

# HOUSE BILL 402

R1

EMERGENCY BILL

7lr0162  
CF SB 307

---

By: **The Speaker (By Request – Administration) and Delegates Adams, Afzali, Anderton, Arentz, Aumann, Beitzel, Buckel, Carozza, Cassilly, Ciliberti, Clark, Cluster, Flanagan, Folden, Ghrist, Grammer, Hornberger, S. Howard, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, Mautz, McComas, McConkey, McKay, McMillan, Metzgar, Miele, Morgan, Otto, Parrott, Reilly, Rey, Rose, Saab, Shoemaker, Simonaire, Szeliga, Vogt, West, B. Wilson, and Wivell**

Introduced and read first time: January 26, 2017

Assigned to: Appropriations and Environment and Transportation

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Repeal of the Maryland Open Transportation Investment Decision Act of 2016**  
3 **(Road Kill Bill Repeal)**

4 FOR the purpose of repealing certain State transportation goals; repealing a requirement  
5 that the Department of Transportation score the extent to which certain projects  
6 satisfy certain goals; repealing a requirement that the Department develop a certain  
7 scoring system and promulgate certain regulations; repealing a requirement that the  
8 Department submit a certain list; repealing a requirement that the Department  
9 evaluate, score, and rank certain projects for inclusion in a certain program;  
10 repealing a requirement that certain projects be ranked in a certain manner;  
11 repealing a requirement that the Department incorporate certain State  
12 transportation goals into a certain program and a certain plan; repealing a  
13 requirement that certain analyses and benchmarks are included in a certain  
14 program and certain plan; making this Act an emergency measure; and generally  
15 relating to State transportation programs and plans.

16 BY repealing

17 Chapter 36 of the Acts of the General Assembly of 2016

18 Preamble

19 WHEREAS, Chapter 36 of the Acts of the General Assembly of 2016 created the  
20 “Road Kill Bill”, which had the effect of making 66 local transportation priorities ineligible  
21 for the State Consolidated Transportation Program; and

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The Maryland Department of Transportation's Capital Transportation  
2 Program has been in place for 34 years; and

3 WHEREAS, Local transportation priority letters are used by the Maryland  
4 Department of Transportation to develop its draft and final Consolidated Transportation  
5 Program; and

6 WHEREAS, The Maryland Department of Transportation, after releasing its draft  
7 Consolidated Transportation Program, visits all 23 counties and Baltimore City in order to  
8 receive additional local input on projects; and

9 WHEREAS, The safety and security of Maryland's transportation infrastructure is  
10 crucial to the State's economic vitality; and

11 WHEREAS, The Maryland Department of Transportation currently has more  
12 projects underway than at any other time in its history; and

13 WHEREAS, The Transportation Trust Fund is funded by all residents and  
14 businesses statewide; and

15 WHEREAS, The project scoring system passed during the 2016 legislative session  
16 does not support a statewide transportation network for Maryland; and

17 WHEREAS, Maryland's transportation network must support our nation's  
18 homeland security and military needs with critical infrastructure projects; and

19 WHEREAS, The prescriptive regulations and their imminent implementation  
20 required by the law passed during the 2016 legislative session make it impossible for  
21 projects statewide to be scored and evaluated equally, resulting in the cancellation of 66  
22 projects across the State; now, therefore,

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
24 That Chapter 36 of the Acts of the General Assembly of 2016 be repealed.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
26 measure, is necessary for the immediate preservation of the public health or safety, has  
27 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
28 each of the two Houses of the General Assembly, and shall take effect from the date it is  
29 enacted.