

RE: Letter of Information -HB 204 – Maryland Aviation Commission – Duties, Composition, and Member Orientation

The Maryland Department of Transportation takes no position on HB 204 but offers the following information for the Committee's consideration.

HB 204 tasks the Maryland Aviation Commission (Commission) with, not only establishing policies to improve and promote BWI Marshall, but also with establishing policies to mitigate impacts. The Maryland Aviation Administration (MAA) currently provides overviews to the Commission on a quarterly basis on all environmental, planning, design, and construction at the airport. MAA also follows the National Environmental Policy Act (NEPA) to identify potentially significant environmental and community impacts of airport safety, efficiency and capacity enhancing projects.

Additionally, House Bill 204 alters the composition of the Commission to require four of the eight appointments originate from a list approved by the DC Metroplex BWI Community Roundtable (Roundtable). BWI Marshall is a State-owned airport that serves all counties. The economic contribution and employment derived from BWI Marshall positively impacts the entire State.

The Roundtable consists of members appointed by eight State Senators, three County Executives, and two County Councils located near BWI Marshall and is not codified in Maryland law. The Roundtable was expressly formed at the request of the Federal Aviation Administration (FAA) to work with the communities, the airlines, and MAA to arrive at mitigation of existing air carrier arrival/departure procedures at BWI Marshall (due to the implementation of NextGen). The FAA has received the recommendations of the Roundtable with concurrence by MAA and the airlines and are proceeding with completing their analysis due in early 2023.

There is no mechanism in this proposed language that accounts for the Roundtable or successor organization for failing to identify proposed candidates. MAA is concerned that referencing the Roundtable's role in the member appointment procedure will be problematic. Similarly, the role of a successor organization is vague and not accounted for in the Roundtable's charter. MAA has not identified any potential successor organization.

Lastly, several terms and concepts in House Bill 204 are unclear. These ambiguous terms include actions the Commission could take to "best mitigate" impacts, initiatives the Commission could take to "support healthy livable communities," and the definition of "adverse health and livability impacts." These terms are overly broad and may conflict with existing federal or State definitions.

It is further unclear the role of mitigation the proposed language aims to accomplish. The Commission may identify mitigation actions outside the purview of MAA to impose. For instance, the implementation of a curfew at an airport is subject to the successful completion of an FAA approved 14 CFR Part 161 study. There may also be instances where the most beneficial mitigation option may be for surrounding counties to rezone larger areas to non-residential. However, there is no mechanism for the Commission or MAA to implement such a suggestion which is in the purview of the counties themselves. Importantly, mitigation must be completed in accordance with federal guidelines in order to be eligible for federal funding.