RETURN ON INVESTMENT:**

29 1. ~~**THE EXTENT TO WHICH THE PROJECT IS PROJECTED**~~
30 ~~**TO ENHANCE ACCESS TO CRITICAL INTERMODAL LOCATIONS FOR THE MOVEMENT**~~
31 ~~**OF GOODS AND SERVICES SHALL ACCOUNT FOR 50% OF THE SCORE; AND**~~

1 ~~2. THE DEGREE TO WHICH THE ENHANCEMENTS TO THE~~
2 ~~PROJECT AREA ARE WEIGHTED AGAINST THE PER CAPITA COST OF THE PROJECT~~
3 ~~SHALL ACCOUNT FOR 50% OF THE SCORE.~~

4 1. THE ESTIMATED TRAVEL TIME SAVINGS DIVIDED BY
5 THE PROJECT COST;

6 2. THE DEGREE TO WHICH THE PROJECT LEVERAGES
7 ADDITIONAL FEDERAL, STATE, LOCAL, AND PRIVATE SECTOR TRANSPORTATION
8 INVESTMENT; AND

9 3. THE DEGREE TO WHICH THE PROJECT WILL
10 INCREASE TRANSPORTATION ALTERNATIVES AND REDUNDANCY.

11 (IX) FOR LOCAL PRIORITIES AND PLANNING, THE DEGREE TO
12 WHICH THE PROJECT SUPPORTS LOCAL GOVERNMENT LAND USE PLANS AND GOALS.

13 (3) ~~THE~~ FOR REGIONAL EQUITY, THE DEPARTMENT SHALL
14 MULTIPLY THE TOTAL COMBINED SCORE OF EACH MAJOR CAPITAL
15 TRANSPORTATION PROJECT BY A WEIGHTING FACTOR EQUAL TO ONE PLUS THE
16 RESULTS OF DIVIDING THE POPULATION IN THE PROJECT AREA COUNTY OR
17 COUNTIES WHERE THE PROJECT WILL BE LOCATED BY THE POPULATION OF
18 MARYLAND.

19 (D) (1) THE SCORE OF A MAJOR CAPITAL TRANSPORTATION PROJECT
20 SHALL BE BASED SOLELY ON THE GOALS AND MEASURES ESTABLISHED UNDER
21 SUBSECTION (C) OF THIS SECTION.

22 (2) EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS
23 SUBSECTION, THE DEPARTMENT SHALL PRIORITIZE MAJOR CAPITAL
24 TRANSPORTATION PROJECTS WITH HIGHER SCORES FOR INCLUSION IN THE
25 CONSOLIDATED TRANSPORTATION PROGRAM OVER MAJOR CAPITAL
26 TRANSPORTATION PROJECTS WITH LOWER SCORES.

27 (3) THE DEPARTMENT MAY INCLUDE IN THE CONSOLIDATED
28 TRANSPORTATION PROGRAM A MAJOR CAPITAL TRANSPORTATION PROJECT WITH
29 A LOWER SCORE OVER A MAJOR CAPITAL TRANSPORTATION PROJECT WITH A
30 HIGHER SCORE IF IT PROVIDES IN WRITING A RATIONAL BASIS FOR THE DECISION.

31 (E) ~~THIS SECTION DOES NOT APPLY TO MINOR CAPITAL PROJECTS, AS~~
32 ~~DEFINED IN § 2-103.1 OF THIS SUBTITLE.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
2 Transportation update the 2014 Maryland Transportation Plan to reflect the goals and
3 measures established under this Act.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to
5 apply only prospectively and may not be applied or interpreted to have any effect on or
6 application to any major ~~capital~~ transportation project moved to the construction phase
7 before the effective date of this Act.

8 SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act may be
9 construed to prohibit or prevent the funding of the capital transportation priorities in each
10 jurisdiction.

11 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 ~~October~~ July 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.