

---

March 11, 2021

The Honorable Kumar Barve  
Chair, House Environment and Transportation Committee  
251 House Office Building  
Annapolis MD 21401

**Re: *Letter of Information – House Bill 1204 – Equity in Transportation Sector – Guidelines and Analyses***

Dear Chair Barve and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 1204 but offers the following information for the committee's consideration.

House Bill 1204 requires MDOT to include the goal of achieving equity in the Maryland Transportation Plan (MTP). Achieving equity in transportation is inherent to MDOT's mission statement and our long-range goals and objectives, which require a collaborative and comprehensive outreach process to State, regional, and local stakeholders.

House Bill 1204 requires MDOT to include ten performance indicators in the annual Attainment Report on Transportation System Performance (AR) and that the data be evaluated for racial inequalities, for impacts to persons with disabilities, and that all performance measures be disaggregated for racial disparity. The current law requires the MTP be updated with new performance measures every five years and reviewed by the Governor's Attainment Report Advisory Committee. While some of these proposed performance indicators are already included in the AR, new data may not be able to be assessed for the new disparity analysis, particularly in the proposed timeframe. The AR is due by the third Wednesday in January as part of the State Report on Transportation and if data is delayed due to additional analysis, this data could be a year old for reporting.

House Bill 1204 would implement a new Commission on Transportation Equity (CTE) to be staffed by MDOT. Some of the analysis and reports required by the CTE is already underway at MDOT, including transit equity analyses for service changes, Title VI analysis to meet federal requirements, and assessment of statewide policies and performance measures, which is typically done through the state long-range transportation plan process and then reviewed by the Governor's Attainment Report Advisory Committee.

House Bill 1204 states that the CTE would advise MDOT and the Administration with community outreach to minority and low-income communities, disabled riders, and riders with limited English proficiency, as well as host one or more town hall meetings annually to solicit input to produce an annual report. The CTE would then be tasked with developing a major service change policy and a disparate impact policy for MDOT Maryland Transit Administration (MTA). MTA would also be required to conduct a transit equity analysis in accordance with the standards set by CTE, perform a cost-benefit analysis of impacts on economic development, employment, education, and health, and consult with members of affected communities prior to each service change. If the studies determine there is a disparate impact, House Bill 1204 requires MTA to seek approval from CTE.

The Honorable Kumar P. Barve  
Page Two

House Bill 1204 would add disability status as a category to consider in the equity analysis in addition to the categories required in the federal Title VI process. This approach deviates from the current federal fair practices for ADA and Title VI. MTA does not currently collect disability status as part of the Origin and Destination surveys and disability status is difficult to obtain from publicly available census data.

Per MTA's Collective Bargaining Agreement, service changes are completed three times per year, and planning for major service changes typically takes 12 months. The addition of disability status to the equity analysis, the cost benefit analysis, and the approval from CTE will likely add three to six months to each service change. This additional time will make it difficult for MTA to respond to changes in ridership, new employment centers, new developments, and meet customer transportation needs in a timely and effective manner.

The requirements of House Bill 1204 would be additional \$9.7 million over the next five years for MDOT to include staffing CTE, additional requirements for transit service changes, surveys and disparity studies, and data analyses for performance assessments on racial impacts and impacts to persons with disabilities, including statewide transportation impacts.

The Maryland Department of Transportation respectfully requests that the committee consider this information when deliberating House Bill 1204.

Respectfully submitted,

Dave Myers  
Director of Government Affairs  
Maryland Transit Administration  
410-767-0820

Melissa Einhorn  
State Legislative Officer  
Maryland Department of Transportation  
410-865-1102