

SENATE BILL 59

R1, M3
SB 395/25 – B&T

(PRE-FILED)

6lr1547
CF 6lr1424

By: **Senator Hettleman**

Requested: October 31, 2025

Introduced and read first time: January 14, 2026

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Major Highway Capacity Expansion Projects and Impact**
3 **Assessments**
4 **(Transportation and Climate Alignment Act of 2026)**

5 FOR the purpose of requiring the Department of Transportation, as part of the planning
6 and implementation of certain major highway expansion projects, to perform an
7 impact assessment of the project and develop and implement a corresponding
8 multimodal transportation program; requiring the Department, beginning with a
9 certain Consolidated Transportation Program, to evaluate certain major capital
10 projects for their impact on greenhouse gas emissions and vehicle miles traveled;
11 requiring, under certain circumstances, the Department to fund offsetting activities
12 to reduce certain project or program impacts on greenhouse gas emissions; requiring
13 the Secretary of Transportation to establish certain processes and post certain
14 information on the Department’s website; requiring the Department and the State
15 Highway Administration to issue a certain report before proceeding to the final
16 project planning phase for certain projects; and generally relating to the planning
17 and development of certain transportation projects.

18 BY adding to
19 Article – Transportation
20 Section 2–901 through 2–905 to be under the new subtitle “Subtitle 9. Major
21 Highway Capacity Expansion Projects”
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2025 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Transportation
26 Section 8–102
27 Annotated Code of Maryland
28 (2020 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Transportation

SUBTITLE 9. MAJOR HIGHWAY CAPACITY EXPANSION PROJECTS.

2-901.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) “CARBON DIOXIDE EQUIVALENT” MEANS THE MEASUREMENT OF A
GIVEN WEIGHT OF A GREENHOUSE GAS THAT HAS THE SAME GLOBAL WARMING
POTENTIAL, MEASURED OVER A SPECIFIED PERIOD OF TIME, AS 1 METRIC TON OF
CARBON DIOXIDE.

(C) “GREENHOUSE GAS” INCLUDES CARBON DIOXIDE, METHANE, NITROUS
OXIDE, HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR
HEXAFLUORIDE.

(D) “GREENHOUSE GAS EMISSIONS” MEANS EMISSIONS OF GREENHOUSE
GASES IN THE STATE, MEASURED IN METRIC TONS OF CARBON DIOXIDE
EQUIVALENTS.

(E) “IMPACT ASSESSMENT” MEANS AN ASSESSMENT OF A PROJECT’S OR
PROGRAM’S OPERATIONAL IMPACT ON GREENHOUSE GAS EMISSIONS AND VEHICLE
MILES TRAVELED.

(F) “INDUCED DEMAND” MEANS AN INCREASE IN THE DEMAND FOR MOTOR
VEHICLE TRAVEL THAT IS DEMONSTRATED BY AN INCREASE IN VEHICLE MILES
TRAVELED DUE TO AN INCREASE IN ROADWAY SUPPLY, SUCH AS NEW OR EXPANDED
ROADS, ADDITIONAL CAPACITY, OR ADDITIONAL LANE MILES.

(G) “MAJOR CAPITAL PROJECT” HAS THE MEANING STATED IN § 2-103.1 OF
THIS TITLE.

(H) “MAJOR HIGHWAY CAPACITY EXPANSION PROJECT” MEANS A MAJOR
CAPITAL PROJECT THAT:

(1) THROUGH ALL PHASES INCREASES HIGHWAY CAPACITY
THROUGH NEW HIGHWAY LANES, GRADE SEPARATIONS INCLUDING INTERCHANGES,
OR EXTENDED HIGHWAY LANES; AND

1 **(2) HAS A TOTAL COST THAT EXCEEDS \$100,000,000.**

2 **(I) “OVERBURDENED COMMUNITY” HAS THE MEANING STATED IN § 1-701**
3 **OF THE ENVIRONMENT ARTICLE.**

4 **(J) “SYSTEM PRESERVATION ACTIVITY” MEANS AN ACTIVITY FOCUSED ON**
5 **MAINTAINING AND REHABILITATING EXISTING TRANSPORTATION**
6 **INFRASTRUCTURE TO ENSURE THE INFRASTRUCTURE REMAINS SAFE, RELIABLE,**
7 **AND FUNCTIONAL.**

8 **(K) “UNDERSERVED COMMUNITY” HAS THE MEANING STATED IN §**
9 **1-701 OF THE ENVIRONMENT ARTICLE.**

10 **(L) “VEHICLE MILES TRAVELED PER CAPITA” MEANS THE TOTAL NUMBER**
11 **OF ON-ROAD MILES TRAVELED BY VEHICLES IN A GEOGRAPHIC REGION OVER A**
12 **1-YEAR PERIOD DIVIDED BY THE POPULATION IN THAT REGION.**

13 **2-902.**

14 **THIS SUBTITLE DOES NOT APPLY TO A MAJOR HIGHWAY CAPACITY EXPANSION**
15 **PROJECT THAT, ON OR BEFORE JUNE 30, 2026:**

16 **(1) WAS A PART OF THE STATEWIDE TRANSPORTATION**
17 **IMPROVEMENT PROGRAM THAT RECEIVED FUNDING FOR CONSTRUCTION;**

18 **(2) WAS FUNDED FOR CONSTRUCTION IN THE CONSOLIDATED**
19 **TRANSPORTATION PROGRAM; OR**

20 **(3) COMPLETED THE ENVIRONMENTAL REVIEW PROCESS UNDER THE**
21 **NATIONAL ENVIRONMENTAL POLICY ACT.**

22 **2-903.**

23 **(A) AS PART OF THE PLANNING AND IMPLEMENTATION OF A MAJOR**
24 **HIGHWAY CAPACITY EXPANSION PROJECT, THE DEPARTMENT SHALL PERFORM AN**
25 **IMPACT ASSESSMENT OF THE PROJECT AND DEVELOP AND IMPLEMENT A**
26 **CORRESPONDING MULTIMODAL TRANSPORTATION PROGRAM.**

27 **(B) (1) DURING PROJECT DEVELOPMENT, THE MULTIMODAL**
28 **TRANSPORTATION PROGRAM REQUIRED UNDER SUBSECTION (A) OF THIS SECTION**
29 **SHALL IDENTIFY INVESTMENTS IN TRANSIT, TRANSIT-ORIENTED DEVELOPMENT,**
30 **TRANSPORTATION DEMAND MANAGEMENT, PEDESTRIAN AND BICYCLE FACILITIES,**
31 **LAND USE CHANGES, AND OTHER ACTIVITIES SPECIFIED IN § 2-904(C) OF THIS**

SUBTITLE TO OFFSET THE INCREASE IN GREENHOUSE GAS EMISSIONS ASSOCIATED WITH THE PROJECT.

(2) THE MULTIMODAL TRANSPORTATION PROGRAM SHALL FOCUS ON AREAS IN THE FOLLOWING ORDER OF PRIORITY:

(I) OVERBURDENED COMMUNITIES AND UNDERSERVED COMMUNITIES IMPACTED BY THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT;

(II) AREAS WITHIN OR ASSOCIATED WITH AT LEAST ONE OF THE COMMUNITIES IMPACTED BY THE PROJECT;

(III) OVERBURDENED COMMUNITIES AND UNDERSERVED COMMUNITIES ACROSS THE STATE;

(IV) THE REGION IN WHICH THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT IS LOCATED; AND

(V) THE STATE AT LARGE.

(C) (1) THE MULTIMODAL TRANSPORTATION PROGRAM SHALL OFFSET THE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT.

(2) THE NET GREENHOUSE GAS EMISSIONS FROM THE PROJECT AND ITS ASSOCIATED MULTIMODAL TRANSPORTATION PROGRAM SHALL BE ZERO OR A NEGATIVE NUMBER.

(D) THE DEPARTMENT SHALL CONSIDER BOTH THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT AND THE MULTIMODAL TRANSPORTATION PROGRAM AS PART OF ITS EVALUATION OF THE PROJECT UNDER § 2-103.7 OF THIS TITLE.

(E) THE DEPARTMENT SHALL:

(1) FUND ELEMENTS OF THE MULTIMODAL TRANSPORTATION PROGRAM CONCURRENTLY WITH FUNDING FOR THE CONSTRUCTION OF THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT; OR

(2) DEFER THE MAJOR HIGHWAY EXPANSION CAPACITY PROJECT UNTIL THE PROJECT MEETS THE OFFSETTING REQUIREMENTS FOR A MULTIMODAL TRANSPORTATION PROGRAM UNDER THIS SUBTITLE.

(A) (1) BEGINNING WITH THE CONSOLIDATED TRANSPORTATION PROGRAM FOR FISCAL YEAR 2028 THROUGH FISCAL YEAR 2033 AND IN EACH ANNUAL RELEASE THEREAFTER, THE DEPARTMENT SHALL EVALUATE MAJOR CAPITAL PROJECTS INCLUDED IN THE CONSOLIDATED TRANSPORTATION PROGRAM FOR THEIR IMPACT ON:

(I) GREENHOUSE GAS EMISSIONS; AND

(II) VEHICLE MILES TRAVELED PER CAPITA.

(2) THE EVALUATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PUBLISHED FOR THE DRAFT CONSOLIDATED TRANSPORTATION PROGRAM BY OCTOBER 1 EACH YEAR, AND WITH THE FINAL CONSOLIDATED TRANSPORTATION PROGRAM EACH YEAR.

(B) (1) BEGINNING WITH THE CONSOLIDATED TRANSPORTATION PROGRAM FOR FISCAL YEAR 2028 THROUGH FISCAL YEAR 2033 AND IN EACH ANNUAL RELEASE THEREAFTER, THE DEPARTMENT SHALL ACHIEVE, TO THE MAXIMUM EXTENT PRACTICABLE AND SUBJECT TO STATE APPROPRIATIONS, A PROGRAM WHOSE IMPACT ON GREENHOUSE GAS EMISSIONS AND PROGRESS TOWARD ACHIEVING GREENHOUSE GAS REDUCTION TARGETS ARE, OVER THE CONSOLIDATED TRANSPORTATION PROGRAM PERIOD, CONSISTENT WITH THE PROJECTED GREENHOUSE GAS EMISSION REDUCTIONS MODELED FOR ROADS IN MARYLAND'S CLIMATE POLLUTION REDUCTION PLAN: MODELING APPENDIX.

(2) THE DEPARTMENT SHALL FUND OFFSETTING ACTIVITIES TO MAKE THE CONSOLIDATED TRANSPORTATION PROGRAM MORE CONSISTENT WITH THE GREENHOUSE GAS EMISSION REDUCTION GOALS UNDER THE DEPARTMENT'S 2023 CLIMATE POLLUTION REDUCTION PLAN AND THE TARGETS ESTABLISHED IN SUBSECTION (D) OF THIS SECTION.

(C) THE OFFSETTING ACTIVITIES REQUIRED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION ARE ACTIVITIES THAT:

(1) DEMONSTRABLY CREATE CONSISTENT, LONG-TERM REDUCTIONS IN GREENHOUSE GAS EMISSIONS OR VEHICLE MILES TRAVELED;

(2) PRIORITIZE OVERBURDENED AND UNDERSERVED COMMUNITIES;

(3) ARE ELIGIBLE FOR FUNDING UNDER SUBSECTION (A) OR (B) OF THIS SECTION; AND

(4) INCLUDE:

(I) PARKING REDUCTION INITIATIVES;

(II) ACTIVE TRANSPORTATION;

(III) TRANSIT-ORIENTED DEVELOPMENT AND
TRANSPORTATION DEMAND MANAGEMENT STRATEGIES;

(IV) LOW-TRAVEL-DEMAND COMMERCIAL AND RESIDENTIAL
DEVELOPMENT AND OTHER LAND USE CHANGES;

(V) ROADWAY PRICING;

(VI) TELECOMMUTING;

(VII) PUBLIC TRANSIT SERVICE IMPROVEMENTS AND
EXPANSION;

(VIII) MICRO-MOBILITY, INCLUDING THROUGH THE USE OF
ADAPTIVE AND INCLUSIVE LOW SPEED VEHICLES FOR PEOPLE WITH DISABILITIES;

(IX) ACCESSIBLE TRANSPORTATION AND PEDESTRIAN
IMPROVEMENTS FOR PEOPLE WITH DISABILITIES;

(X) SOLAR ENERGY GENERATION ON PROPERTY CONTROLLED
BY THE DEPARTMENT; AND

(XI) OTHER ACTIVITIES IDENTIFIED BY THE DEPARTMENT TO
REDUCE VEHICLE MILES TRAVELED.

(D) TO ACHIEVE THE REQUIREMENTS UNDER THIS SECTION, THE
DEPARTMENT SHALL SET:

(1) ANNUAL STATEWIDE DECLINING GREENHOUSE GAS EMISSION
REDUCTION TARGETS THAT INCORPORATE ASSUMPTIONS ABOUT THE USE OF
ELECTRIC VEHICLES IN THE STATE; AND

(2) ANNUAL REGIONAL DECLINING GREENHOUSE GAS EMISSION
REDUCTION TARGETS THAT:

(I) ARE SET AT AN AMOUNT THAT WHEN MET AND TAKEN
COLLECTIVELY FOR ALL REGIONS WOULD ACHIEVE THE REQUIREMENTS SPECIFIED
IN § 2-903(C)(2) OF THIS SUBTITLE AND THE STATEWIDE TARGETS SET UNDER ITEM
(1) OF THIS ITEM; AND

1 **(II) INCORPORATE ASSUMPTIONS ABOUT THE USE OF ELECTRIC**
2 **VEHICLES IN THE STATE.**

3 **(E) IN EVALUATING THE CONSOLIDATED TRANSPORTATION PROGRAM'S**
4 **IMPACT ON GREENHOUSE GAS EMISSIONS AND VEHICLE MILES TRAVELED, THE**
5 **DEPARTMENT SHALL:**

6 **(1) ESTABLISH THE BASELINE TOTAL GREENHOUSE GAS EMISSIONS**
7 **ATTRIBUTABLE TO SURFACE TRANSPORTATION IN THE STATE FOR THE**
8 **CONSOLIDATED TRANSPORTATION PROGRAM PERIOD;**

9 **(2) CONSIDER THE DIRECT AND INDUCED DEMAND IMPACTS OF**
10 **MAJOR CAPITAL PROJECTS ON VEHICLE MILES TRAVELED PER CAPITA AND**
11 **GREENHOUSE GAS EMISSIONS;**

12 **(3) CONSIDER THE DIRECT CLIMATE BENEFITS OF INVESTMENTS IN:**

13 **(I) TRANSIT OPERATIONS, INCLUDING LOCALLY OPERATED**
14 **TRANSIT SYSTEMS;**

15 **(II) TRANSIT-ORIENTED DEVELOPMENT AND**
16 **TRANSPORTATION DEMAND MANAGEMENT, INCLUDING LAND DEVELOPMENT**
17 **DESIGNED TO REDUCE TRAVEL DEMAND;**

18 **(III) PEDESTRIAN AND BICYCLE INFRASTRUCTURE;**

19 **(IV) ELECTRIFICATION OF STATE VEHICLES;**

20 **(V) VEHICLE CHARGING INFRASTRUCTURE; AND**

21 **(VI) SOLAR ENERGY GENERATION ON PROPERTY CONTROLLED**
22 **BY THE DEPARTMENT; AND**

23 **(4) COMPARE THE PROJECTED GREENHOUSE GAS EMISSIONS TO THE**
24 **TARGET EMISSIONS ESTABLISHED IN SUBSECTION (D) OF THIS SECTION TO**
25 **DETERMINE WHETHER THE CONSOLIDATED TRANSPORTATION PROGRAM**
26 **ACHIEVES THE EMISSIONS TARGETS.**

27 **(F) IN EVALUATING WHETHER THE CONSOLIDATED TRANSPORTATION**
28 **PROGRAM MEETS GREENHOUSE GAS EMISSION GOALS, THE DEPARTMENT MAY NOT**
29 **CONSIDER STATE OF GOOD REPAIR ACTIVITIES AND ACTIVITIES THAT ARE SOLELY**
30 **SYSTEM PRESERVATION ACTIVITIES.**

31 **2-905.**

(A) THE SECRETARY SHALL:

(1) ESTABLISH A PROCESS TO PERFORM CAPACITY EXPANSION IMPACT ASSESSMENTS;

(2) ESTABLISH A PROCESS FOR CONSIDERING PROGRESS MADE TOWARD MEETING THE TARGETS SPECIFIED IN § 2-904(D) OF THIS SUBTITLE;

(3) ESTABLISH A PROCESS FOR DEVELOPING A MULTIMODAL TRANSPORTATION PROGRAM UNDER § 2-903 OF THIS SUBTITLE, INCLUDING A METHOD FOR CONSIDERING THE DIRECT AND INDUCED DEMAND IMPACTS OF A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT; AND

(4) PUBLISH ON THE DEPARTMENT'S WEBSITE:

(I) THE PROCESSES ESTABLISHED UNDER ITEMS (2) AND (3) OF THIS SUBSECTION; AND

(II) ANY MULTIMODAL TRANSPORTATION PROGRAM DEVELOPED UNDER § 2-903 OF THIS SUBTITLE.

(B) IN FISCAL YEAR 2028, THE DEPARTMENT SHALL ALLOCATE FUNDING FOR THE IMPLEMENTATION AND DEVELOPMENT OF STATEWIDE AND REGIONAL TRAVEL DEMAND MODELING RELATED TO THE REQUIREMENTS OF THIS SECTION, INCLUDING INDUCED DEMAND AND LAND USE EFFECTS FROM TRANSPORTATION INVESTMENTS.

8-102.

(a) It is the policy of this title to promote an efficient and economical transportation system.

(b) The Department [of Transportation] and the [State Highway] Administration may not proceed to the final project planning phase unless it has been determined that the objective of the proposed project cannot be reasonably achieved through:

(1) Improvements in highway maintenance and safety;

(2) Projects that modify existing highways but provide for minimal relocation or new highway construction; and

(3) Improvements in, or adoption of, transit alternatives, including mass transit alternatives.

1 **(C) THE DEPARTMENT AND THE ADMINISTRATION SHALL ISSUE A REPORT**
2 **PRIOR TO PROCEEDING TO THE FINAL PROJECT PLANNING PHASE THAT**
3 **DOCUMENTS:**

4 **(1) THE EVALUATION OF THE ALTERNATIVES IDENTIFIED IN**
5 **SUBSECTION (B) OF THIS SECTION; OR**

6 **(2) A DETERMINATION THROUGH OTHER REQUIRED PLANNING**
7 **DOCUMENTS.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2026.