

MVLS Testimony - HB 173 Drug Paraphernalia Decrim

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Position: FAV

MARYLAND HOUSE JUDICIARY COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF HB 173 CRIMINAL LAW – DRUG PARAPHERNALIA FOR
ADMINISTRATION – DECRIMINALIZATION

FEBRUARY 7, 2023

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Chair Clippinger and distinguished members of the Committee, thank you for the opportunity to testify in support of House Bill 173.

My name is Heather Heiman, and I am the Project Manager for the Human Trafficking Prevention Project at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest pro bono civil legal service provider to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in a wide range of civil legal matters. In FY22, MVLS volunteers and staff lawyers provided legal services to 7,652 people across the State. In fiscal year 2017, MVLS started the Human Trafficking Prevention Project, a co-grant project through the Governor's Office of Crime, Control, and Prevention with the University of Baltimore School of Law Human Trafficking Prevention Project Legal Clinic. The Human Trafficking Prevention Project (HTPP) at MVLS is a pro bono project that provides post-conviction relief such as expungement, shielding, and vacatur, as well as assistance with consumer, housing, and family law matters to those who meet the legal definition of a victim of human trafficking, and others who are at high risk for exploitation. Since its inception, the HTPP at MVLS has served over 200 clients who were survivors of human trafficking or at high risk for exploitation, many of whom sought legal help with criminal record relief for drug-related charges and convictions, including possession of paraphernalia. For reasons explained below, MVLS respectfully requests the Committee returns a favorable report on HB 173.

For many individuals the HTPP serves, substance use is a common predictor of and reaction to their experiences of being trafficked. Many trafficking survivors report self-medicating to cope with what has happened to them while being trafficked. Moreover, traffickers frequently use drugs to recruit and control their victims. Being able to receive and retain safe and sterile supplies without fear of arrest for their possession will improve the health outcomes of trafficking survivors and create further opportunities for their engagement with support services.

The broad understanding that drug supplies are illegal in Maryland, and fear of arrest and convictions for paraphernalia possession, creates additional barriers to trafficking survivors seeking help from law enforcement. After an arrest or conviction for paraphernalia possession, trafficking survivors must then contend with the collateral consequences of involvement with the criminal justice system and proactively seek criminal record relief, a process often acutely re-traumatizing for the survivor.

Through our expungement work, which is a vital part of the HTPP, MVLS has assisted several clients who faced the following scenario:

Law enforcement officers arrest a trafficking victim on suspicion of drug possession, often due to having a mostly empty Ziploc bag, a used pipe, or even remnants of cigar paper discovered in a drawer or glove compartment. Despite the lack of evidence of actual drug possession, the prosecution moves forward with just a paraphernalia charge and drops the possession charge. The person then accepts a plea deal, pleading guilty to the paraphernalia charge; despite the State not meeting their burden of proof that the individual possessed drugs, this person now has a drug-related criminal record that will follow them for ten years or more.

These collateral consequences only trap people in a cycle of abuse and poverty since a criminal record makes it harder to obtain housing or employment.

Moreover, HB 173 helps further the State's efforts to align current law with the Marijuana Legalization Amendment, which allows for the use, distribution, regulation, and taxation of marijuana. Under the current drug paraphernalia criminal statute, law enforcement officers can arrest persons for having paraphernalia used for a drug that (effective July 2023) will be legal.

House Bill 173 would reduce this current harm by clarifying the law and lessening the risk of criminalization and negative health outcomes for trafficking survivors. MVLS supports House Bill 173. We respectfully urge a favorable report.

20230201 - Support HB0204 - Written - Woomer.pdf

Uploaded by: Dan Woomer

Position: FAV

Title: **Support Maryland General Assembly House Bill 0204 –
Written Testimony**

Speaker: Daniel E. Woomer
 Linthicum Heights, MD 21090

Hearing: House Appropriations
 Room 121
 House Office Building
 Annapolis, Maryland 21401

Date: Wednesday, February 7, 2023

Time: 1:00 pm

Introduction:

I'm Daniel E. Woomer, a resident of Linthicum Heights, a neighbor of the BWI Marshall Airport, and a voting member of the DC Metroplex BWI Community Roundtable (Roundtable).

I encourage the House Appropriations members to vote **IN FAVOR** of the changes proposed in House Bill 0204.

What has the DC Metroplex BWI Community Roundtable Accomplished?

Part of the purpose of the Roundtable is to “Evaluate noise and other environmental effects” on communities and residents neighboring BWI Marshall and to “Identifying possible alternative routings and procedures” to mitigate the concentrations of noise and jet engine exhaust particulate pollution on the surrounding communities brought on with Federal Aviation Administration’s (FAA) implementation of NextGen flight management procedures.

The Roundtable has accomplished much. Following over 6-years of research and numerous discussions and meetings with FAA, Maryland Department of Transportation. Maryland Aviation Administration, BWI Marshall, Southwest Airlines, Maryland General Assembly members, and community representatives, our group of volunteers worked long hours to develop a series of flight path changes for FAA’s consideration. These proposed changes would help mitigate noise and pollution over higher populated areas of Anne Arundel and Howard Counties.

At the end of 2022 the FAA announced they have accepted the Roundtable proposals and began the process to roll out the proposed flight path adjustments.

Working with the contractor Vianair, the Roundtable started the development of a Howard and Anne Arundel Counties noise model. This work is a significant step in monitoring and quantifying the noise concentrations across BWI Marshall's neighboring communities.

These are small steps forward. Having four members of the Maryland Aviation Commission be identified and vetted by the Roundtable is a logical next step to assuring BWI Marshall's impact on our communities is given consideration as proposals for the ongoing development and expansion of services are being evaluated.

In Response to HB0204 Opposition Concerns:

The FAA began the overhaul of the national airspace with technology called "NextGen" at major airports across the country in the 2010's. It is important to note, the FAA's NextGen overhaul was a one-time national action. Such a national overhaul will likely not be repeated in the near future. The MAA recommended NextGen be implemented at BWI Marshall during that time. Starting implementation of NextGen in 2016, the disruptive concentration of flight paths and the lower aircraft altitudes, resulted in heightened intensity of jet engine noise on established communities both near and far from the BWI Marshall, especially over Anne Arundel and Howard Counties. The implementation of NextGen upended a century of land use planning. To date, all legal challenges at the county and state level to address the intensified noise and particulate pollution brought on by NextGen have failed.

The Maryland Aviation Commission Play's an Important Role with FAA's Airspace Design:

As noted above, the FAA's NextGen overhaul was a novel event. Under normal circumstances, and from now through the foreseeable future, the airport's planned and implemented infrastructure changes will drive the FAA's supporting airspace design, not vice versa. Again, the FAA responds to BWI Marshall's changes with their airspace design process.

Having Commissioners who understand this critical connection will allow for development and growth of BWI Marshall with mitigation of predictable impacts on neighboring communities that will

be realized when the FAA acts to accommodate the airport's new initiatives. Over the past six plus years of work, the Roundtable has acquired such expertise and understanding. Vetting Commissioners for the innovative approach HB0204 proposes can be accommodated by the Roundtable.

Impact on Small Businesses:

The Roundtable is comprised of a spectrum of political affiliations and professional diversity. It has embraced innovation since its formation in 2017 and is the only community group that has gained access for our airport authority into the FAA's premier airspace design process. Again, our Roundtable is the first airport authority that has this privilege. The Roundtable did not achieve the trust and acceptance of the FAA by being anti-airport or anti-aviation. In fact, most recently the Roundtable hosted a presentation by a former FAA administrator whose presentation showed how BWI Marshall could become a major international airport and greatly increase its capacity while further mitigating the noise and pollution on BWI Marshall's neighboring communities. The presentation was met with unanimous applause by the Roundtable members.

In Summary:

I encourage the Finance Committee members to vote IN FAVOR of the changes proposed in House Bill 0204.

Thank you.

HB204-djung-fav.pdf

Uploaded by: Deb Jung

Position: FAV



Howard County Council

Deb Jung
Councilmember

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

District 4

February 3, 2023
HB 0204
Deb Jung
Howard County Council
FAVORABLE

Dear Chair Delegate Barnes, Vice Chair Delegate Chang, and Members of the House Appropriations Committee:

Thank you to Delegates Hill, Bagnall, Chang, Feldmark, Grossman, Guzzone, Lehman, Ruth, Terrasa, and Ziegler for introducing this critical bill.

I am member of the Howard County Council and the County Council's representative to the BWI Roundtable. I am also a resident who lives under the superhighway in the sky created by the Next Generation Air Transportation System (NextGen) at the Baltimore/Washington International Thurgood Marshall (BWI-Marshall) airport.

For four-and-a-half years as a Councilmember, I have heard from residents about the noise and environmental pollution caused by constant airplane traffic. Prior to NextGen, the older radar-based navigation system allowed for the dispersion of flight paths and less concentrated noise on communities. NextGen enables a superhighway of plane traffic flying over our heads 24 hours a day, 7 days a week, 365 days a year. This superhighway impacts communities as far as 15 miles from the airport and was thrust upon neighborhoods that had never experience plane noise.

We now know that there are significant health consequences to living under the NextGen flight paths. Just a few months ago, Dr. Zafar Zafari and Jeong-eun Park at the University of Maryland's School of Pharmacy released their state-funded report titled "Projecting the Health and Economic Burden of Aircraft Noise." The report focused on the health impacts of concentrated flight paths at BWI-Marshall airport since the implementation of NextGen in 2015. The report determined that the controversial flight paths at BWI-Marshall airport have negative health effects that will, on average, cost Marylanders in excess of \$40 million per year in health care costs over the next 30 years.

The results of this state-funded study indicate that the projected economic advantages to the region from BWI-Marshall expansion and new flight paths are significantly offset by their negative health consequences, which were measured through quality-adjusted life years and medical economic burden on affected populations. The study states that the total cost of hospitalizations, as well as direct and indirect costs of disease and lessening of life outcomes, will be approximately \$1.2 billion spread out over 30 years, or \$800 million in today's dollars. The study concludes, "Therefore, public health measures to mitigate noise are warranted."

These health concerns and associated costs have not been a part of the conversation at the Maryland Aviation Commission, the State's only Commission created to address airport issues. This bill will allow members of the public to have a seat at the table so that all perspectives can be heard when discussing measures to expand the airport, create new flight paths, or build another runway. Public representation on this Commission will enable it to focus on the impacts that BWI-Marshall has on the residents underneath the flight paths, provide state legislators with the information they need to make necessary adjustments at BWI-Marshall, and find ways to interact with the Federal Aviation Administration (FAA). For too long technology and efficiency have superseded the health and well-being of hundreds of thousands of residents.

As noted in a Bicameral Letter from Congress to the FAA:

“We are concerned that the NextGen program has failed to meet the bare minimum standards for success. Currently, the FAA continues to introduce and implement concentrated flight procedures with Performance Based Navigation throughout the country. The FAA boasts profits for airlines, shipping companies, and other industry stakeholders, but the burden of noise, health risks, and declining property values falls on the backs of hard-working Americans.”

This bill will also modify the Maryland Aviation Commission to assess and mitigate the negative impacts of aviation traffic at BWI-Marshall and establish policies based on accepted scientific research on creating and maintaining healthy and livable communities. HB0204 will go a long way to balancing out the considerations reviewed by this Commission in the decision-making process and I urge all of you to support its passage.

Sincerely,



Deb Jung
Councilmember, District 4

Debbie MacDonald Written Testimony SB162:HB204.pdf

Uploaded by: Debbie MacDonald

Position: FAV

Support for Maryland General Assembly House Bill 204

Debbie MacDonald
Chair, DC Metroplex BWI Community Roundtable
District 9, Senator Katie Fry Hester

At our January 24th meeting, the DC Metroplex BWI Community Roundtable passed a resolution to **support SB0162/HB0204 and to fully accept the responsibilities that it entails.**

The BWI Roundtable has been actively trying to understand and seek solutions to the explosion of aviation noise pollution in the region for almost six years. As a result, we have come to a much better understanding of how the citizens of Maryland directly benefit from having a safe, reliable, and economically vibrant airport. We also understand that the citizens of Maryland deserve healthy, peaceful lives in their chosen communities.

There is no reason we can't have both in the State of Maryland.

Growth in operations at BWI-Marshall brings many critically important social and economic impacts to communities and to the State of Maryland, including economic development, jobs, and tax revenue. However, ill-considered growth can result in significant negative impacts, especially for residents of Anne Arundel and Howard counties. These include stress, likely adverse health outcomes and a diminished quality of life.

Over the course of our almost 6 years of existence, the BWI Roundtable has come to believe those impacts are unsustainably unbalanced in favor of economic impacts in our region. An example was provided by the recent University of Maryland-Baltimore study that shows Marylanders will incur over \$800 million (in 2022 dollars) in additional health costs over 30-years from current BWI-Marshall operations. That study was funded by the General Assembly and published this past summer.

Another example is provided by an initiative the BWI Roundtable supported with funding from Howard and Anne Arundel counties. We are now publishing monthly noise and operations reports for the region that cover a much broader geography than the MAA's reports. We have discovered that unhealthful noise generated by the airport stretches westward to encompass the approximate boundaries of **Columbia/Clarksville**, to include **Fort Smallwood/Lake Shore/Annapolis** to the east and south to **Crownsville/Millersville/Fort Meade**. The World Health Organization has identified adverse health effects at this noise level. A map depicting this noise data from our November 2022 report has been uploaded with this testimony.

We are not seeking to curtail airport operations, but to seek balanced, data-driven and fully informed solutions for the complex set of stakeholders, including residents and communities. The BWI Roundtable firmly believes that communities must be formal stakeholders in airport decisions going forward to avoid the likelihood of increased conflict between economic growth at the airport and the interests of residents and communities. If decisions continue to be made without a full data-driven approach and informed by the best available science, resulting decisions are likely to result in irreversible and preventable harm.

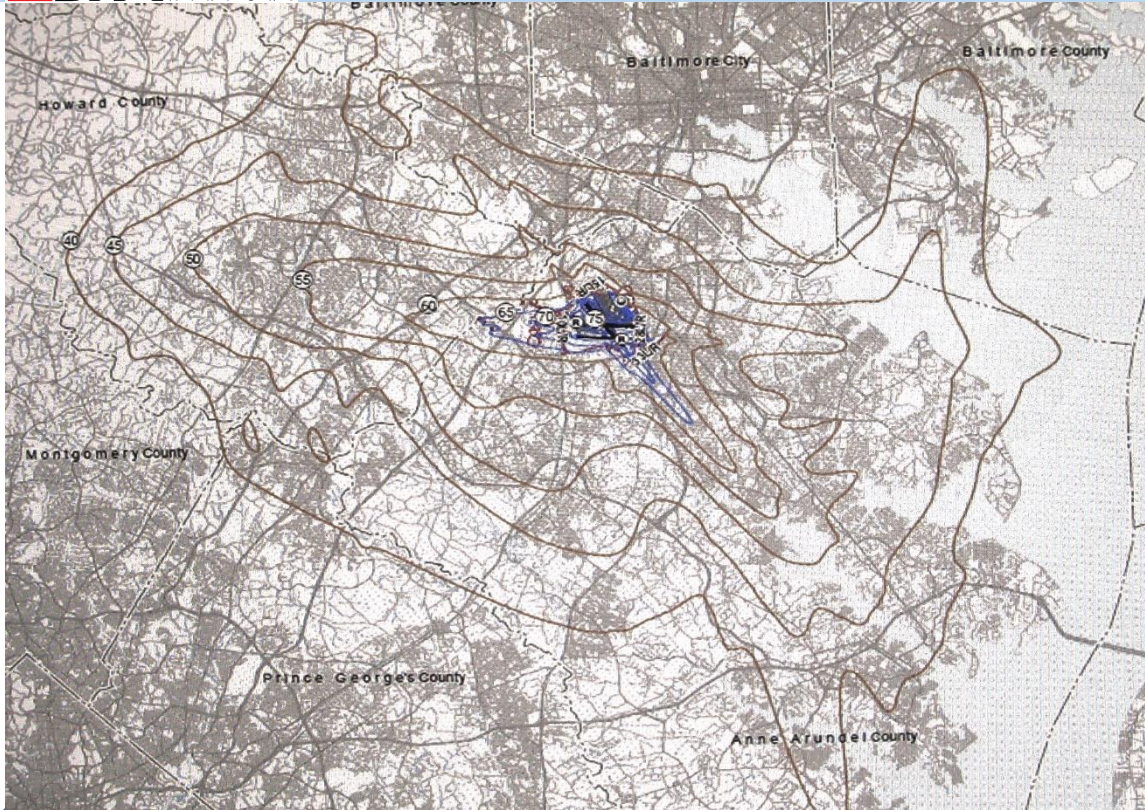
For these reasons, the DC Metroplex BWI Roundtable respectfully requests the Committee grant House Bill 204 a favorable report.

Nov 2022 Regional Noise Contour Map.pdf

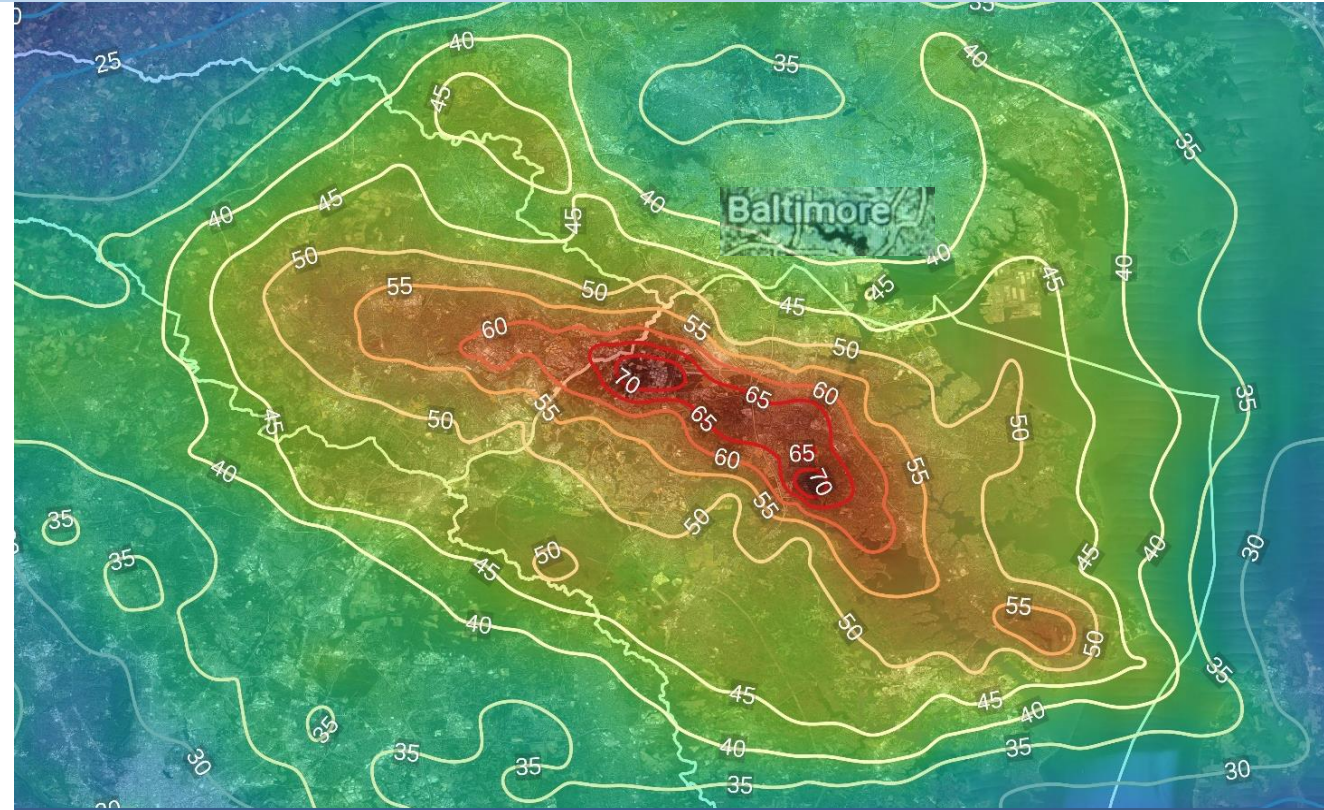
Uploaded by: Debbie MacDonald

Position: FAV

REGIONAL MAPS OF BWI-MARSHALL NOISE POLLUTION



MAA modeled *actual historical* flights projected for the 2020 Airport Noise Zone and updated in Aug 2022 for a report to the Maryland General Assembly



Vianair, Inc. modeled *actual daily* flights for Nov 2022 for the Monthly Aircraft Operations and Noise Exposure Report of the DC Metroplex BWI Community Roundtable

These images represent two versions of the mapped regional noise pollution generated by commercial flight operations at BWI-Marshall. The map on the left was generated by MDOT-MAA based on actual **historical** operations collected by the MDOT MAA's Airport Noise and Operations Monitoring System (ANOMS) with computer modeling of future expected noise. It is focused on the 65 DNL contour of the Airport Noise Zone. The Vianair-generated map on the right is based on **actual daily flights** from the airport with computer modeling of the resulting expected noise, creating a more in-depth look at all DNL noise contours.

Noise is expressed in DNL contours. For reference, the **50 DNL** contour on the *Vianair* map stretches westward to encompass the approximate boundaries of **Columbia/Clarksville**, eastward to **Fort Smallwood/Lake Shore/Annapolis** and south to **Crownsville /Millersville/Fort Meade**. The World Health Organization has identified adverse health effects at this noise level.

SKM_368e23020310370.pdf

Uploaded by: Mark Peterson

Position: FAV

Delegate Ben Barnes, Chair

Ben.barnes@house.state.md.us

Delegate Mark S. Chang, Vice Chair

Mark.chang@house.state.md.us

Maryland General Assembly

House Appropriations Committee

RE: HB 0204 Maryland Aviation Commission – Duties, Composition and Member Orientation

Honorable Committee Chair and Vice Chair,

My name is Mark Peterson and I have been a resident of Maryland for 33 years. When I moved from Baltimore County to Howard County in 1995 it was to build and purchase my first, and only, new home. Where I live in Elkridge is approximately 8 miles from BWI Thurgood Marshall. The neighborhood was new at the time and after 17 years of apartments and townhouses my little 1/8th of an acre was my dream. While aircraft flyover was not uncommon, it was relatively sparse and dispersed. My back yard was enjoyable. That all ended after acceptance of the FAA Environmental Impact by Ricky Smith of the MAA and the FAA phased implementation of NextGen beginning in 2015. The NextGen departure corridor often handling 75% of the westbound air traffic is directly over my house. By FAA design, the planes do not deviate from the center of that corridor by more than an eighth of a mile horizontally in either direction. The GPS assisted take off allows the flights to be separated timewise by as little as 2 minutes. The airlines appear to currently dictate a slow vertical climb to save fuel.

The roar that typically wakes me starts at 5:48 am. In a 15-minute period around 6:30 am there are usually 7 flights. During the day outside you need to stop speaking and wait for the planes to clear because you cannot shout over them. If I'm lucky the last flight noise I have to endure for the day occurs before midnight. I do not want to sell and move. My mortgage is paid off and I intended to retire shortly.

In 5 years of the Roundtable discussions with the FAA, very little has been implemented or proposed in addressing the conditions created by NextGen. Meanwhile, Mr. Smith has spent \$55 million dollars on terminal bathrooms and \$6 million dollars on electric buses to assure that travelers to BWI have a first-class experience. Afterall, the transitory out-of-state population must be afforded the best of environments. It is regrettable that the MAA does not have the same concerns for the neighboring residents of Maryland providing these funds.

I am requesting your help to pass HB 0204 and provide all the people of Maryland represented by the Roundtable some hope of relief.

Thank you.

Mark Peterson

6420 Sedgwick St.

Elkridge, MD 21075

CE Ball 2023 - HB 204 MD Aviation Commission_Suppo

Uploaded by: Meghan Lynch

Position: FAV



HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2013 Voice/Relay

Calvin Ball
Howard County Executive
cball@howardcountymd.gov

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February 7, 2023

Delegate Ben Barnes, Chair
House Appropriations Committee
House Office Building, Room 121
Annapolis, Maryland 21401

Re: **TESTIMONY OF SUPPORT**: HB 204: Maryland Aviation Commission – Duties, Composition, and Member Orientation

Dear Chair Barnes, Vice Chair Chang, and Members of the Committee,

I commend Delegate Hill and her co-sponsors for their consistent advocacy and work on this pressing aviation issue which will help bring a balance to aviation policies impacting BWI Thurgood Marshall Airport (BWI).

This legislation is needed to address a significant gap in Maryland's transportation and public health policy. Howard County and our volunteer members of the DC Metroplex BWI Community Roundtable have been working to alleviate the impacts of the NextGen System since March 2017 when the Roundtable was formed. As a former Councilmember, I sponsored local legislation authorizing legal action against the Federal Aviation Administration (FAA).

In 2019, we filed a second legal petition against the FAA following the approval of the BWI Thurgood Marshall Airport expansion plan; a plan that lacks consideration of the adverse noise impacts to residents in the area. In 2022, Howard and Anne Arundel County engaged a consulting firm to provide us with additional data regarding the level of noise in our communities and how those noise levels may change under revised flight patterns. Also in 2022, a study by researchers at the University of Maryland School of Pharmacy examined the health impacts and economic burden of the use of the NextGen System at BWI suggesting that there is "a significant health and economic societal burden associated with aircraft noise" and such public health approaches, like those suggested in HB 204, are "warranted."

As County Executive, I will continue to advocate for thriving and health residents, not only in Howard County but in all impacted jurisdictions.

I welcome your support and urge a favorable report on House Bill 204.

All the Best,

Calvin Ball
Howard County Executive

2023 HB0204 Sponsor Testimony Aviation final.pdf

Uploaded by: Terri Hill

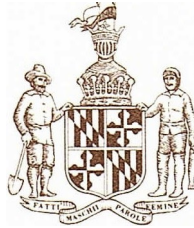
Position: FAV

TERRI L. HILL, M.D.
Legislative District 12A
Howard County

Health and Government
Operations Committee

Subcommittees
Government Operations and
Health Facilities

Public Health and Minority
Health Disparities



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THE MARYLAND HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401

SUPPORT

HB204 - Maryland Aviation Commission – Duties, Composition, and Member Orientation

February 7, 2023

Dear Chair Barnes, Vice-chair Chang and Members of the Appropriation Committee,

The Maryland Aviation Commission, along with its executive director, governs the Maryland Aviation Association (MAA) in its responsibility for fostering, developing, and regulating aviation activity throughout the State through development, maintenance, and operating of State-owned airports, including BWI Thurgood Marshall Airport.

The commission is responsible for: • establishing policies directed toward MAA's ability to improve and promote the role of BWI Thurgood Marshall Airport as an airport of service to the Washington-Baltimore metropolitan area; • approving regulations for the operation of State-owned airports, as specified.

The (MAA) established the DC Metroplex BWI Community Roundtable Working Group (BWI Roundtable) at the request of the FAA in 2016 to make recommendations to the FAA in response to increased noise and other complaints and concerns raised by the communities in the wake of implementation of NextGen Air Transportation System, a series of interlinked programs and policies implemented by the Federal Aviation Administration (FAA) to improve the efficiency of air traffic. The Round Table has been an important voice for residents and partner with MAA in understanding and addressing the adverse impacts of NexGen on regional communities.

The clumsy roll-out of the FAA's NextGen, was a wakeup call on how extensively the operational and capital changes at the airport can affect the community. **HB204** is away of minimizing the risk of future growth and change occurring without forethought and forewarning regarding community impacts. It is a way of ensuring that such decisions and the decisions around the funding of them are inclusive of the State's broader interests.

- **HB204** changes MAC's current charge of improving and promote the role of the Baltimore–Washington International Thurgood Marshall Airport as an airport of service to the Washington–Baltimore metropolitan area to doing so in a way that best mitigates negative impacts on the maintenance of healthy and livable communities. Such negative health and environments impacts have real short- and long-term costs to the State's economy through health care and job loss and should be weighed along with the projected economic benefits.

- **HB204** requires MAC consider information and advice from not only carriers, concessionaires, and the airline support services industries, but also from the employees, local government, and impacted communities.
- **HB204**, through the BWI Roundtable or its successor, gives the community a say on the nominees, without changing the makeup of the commission.
- Finally, **HB204** adds training for commission members on how to meet the dual mission.

Thurgood Marshall BWI Airport is a valuable State asset, but it does not exist and operate in a silo. Its success or failure has widespread implications and how the taxpayers' dollars should be spent in a manner that considers the wider implications on taxpayers as well. More inclusive discussion and planning has the added benefit of allowing impacted jurisdictions to take future change at and around BWI into consideration when making their own decisions around zoning and development.

According to the 1/25/23 edition Business Monthly 1/25/23 (<https://bizmonthly.com/smith-bwi-marshall-has-v-shaped-recovery/>) Ricky Smith's the MAA Executive Director, BWI Marshall airport generates a \$9.3 billion impact in the region, creates and supports 106,000 jobs, \$4.1 billion in total earning power and \$592 million in state and local taxes. Investments will be needed for the facility to reach the Federal Aviation Administration's forecast of 35 million passengers by 2030 at which point the economic impact would rise to \$13 billion; however, "Everything" from the roads to the facilities "will then be too small" and require updates.

We want the airport and tourist industries to thrive. We want to be good stewards of the taxpayer dollar. We want to be a state where communities are healthy and thriving for generations to come. These should not be seen as competing goals. **HB204** helps us do all three. I urge a favorable report.



HB204.020723.Maryland Aviation Administration.BWIP

Uploaded by: Gina Stewart

Position: FWA



February 7, 2023

The Honorable Ben Barnes, Chair
House Appropriations Committee
Room 121
House Office Building
Annapolis, Maryland 21401

Re: *House Bill 204 – Maryland Aviation Commission - Duties, Composition, and Member Orientation*

Position: *Support with Amendments*

Dear Chair Barnes and Committee Members:

The BWI Business Partnership respectfully submits the attached correspondence from several partner organizations who are concerned with aspects of HB 204.

Sincerely,

Gina Stewart
The BWI Business Partnership
Executive Director



February 1, 2023

The Honorable Ben Barnes, Chair
House Appropriations Committee
Room 121
House Office Building
Annapolis, Maryland 21401

House Bill 204 Maryland Aviation Commission – Duties, Composition, and Member Orientation

Dear Chair Barnes and Appropriations Committee Members:

Airport Design Consultants, Inc. (ADCI) is opposed to House Bill 204 Maryland Aviation Commission – Duties, Composition, and Member Orientation. As one of Maryland's leading airport engineering and construction management firms, the continued growth and expansion at Baltimore Washington International Thurgood Marshall International Airport (BWI Marshall) is crucial to our company's future. Therefore, we are opposed to House Bill 204 as it is directly in conflict with our firm's current and future stability and growth.

ADCI, located in Howard County, ADCI is minority owned and employs more than 70 full time professionals all working toward improving the State and Nation's system of airports. We provide professional airfield planning, design, program management, and construction management services to BWI Marshall Airport as well as several other satellite airports in Maryland and the region.

ADCI and our employees depend upon BWI Marshall Airport as one of our most prolific airport clients and nearly all of our 70 employees routinely are engaged on BWI projects. In addition to several employees working full time on BWI Marshall projects from our Ellicott City Headquarters, ADCI also employs staff that report directly to the Airport. The vitality and continuous growth and improvement of BWI Marshall is critical to our firm's existence.

BWI Marshall Airport also provides broader benefits to the Baltimore region and the State of Maryland. The airport supports, directly and indirectly, over 106,000 jobs – 70 of which are ADCI employees. It has an annual economic impact of \$9.3 billion, and provides annual tax revenue of nearly \$600 million to State and local governments.

ADCI is concerned that without planned improvements and future expansion at BWI, our organization will not remain in its current configuration and may result in employee cuts.



The Honorable Ben Barnes, Chair

1/30/2023

Page 2 of 2

ADCI is concerned that the bill singles out one aspect of airport operations as a priority in commission membership, MAA policies, and other commission duties. This focus on noise and health related concerns over all other issues threatens future growth and expansion of the airport and its services. In addition, the bill fails to acknowledge that BWI and the commission already address environmental and health concerns related to current operations and proposed expansions. The commission and BWI Marshall Airport have demonstrated a long-standing commitment to environmental protection, proactive planning and reducing and mitigating aircraft noise. We are also concerned that 4 of the 9 commission members would represent those who prioritize limiting noise over all other airport priorities, Boards and commissions work best when their members offer varying skill sets and points of view.

Due to its potential to stall or even prevent the growth and expansion needed at BWI Marshall, we are opposed to House Bill 204 and respectfully request the Senate Finance Committee report the bill unfavorably. We implore the committee to give a "No" vote and I thank you for your attention on this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cedrick A. Johnson", is written over a faint, larger version of the same signature.

Cedrick A. Johnson, PE, President & CEO
ADCI



February 1, 2023

The Honorable Ben Barnes, Chair
House Appropriations Committee
Room 121
House Office Building
Annapolis, Maryland 21401

Re: House Bill 204 Maryland Aviation Commission – Duties, Composition, and Member Orientation

Dear Chair Barnes and Appropriations Committee Members:

Dream Management, Inc.(DMI) is opposed to House Bill 204 Maryland Aviation Commission – Duties, Composition, and Member Orientation. As one of the companies providing critical passenger transportation to the airport's employees and patrons, DMI depends on the continued growth and expansion of Baltimore Washington International (BWI) airport, which we consider as a crucial source of employment and revenue for DMI.

Dream Management, Inc., located in the Baltimore City, employs more than 65 individuals, some of them working at the County Connector, shuttling riders from Arundel Mills mall, the Amazon warehouse, Amtrak station, and the light rail going back and forth to and from the airport terminal.

BWI Marshall Airport also provides broader benefits to the Baltimore region and the State of Maryland. The airport supports, directly and indirectly, over 106,000 jobs. It has an annual economic impact of \$9.3 billion, and provides annual tax revenue of nearly \$600 million to State and local governments.

Dream Management, Inc. is concerned that without planned improvements and future expansion at BWI, our organization will not remain competitive in the passenger transportation industry. Our visitors will lose valuable time due to air and baggage delays, and shipments to our customers will be delayed, causing our customers to turn to flying using a modern, expanding airport somewhere else. If this could happen, the BWI and Amazon number of employees we transport will be reduced or get stagnant due to the potential restrictions caused by House Bill 204.

Dream Management, Inc. is concerned that the bill singles out one aspect of airport operations as a priority in commission membership, MAA policies, and other commission duties. This focus on noise and health related concerns over all other issues threatens future growth and expansion of the airport and its services. In addition, the bill fails to acknowledge that BWI and the commission already address environmental and health concerns related to current operations and proposed expansions.

The commission and BWI Marshall Airport have demonstrated a long-standing commitment to environmental protection, proactive planning and reducing and mitigating aircraft noise. We are also concerned that 4 of the 9 commission members would represent those who prioritize limiting noise over all other airport priorities, Boards and commissions work best when their members offer varying skill sets and points of view.

Due to its potential to stall or even prevent the growth and expansion needed for The BWI airport and the entire regional and state economies to grow, we are opposed to House Bill 204 and respectfully request the House Appropriations Committee report the bill unfavorably.

We want to make clear that the legitimate concerns of the Commission related to the noise and the potential health issues should be considered involving innovating ideas without hindering the necessary BWI Airport's growth and expansion.

We want to thank you for considering giving a No vote on House Bill 204.

Sincerely,

A handwritten signature in black ink, appearing to read 'Luis Gutierrez', with a large, stylized loop at the end.

Luis Gutierrez, MBA
President/CEO
DREAM MANAGEMENT, INC.
210 W 28th Street
Baltimore, MD 21211



www.m4security.us

M4 SECURITY LLC

101 North Haven Street, Suite 301, Baltimore MD 21224 443-210-4496

Agency License #106-4966

City of Baltimore Minority Certified Service Supplier
Maryland State Certified Minority Business Enterprise

February 1, 2023

The Honorable Ben Barnes, Chair
House Appropriations Committee
Room 121, House Office Building
Annapolis, Maryland 21401

Dear Chair Barnes and Appropriations Committee Members:

House Bill 204 Maryland Aviation Commission – Duties, Composition, and Member Orientation

M4 Security is voicing their opposition to House Bill 204 Maryland Aviation Commission – Duties, Composition, and Member Orientation.

M4 Security is a small business in the Greater Baltimore area. We pride ourselves in employing local workers. We greatly respect BWI as a major economic engine for our region, supporting thousands of jobs and generating billions of dollars in economic activity. The airport supports, directly and indirectly, over 106,000 jobs. It has an annual economic impact of \$9.3 billion and provides annual tax revenue of nearly \$600 million to State and local governments. M4 Security worries that House Bill 204 may negatively impact this workforce, reducing their ability to participate in the Baltimore economy, pay taxes and contribute to the overall well-being of the community.

M4 Security can only show admiration for the steadiness of management and operations at BWI and respectfully asks the committee to take this into consideration. Even with the COVID-19 pandemic, BWI over the past several years has grown. BWI, the 22nd busiest airport in the U.S., accommodated 27 million passengers in 2019, a record-setting year. After seeing flights and riders plummet during the early days of the pandemic, BWI projects to bounce back to 26 million passengers this year. The airport now serves about 70,000 passengers a day, with 330 daily departures. M4 Security fears that House Bill 204 may interrupt planned improvement and expansion at BWI, and that future development may be stunted.

M4 Security is very much involved in the Baltimore business community and sees a growing trend in many out-of-state companies moving into our area. Cost of living and doing business in Baltimore is relatively low compared to other major metropolitan areas on the East Coast. The city has a growing technology and innovation sector. BWI is a valuable part of a strong and vital transportation infrastructure necessary to our business community. BWI, for many, will be the first impression of our region. Let's keep BWI as our best face forward.

Sincerely,

Malcolm Day
Chief Operating Officer
M4 Security



January 30, 2023

The Honorable Ben Barnes, Chair
House Appropriations Committee
Room 121
House Office Building
Annapolis, Maryland 21401

House Bill 204 Maryland Aviation Commission – Duties, Composition, and Member Orientation

Dear Chair Barnes and Appropriations Committee Members:

ITnova, LLC is opposed to Senate Bill 204 Maryland Aviation Commission – Duties, Composition, and Member Orientation.

ITnova is an IT & Engineering consulting company which provides services to the State of Maryland. ITnova employs 40 people with diversity backgrounds and skills including technicians, software developers, engineers, data scientist, project managers and more. Our company's headquarters are in Glen Burnie MD 21061. We have been in Anne Arundel County since the beginning back in 2011. Furthermore, ITnova is an advocate for the Hispanic Community in Anne Arundel County. ITnova is part of the board of the Maryland Hispanic Business Conference an organization. The goal of this organization is to provide a space for Hispanic Business Owners to get together and promote networking, growth, business training, and awareness about the policies in the State of Maryland that could impact our businesses and community. The continued growth and expansion at Baltimore/Washington International Thurgood Marshall Airport (BWI) are crucial to our company's future and our Hispanic Community.

BWI Marshall Airport also provides broader benefits to the Baltimore region and the State of Maryland. The airport supports, directly and indirectly, over 106,000 jobs. It has an annual economic impact of \$9.3 billion and provides annual tax revenue of nearly \$600 million to State and local governments.

ITnova, LLC is concerned that without a board working towards all the aspects of the Airport, the impact of this bill will result in lack of business in the community as well as for our company ITnova.

With a new government in place, our understanding is that transparency, diversity, and inclusion are a critical moving forward. ITnova is concerned that this bill is not clear and transparent. The document is not clear about:



- Bill's purpose
- Reason of changes
- Expected outcome

Furthermore, the bill does not provide a whole picture so any person of the community can understand. Any bill should clearly identify the intent, the purpose and more importantly the impact that this will have in our businesses and communities. It singles out one aspect of airport operations as a priority in commission membership, MAA policies, and other commission duties. This focus on noise and health related concerns over all other issues threatens future growth and expansion of the airport and its services.

ITnova has been supported many nonprofit boards including The Arc, The Anne Arundel Community College foundation, the Center of Help, the Severna Park High School Business Partnerships, and the Maryland Hispanic Business Conference. As part of our experience in these boards, embracing diversity, thoughts and ideas from different perspectives is crucial so policies and actions are a reflection of collaboration, agreement, coming together, and more importantly compromise.

Due to its potential to stall or even prevent the growth and expansion needed for ITnova, LLC and our economy to grow, **we are opposed to Senate Bill 204** and respectfully request the Senate Finance Committee report the bill unfavorably.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carolina Seldes", written over a light blue circular stamp.

Carolina Seldes,
President & CEO
ITnova, LLC

January 31, 2023

Hon. Melony Griffith
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401
Melony.Griffith@senate.state.md.us

Hon. Ben Barnes
Chair, House Appropriations Committee
101 Taylor House Office Building
Annapolis, MD 21401
Ben.Barnes@house.state.md.us

Subj: SB 162 /HB 204 Maryland Aviation Commission – Duties, Composition, and Member Orientation

Position: **Support if amended**

Dear Senator, Chair Griffith and Delegate, Chair Barnes:

The Howard County Chamber of Commerce (Chamber) is a business organization dedicated to economic, business, and community development in Howard County and the Central Maryland region. In advancing our mission, we advocate for policies that lead to job creation and investment. It is in accordance with our mission that we write to you currently.

The Chamber is aware of the concerns expressed by various residents pertaining to flight noise from BWI Airport (Airport). We sympathize with the concerns that SB 162 /HB 204 is intended to address. Our concerns are not on the issue itself but in the legislation as currently drafted. There are specific sections in the bill, which we believe should be amended to avoid possible disruption in the operation of the airport operations thereby impacting regional economic development.

First amendment is to eliminate lines 6 through 9 on page 2

This language directs the Maryland Aviation Commission (Commission) to “(II) BEST MITIGATE ACTUAL AND POTENTIAL NEGATIVE IMPACTS OF THE LOCAL AVIATION AND AIRPORT INDUSTRIES, AS INFORMED BY THE ACCEPTED SCIENTIFIC RESEARCH ON CREATING AND MAINTAINING HEALTHY AND LIVABLE COMMUNITIES.”

This would assume that the Maryland Aviation Administration ignores scientific information when making decisions regarding the well-being of the community it serves.

Furthermore, requiring that the mitigation of “negative impacts” be directed by “accepted scientific research” may leave Airport decisions open to multiple interpretations of various, possibly conflicting scientific opinions that could also interfere with important practical considerations that cannot be altered.

Line 26 “(VI) LOCAL GOVERNMENT”

The Airport is already in close communication with local governments. The concerns of the local governments are dealt with in a different time, place, and manner than the other groups in lines 21 through 24 and it would be counter-productive to include them here.

Line 27 “(VII) CITIZENS FROM COMMUNITIES NEAR AIRPORTS; AND”

This would seem redundant in as much as there are already Citizen Advisory Groups, unless, as this language might be interpreted, to include every airport in Maryland, of which there are at least seven. If that is the case, this would expand the responsibility of the Commission well beyond its original mandate.

Second amendment is to eliminate lines 25 through 30 on page 2

Line 25 “(V) AIRPORT EMPLOYEES OR THEIR REPRESENTATIVES”

BWI, as with many large entities, has unions and many employees involved in various aspects of the airport operations, including safety, the well-being of the traveling public and the best interests of the surrounding community. Those employees and unions are free to reach out to the Commission at any time; however, it might be considered unusual for this subtitle to formally solicit input from airport employees and airport unions.

Line 28 -30 “(VIII) OTHER MARYLAND COMMUNITIES THAT HAVE, OR ARE PREDICTED TO HAVE, ADVERSE HEALTH OR LIVABILITY IMPACTS FROM AIRPORT INFRASTRUCTURE AND ECONOMIC GROWTH DECISIONS.”

This describes vague groups that are difficult to identify, that could be anywhere, of any size. By referring to “communities that have or are predicted ...” is to admit that such information is unknown and may never develop “health of livability impacts from airport infrastructure and economic growth decisions.”

If airport management were to be subject to this criterion, decision making would become too dispersed by the additional stakeholders with possible conflicting interests.

We should add that many if not most communities welcome the growth and economic activity that follow improvements in airport infrastructure.

Third Amendment, eliminate line 1 through 32 on page 3

“(c) (1) The Commission shall consist of nine members, including the Secretary of Commerce. All but the Secretary of Commerce are voting members. (i) Eight [voting members] appointed by the Governor with the advice and consent of the Senate, four of whom shall be from a list of proposed candidates designated by a resolution of the DC Metroplex BWI Community Roundtable (Roundtable), or its successor organization.”

While it might not be unreasonable to stipulate a minimum of two members of the Commission be member of the Roundtable, it could be unlikely that the Department would recommend that the Governor assign half of the eight voting positions on the Commission to one organization.

In closing and as expressed earlier, the Chamber is not oblivious to the concerns expressed by area residents as it pertains to aircraft noise. Those concerns have not gone unnoticed to MDOT MAA either. They have a long-standing commitment to environmental protection, proactive planning and reducing and mitigating aircraft noise. BWI Marshall has had proactive land use planning dating back to the 1970s and continues to address aircraft noise annoyance through mitigation programs, active public engagement, and transparent long-term planning. Specifically, MDOT MAA has sponsored public outreach; supported the DC Metroplex BWI Community Roundtable; implemented the MDOT MAA Noise and Operations Monitoring System; managed the Residential Sound Insulation Program; conducted Airport Noise Zone and Part 150 Noise Studies; and completed proactive facility planning through the National Environmental Policy Act (NEPA).

Less we forget, BWI Airport is a major economic driver for the central Maryland region leading to thousands of jobs and millions in private and public investment. While we must take into consideration citizenry impact, it is equally important that we present policies that aid in the continued growth and development of small business and jobs.

If these amendments can be adopted, the Howard County Chamber will support SB 162 HB 204.

Respectfully,

A handwritten signature in black ink, reading "Leonardo McClarty". The signature is fluid and cursive, with the first name "Leonardo" written in a larger, more prominent script than the last name "McClarty".

Leonardo McClarty, CCE
President, Howard County Chamber



February 3, 2023

The Honorable Ben Barnes, Chair
House Appropriations Committee
Room 121
House Office Building
Annapolis, Maryland 21401

Dear Chair Barnes:

On behalf of Airlines for America (A4A)¹, the trade association for the leading U.S. passenger and cargo airlines, I provide the following comments on HB0204. HB0204 would, among other provisions, establish certain policies related to healthy and livable communities and require that certain members of the Maryland Aviation Commission appointed by the Governor are to be selected from candidates designated by the DC Metroplex BWI Community Roundtable A4A.

Robust mechanisms already exist to comprehensively review and communicate potential impacts of aviation projects, including the “hard infrastructure such as construction projects” and so-called “soft infrastructure projects such as flight paths and related procedures” explicitly mentioned in the bill. BWI Marshall and other Maryland airports, together with the Federal Aviation Administration (FAA), conduct comprehensive evaluations of aviation projects in accordance with the National Environmental Protection Act (NEPA). For example, the FAA – which has **exclusive** authority to develop, approve and implement flight procedures – undertakes necessary NEPA reviews before approving and implementing those procedures. A4A strongly supports efforts to communicate these impacts to the public and has championed and led efforts to improve the FAA’s process for developing new flight procedures to better ensure communities are heard and their views are taken into account as the procedures are developed and implemented. A4A members also have proactively engaged with communities, participating directly in community roundtables dedicated to addressing aircraft noise issues at airports throughout the country, including the citizen-led BWI Community Roundtable. Similarly, all major airport development (e.g., construction) projects requiring FAA approval are studied and the results reported to the public in accordance with NEPA. This is on top of the approval process for major capital projects that is conducted by the Maryland General Assembly, the Maryland Department of Transportation and the Maryland Board of Public Works, all of which provide avenues for public comment.

Regarding health impacts, the FAA has, among other efforts, established a cooperative aviation research organization co-led by Washington State University and the Massachusetts Institute of Technology – the Aviation Sustainability Center (also known as the Center of Excellence for

¹ A4A’s members are Alaska Airlines, Inc.; American Airlines Group, Inc.; Atlas Air, Inc.; Delta Air Lines, Inc.; Federal Express Corporation; Hawai’ian Airlines, Inc.; JetBlue Airways Corp.; Southwest Airlines Co.; United Airlines Holdings, Inc.; and United Parcel Service Co. Air Canada, Inc. is an associate member.

Alternative Jet Fuels and Environment, ASCENT) – which undertakes multiple research projects to understand such health impacts and ensures public policy is based on peer-reviewed science. Currently, the FAA is undertaking a comprehensive review of aviation noise policy which will be informed by such research (see *Overview of FAA Aircraft Noise Policy and Research Efforts: Request for Input on Research Activities to Inform Aircraft Noise Policy*.⁸⁶ Fed. Reg 2722 (January 13, 2021). With respect to noise monitoring, the establishment of a virtual noise monitoring system authorized in the bill is unnecessary given the robust noise monitoring program already in place at BWI and administered by the Maryland Department of Transportation's Maryland Aviation Administration.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sean Williams', with a stylized, cursive script.

Sean Williams
Vice President, State and Local Government Affairs
swilliams@airlines.org

HB204.020723.Maryland Aviation Administration.SWA.

Uploaded by: Gina Stewart

Position: FWA



February 7, 2023

The Honorable Ben Barnes, Chair
House Appropriations Committee
Room 121
House Office Building
Annapolis, Maryland 21401

Re: *House Bill 204 – Maryland Aviation Commission - Duties, Composition, and Member Orientation*
Position: *Support with Amendments*

Dear Chair Barnes and Appropriations Committee Members:

The BWI Business Partnership (The Partnership) writes to share our position on **House Bill 204– Maryland Aviation Commission - Duties, Composition, and Member Orientation**. The BWI Business Partnership is a nonprofit corporation comprised of governmental organizations, private businesses, and academic institutions, advocating for strong transportation policy and initiatives, driving sustainable economic and workforce development, and facilitating meaningful strategic relationships germane to the growth and development of the BWI Region.

House Bill 204 has several major provisions:

- Alters the duties and composition of the Maryland Aviation Commission (the Commission) which is the statutory body charged with creating policy, regulations, and airport policy for Maryland’s state-owned airports.
- Requires that four of the governor’s eight gubernatorial appointees to the commission (the ninth member is the Secretary of Transportation, who serves as chair) to be selected from a list designated by a workgroup that was formed by the Maryland Department of Transportation Maryland Aviation Administration (MDOT MAA) in 2017 at the request of the Federal Aviation Administration (FAA) to provide feedback and recommendations on the implementation of the FAA’s NextGen plans, particularly as it relates to noise disturbances.
- Adds additional requirements to the Commission’s annual report, to include a summary of commission initiatives supporting healthy, livable communities, as well as recommendations of the Commission for future changes in improved mitigation of adverse health and livability impacts on neighboring and impacted communities.

The Partnership supports the intent of the bill to ensure community representation on the Commission. We would, however, propose an amendment to strike the bill’s language regarding the selection of Commission members and instead require that one of the eight appointees be a county resident of Anne Arundel County, and another of the eight appointees be a county resident of Howard County. The respective county executives would make the nomination and forward it to the governor.



House Appropriations Committee

Page Two

February 7, 2023

This amendment to the bill's appointment process and the number of specified appointments will eliminate the Partnership's concern that the bill as drafted creates an unbalanced Commission membership, while recognizing the desire for increased community representation.

We would also propose striking the new language in the bill found on page 2 in lines 5 through 9. The existing language outlining the Commission's charge does not single out any specific operating issue, and the Partnership believes that is the appropriate approach. Removing that language does not preclude the Commission from reviewing health implications or any other specific operating issue. Further, The Partnership contends that the healthy, livable community concerns would be addressed through the bill's new language on page 4, line 31 through page 5, line 2, which adds the requirement that the Commission's annual report include a summary of commission initiatives supporting healthy, livable communities, as well as recommendations of the Commission for future changes in improved mitigation of adverse health and livability impacts on neighboring and impacted communities.

BWI Marshall is a vital component of the State's economy. Based on economic data from Calendar Year (CY) 2017, BWI Marshall Airport supports 106,488 total jobs in the regional economy. Further, the airport produces \$4.1 billion in personal wages and is responsible for \$9.3 billion in business revenue for the state. The overall activity at BWI Marshall Airport produces an estimated \$579 million in tax revenue for state and local governments.

As introduced, House Bill 204 has the potential to divert the Commission's focus from its responsibility to improve and promote BWI Marshall Airport in the metropolitan region and threatens future improvements. The Partnership respectfully requests the committee amend House Bill 204 as proposed.

Sincerely,

Gina Stewart
The BWI Business Partnership
Executive Director

Written Testimony SB162.HB204.pdf

Uploaded by: Leonardo McClarty

Position: FWA

January 31, 2023

Hon. Melony Griffith
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401
Melony.Griffith@senate.state.md.us

Hon. Ben Barnes
Chair, House Appropriations Committee
101 Taylor House Office Building
Annapolis, MD 21401
Ben.Barnes@house.state.md.us

Subj: SB 162 /HB 204 Maryland Aviation Commission – Duties, Composition, and Member Orientation

Position: **Support if amended**

Dear Senator, Chair Griffith and Delegate, Chair Barnes:

The Howard County Chamber of Commerce (Chamber) is a business organization dedicated to economic, business, and community development in Howard County and the Central Maryland region. In advancing our mission, we advocate for policies that lead to job creation and investment. It is in accordance with our mission that we write to you currently.

The Chamber is aware of the concerns expressed by various residents pertaining to flight noise from BWI Airport (Airport). We sympathize with the concerns that SB 162 /HB 204 is intended to address. Our concerns are not on the issue itself but in the legislation as currently drafted. There are specific sections in the bill, which we believe should be amended to avoid possible disruption in the operation of the airport operations thereby impacting regional economic development.

First amendment is to eliminate lines 6 through 9 on page 2

This language directs the Maryland Aviation Commission (Commission) to “(II) BEST MITIGATE ACTUAL AND POTENTIAL NEGATIVE IMPACTS OF THE LOCAL AVIATION AND AIRPORT INDUSTRIES, AS INFORMED BY THE ACCEPTED SCIENTIFIC RESEARCH ON CREATING AND MAINTAINING HEALTHY AND LIVABLE COMMUNITIES.”

This would assume that the Maryland Aviation Administration ignores scientific information when making decisions regarding the well-being of the community it serves.

Furthermore, requiring that the mitigation of “negative impacts” be directed by “accepted scientific research” may leave Airport decisions open to multiple interpretations of various, possibly conflicting scientific opinions that could also interfere with important practical considerations that cannot be altered.

Line 26 “(VI) LOCAL GOVERNMENT”

The Airport is already in close communication with local governments. The concerns of the local governments are dealt with in a different time, place, and manner than the other groups in lines 21 through 24 and it would be counter-productive to include them here.

Line 27 “(VII) CITIZENS FROM COMMUNITIES NEAR AIRPORTS; AND”

This would seem redundant in as much as there are already Citizen Advisory Groups, unless, as this language might be interpreted, to include every airport in Maryland, of which there are at least seven. If that is the case, this would expand the responsibility of the Commission well beyond its original mandate.

Second amendment is to eliminate lines 25 through 30 on page 2

Line 25 “(V) AIRPORT EMPLOYEES OR THEIR REPRESENTATIVES”

BWI, as with many large entities, has unions and many employees involved in various aspects of the airport operations, including safety, the well-being of the traveling public and the best interests of the surrounding community. Those employees and unions are free to reach out to the Commission at any time; however, it might be considered unusual for this subtitle to formally solicit input from airport employees and airport unions.

Line 28 -30 “(VIII) OTHER MARYLAND COMMUNITIES THAT HAVE, OR ARE PREDICTED TO HAVE, ADVERSE HEALTH OR LIVABILITY IMPACTS FROM AIRPORT INFRASTRUCTURE AND ECONOMIC GROWTH DECISIONS.”

This describes vague groups that are difficult to identify, that could be anywhere, of any size. By referring to “communities that have or are predicted ...” is to admit that such information is unknown and may never develop “health of livability impacts from airport infrastructure and economic growth decisions.”

If airport management were to be subject to this criterion, decision making would become too dispersed by the additional stakeholders with possible conflicting interests.

We should add that many if not most communities welcome the growth and economic activity that follow improvements in airport infrastructure.

Third Amendment, eliminate line 1 through 32 on page 3

“(c) (1) The Commission shall consist of nine members, including the Secretary of Commerce. All but the Secretary of Commerce are voting members. (i) Eight [voting members] appointed by the Governor with the advice and consent of the Senate, four of whom shall be from a list of proposed candidates designated by a resolution of the DC Metroplex BWI Community Roundtable (Roundtable), or its successor organization.”

While it might not be unreasonable to stipulate a minimum of two members of the Commission be member of the Roundtable, it could be unlikely that the Department would recommend that the Governor assign half of the eight voting positions on the Commission to one organization.

In closing and as expressed earlier, the Chamber is not oblivious to the concerns expressed by area residents as it pertains to aircraft noise. Those concerns have not gone unnoticed to MDOT MAA either. They have a long-standing commitment to environmental protection, proactive planning and reducing and mitigating aircraft noise. BWI Marshall has had proactive land use planning dating back to the 1970s and continues to address aircraft noise annoyance through mitigation programs, active public engagement, and transparent long-term planning. Specifically, MDOT MAA has sponsored public outreach; supported the DC Metroplex BWI Community Roundtable; implemented the MDOT MAA Noise and Operations Monitoring System; managed the Residential Sound Insulation Program; conducted Airport Noise Zone and Part 150 Noise Studies; and completed proactive facility planning through the National Environmental Policy Act (NEPA).

Less we forget, BWI Airport is a major economic driver for the central Maryland region leading to thousands of jobs and millions in private and public investment. While we must take into consideration citizenry impact, it is equally important that we present policies that aid in the continued growth and development of small business and jobs.

If these amendments can be adopted, the Howard County Chamber will support SB 162 HB 204.

Respectfully,

A handwritten signature in black ink, reading "Leonardo McClarty". The signature is fluid and cursive, with the first name "Leonardo" written in a larger, more prominent script than the last name "McClarty".

Leonardo McClarty, CCE
President, Howard County Chamber

Oppose HB0204_airport.pdf

Uploaded by: Peggy Williams

Position: UNF

HB0204 **OPPOSE**

Maryland Aviation Commission - Duties, Composition, and Member Orientation

Dear Committee members,

It is not clear what kinds of decisions and what kind of "scientific research" will be considered and for what purpose in this bill. The language is too vague. What does "creating and maintaining healthy and livable communities" mean?

There seems to be a push to "internationalize" ownership and control of local airports, and promote infrastructure investments - perhaps by foreign entities? - see link: https://www3.weforum.org/docs/IP/2016/MO/WEF_AT_NewRegulatoryModel.pdf Also a December meeting of MAA board members seems to confirm this.

This document states "This White Paper proposes to eliminate one such restriction – the “nationality rule” that prohibits foreign ownership of airlines," and "...airlines have played an essential role in bringing globalization to the world but are prevented from operating like any other global business."

Note the term "any entity" in the bill. "Any entity" could mean anyone from anywhere, making decisions about a state-owned airport. Who would this be? How would Maryland citizens benefit? This airport belongs to Marylanders, and we should be involved in knowing who these entities are and what influence they will be having on state-owned and operated airport facilities.

This bill leaves too many questions unanswered and therefore I oppose HB0204.

Thank you.

Sincerely,

Peggy Williams

Severna Park, MD

HB204_INFORMATIONAL ONLY_Reese.pdf

Uploaded by: Mary Reese

Position: INFO

I have provided notes in response to the fiscal analysis. I have highlighted and provided comments in black boxes directly into the fiscal note below.

HB 204

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE

First Reader

House Bill 204

(Delegate Hill, *et al.*)

Appropriations

Maryland Aviation Commission - Duties, Composition, and Member Orientation

This bill requires the Maryland Aviation Commission (MAC) to establish policies directed toward the Maryland Aviation Administration's (MAA) ability to best mitigate negative impacts of the local aviation and airport industries, as informed by the accepted scientific research on creating and maintaining healthy and livable communities. Further, the bill (1) requires MAC to consider information and advice from additional stakeholders in carrying out its duties; (2) modifies provisions governing the membership of MAC; (3) requires commissioners to receive an orientation session relating to MAC's duties, as specified; and (4) expands MAC's annual report to include information related to its additional duties under the bill.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$343,600 in FY 2024. Future years reflect annualization and inflation. TTF expenditures may further increase, potentially significantly, depending on the policies implemented and projects undertaken as a result of the bill, as discussed below. Revenues are not affected.

This is an unsubstantiated and possibly political assertion. How has MDOT MAA predicted an increase in expenditures for programs and policies while simultaneously declaring that revenues will be unaffected?

(in dollars)

FY 2024

FY 2025

FY 2026

FY 2027

FY 2028

Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	343,600	423,100	437,500	452,400	470,900
Net Effect	(\$343,600)	(\$423,100)	(\$437,500)	(\$452,400)	(\$470,900)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local governments can cooperate with MAC as necessary and appropriate using existing budgeted resources. Revenues are not affected.

Small Business Effect: Minimal.



Analysis

Bill Summary: The list of stakeholders MAC must consider information and advice from in carrying out its duties is expanded to include airport employees or their representatives, local government, citizens from communities near airports, and other Maryland communities that have, or are predicted to have, adverse health or livability impacts from airport infrastructure and economic growth decisions.

Each member of MAC must receive an orientation session to educate the member on the commission's dual responsibilities regarding the improvement and promotion of Baltimore-Washington International (BWI) Thurgood Marshall Airport and the mitigation of negative impacts of the local aviation and airport industries.

Of the eight commissioners appointed by the Governor with the advice and consent of the Senate, four must be selected from a list of proposed candidates designated by a resolution of the DC Metroplex BWI Community Roundtable or its successor organization.

The annual report submitted by MAC to the General Assembly must include a summary of commission initiatives supporting healthy, livable communities and any recommendations to improve the mitigation of adverse health and livability impacts on neighboring and impacted communities.

Current Law:

Maryland Aviation Administration and Maryland Aviation Commission

MAA, as a unit of the Maryland Department of Transportation, has responsibility for fostering, developing, and regulating aviation activity throughout the State. MAA is responsible for operating, maintaining, and developing State-owned airports, including BWI Thurgood Marshall Airport. MAA is governed by its executive director and MAC.

MAC is comprised of eight individuals appointed by the Governor with the advice and consent of the Senate. The Secretary of Transportation serves as the commission's chairman. The chairman must appoint the Executive Director of MAA based on the advice of the commission, subject to the approval of the Governor. The commission is responsible for:

- establishing policies directed toward MAA's ability to improve and promote the role of BWI Thurgood Marshall Airport as an airport of service to the Washington-Baltimore metropolitan area;
- approving regulations for the operation of State-owned airports, as specified;

- directing MAA in developing and implementing airport management policy for all State-owned airports;
- approving major capital projects, as specified; and
- excising the powers granted to it, as specified.

In carrying out its duties, MAC must consider information and advice from the air carrier industry, airport concessionaire industry, airline support services industry, and citizen advisory groups.

MAC must submit an annual report to the General Assembly by January 15 of each year on its activities during the previous year. The report must include (1) a review of the financial and operational results for all State-owned airports during the previous year and any recommendations for future changes in legislation, capital funding, or operational flexibility; (2) subject to review by the Department of Budget and Management, an estimate of necessary commission expenditures, as specified; and (3) certain actions taken by the commission relating to managerial staffing and salaries.

DC Metroplex BWI Community Roundtable

[The DC Metroplex BWI Community Roundtable](#) is an initiative MAA formed at the request of the Federal Aviation Administration (FAA). The roundtable is responsible for (1) monitoring the implementation of air traffic procedures established by FAA in the District of Columbia Metroplex Project, including, but not limited to, the procedures implemented under the NextGen program; (2) identifying possible alternative routings and procedures; (3) evaluating noise effects and other environmental effects of possible route changes; and (4) making recommendations to FAA for further consideration.

State Expenditures: MAA advises that it currently follows the requirements of the [National Environmental Policy Act \(NEPA\)](#) with respect to identifying potentially significant environmental and community impacts of airport safety, efficiency, and capacity enhancing projects. While NEPA generally focuses on the direct environmental impacts of proposed airport actions, the bill expands the scope of MAC by requiring the establishment of policies to mitigate actual and potential negative impacts of the local aviation and airport industries, as informed by the accepted scientific research on creating and maintaining healthy and livable communities.

To administer its noise abatement program, MAA currently employs three staff (one manager, one environmental specialist, and one administrator) and engages contractual assistance. Because MAA provides the information, research, and data necessary for MAC to fulfill its duties, MAA advises that it needs to expand its noise abatement program in order to handle the expanded scope of MAC under the bill.

This piece of legislation does not apply to the Noise Abatement Program and nowhere in this legislation is noise abatement mentioned. This legislation will help lessen and even prevent noise abatement needs through better planning of airport infrastructure that reduces negative impacts on existing local communities and municipal infrastructure.

Thus, TTF expenditures increase by an estimated \$343,614 in fiscal 2024, which accounts for the bill's October 1, 2023 effective date. This estimate reflects the cost of hiring one manager, one environmental specialist, and one administrator within MAA to address the expanded scope of MAC. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses, including costs for a consultant.

Positions	3.0
Salaries and Fringe Benefits	\$246,387
Consultant Costs	75,000
Operating Expenses	22,227
Total FY 2024 State Expenditures	\$343,614

This legislation will enhance the credentials of the appointed body. It is unclear why that would require MDOT MAA to duplicate its staff. And why a new, special administrator would be required.

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses, including \$100,000 annually in consultant costs. A combination of new and existing staff can likely handle the orientation required for new and existing MAC commissioners.

Additionally, TTF expenditures may increase, potentially significantly, depending on the policies implemented and projects undertaken as a result of the bill's changes; however, any such impact cannot be reliably predicted beforehand. For example, MAA advises that the DC Metroplex BWI Community Roundtable has previously recommended mitigation down to a 40 decibel Day-Night average sound Level (DNL); according to MAA, meeting that DNL would cost approximately \$32.0 billion.

The BWI Roundtable has never recommended mitigation down to 40 DNL. What is troubling about this assertion is that the requirements for qualifying and implementing a sound insulation program are contained in Appendix R "Noise Compatibility Planning/Projects" of the Federal Aviation Administration Order 5100.38D Airport Improvement Program Handbook (AIP

Handbook). Specifically, structures must have an existing exterior noise exposure no less than 65 dB DNL and an existing interior noise exposure no less than 45 dB DNL to be eligible for a sound insulation program. Mitigating noise below 65 DNL is prohibited. MDOT MAA has predicted \$32 billion in mitigation efforts prohibited by federal law.

Further, pursuant to the Airport Noise and Capacity Act of 1990 local governments are prohibited from assessing passenger facility charges, while airports are permitted to do so. Any additional expenses the MDOT MAA finds do not necessarily need to be borne by the hardworking citizens of Maryland. The airport can adjust its passenger facility charges as necessary.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 204 (Delegate Hill, *et al.*) - Appropriations.

Information Source(s): Maryland Department of Transportation; Maryland Association of Counties; Maryland Municipal League; Federal Aviation Administration; Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2023
js/lgc

Analysis by: Richard L. Duncan

Direct Inquiries to:
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HB0204 - MAA - Aviation Commission - LOI_FINAL.pdf

Uploaded by: Melissa Einhorn

Position: INFO

February 7, 2023

The Honorable Ben Barnes
Chair, House Appropriations Committee
Room 121, House Office Building
Annapolis, MD 21401

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

Dear Chair Barnes and Committee Members:

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

House Bill 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.

The Honorable Ben Barnes
Page Two

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.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 204.

Respectfully Submitted,

Ricky D. Smith, Sr.
Executive Director
Maryland Aviation Administration
410-859-7060

Pilar Helm
Director of Government Affairs
Maryland Department of Transportation
410-865-1090

HB 204 Maryland Aviation Association - INFO

Uploaded by: Ricky Smith

Position: INFO

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

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