

UPDATED_HB 1309 Transportation State Highways Pro

Uploaded by: Jordan BaucumColbert

Position: FAV



POSITION STATEMENT

Bill: HB 1309 Transportation - State Highways – Project Approval

Position: Support

Date: March 7, 2024

Contact: Debra Borden, General Counsel

Jordan Baucum Colbert, Government Affairs Liaison

Dear Chair Marc Korman and Vice Chair Regina T. Boyce,

The Maryland National Capital Park and Planning Commission (M-NCPPC or “the Commission”) initially voted to support this bill with amendments. The proposed amendments have been made and the current bill reflects the Board’s recommendations. The Commission respectfully requests the Environment and Transportation Committee to consider this information and include it in the record.

What this Bill Does. This bill seeks to require the State Highway Administration (SHA) to provide comments on an application for a development project within 30 days after the project application is received.

Improvement of Wait Time. In Summer 2023, Delegate Lesley Lopez led a Montgomery County Development Review Process Workgroup to collaborate and find possible recommendations for further improvements to the Development Review Process. One of the Workgroup recommendations was to codify language in the State Law limiting SHA review time to 30 days. This change would align with SHA review time in the Montgomery County Department of Transportation review and ensure the applicant has all transportation comments at the same time, so they address them efficiently while staying on schedule. We believe this same change will make review at the state level more efficient.

For these reasons, the Commission requests a favorable vote in support of HB 1309.

HB 1309 Sponsor Written Testimony.pdf

Uploaded by: Lesley Lopez

Position: FAV



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

March 7, 2024

Testimony in SUPPORT of HB 1309 - Transportation - State Highways - Project Approval

Summary: HB 1309 requires the Maryland State Highway Administration (SHA) to provide comments on an application for a development project within 30 days after the complete project application is received.

Overview: As part of the General Assembly's 2023 legislative session, as an alternative to proposed legislation, the Montgomery County Delegation of the House of Delegates referred to the issue of streamlining and updating the development review process to an informal workgroup for further study, chaired by myself. The Workgroup was created as a mechanism for a comprehensive group of stakeholders to discuss the critical role development plays in housing, employment, and entertainment and tourism for Montgomery County. The processes undertaken by state and local governments as well as private business and community members were reviewed to update and streamline the development timeline.

The group, dubbed the Montgomery County Development Review Process Workgroup, consisting of representatives from various County executive branch offices including the Department of Environmental Protection and the Office of Racial Equity and Inclusion, representatives from the State Highway Administration and Washington Suburban Sanitary Commission, developers, community members, and others.

Over the course of many months, the Workgroup held three Public Listening Sessions and nine Public Workgroup Sessions. The listening sessions included witness testimony from over 45 individuals and organizations.

The extensive nature of the group's work and the resulting comprehensive [report](#) and recommendations, dated October 13, 2023, considered a vast amount of information and perspectives.

Currently, there are no codified timelines for SHA to provide comments on an application. Originally, the purpose of the workgroup's recommendation was to align the SHA review time with the Montgomery County Department of Transportation review time and ensure the applicant has all transportation comments at the same time so they can address them efficiently while staying on schedule.

While this bill started as Montgomery County-specific, the State Highway Administration brought to our attention that having different requirements across the state would be cumbersome. Therefore, the language has been changed to apply state-wide and the benefits of an expedient review process can be a benefit across the state.

Conclusion: HB1309 will codify the language in State Law limiting State Highway Administration review time to 30 days which, in turn, will contribute to the streamlining of the development review process as a whole.

Thank you and I ask for a favorable report on HB 1309.

MBIA Letter of Support with Amendment HB1309.pdf

Uploaded by: Lori Graf

Position: FWA

March 7, 2024

The Honorable Marc Korman
Chair, Environment & Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD, 21401

RE: HB 1309 - Transportation - State Highways - Project Approval

Dear Chairman Korman,

The Maryland Building Industry Association, representing 100,000 employees statewide, appreciates the opportunity to participate in the discussion surrounding **HB 1309- Transportation- State Highways- Project Approval**. MBIA submits comments in the position of **FWA**.

House Bill 1309 would require the State Highway Administration to provide comments on an application for a development project within 30 days after the complete project application is received.

This bill initially was a local Montgomery County bill but has since been re drafted as statewide proposal. Currently, SHA already has a mandatory review time of 45 days which they often exceed so it's a bit confusing how this would be considered "mandatory." However, this bill reduces the timeframe SHA has from 45 days to 30 days which aligns with local mandatory review times, namely Montgomery County's where this recommendation stemmed from a development review committee that the sponsor took over.

The industry does have concerns due to the fact that the bill seems to lack teeth in terms it does not say what happens what happens when SHA fails to provide comment. Also, the revision to Subsection (a) says that this would apply when SHA approval is needed, while the new Subsection (D) states that SHA shall provide comments, rather than its approval.

We would recommend the changes below:

“THE ADMINISTRATION SHALL PROVIDE **RECOMMENDATIONS** ON AN APPLICATION FOR A DEVELOPMENT PROJECT WITHIN 30 DAYS AFTER THE ADMINISTRATION RECEIVES THE COMPLETE PROJECT APPLICATION. IF THE ADMINISTRATION FAILS TO RENDER SPECIFIC RECOMMENDATIONS THE FOREGOING 30 DAY PERIOD, THEN THE PROPER COUNTY APPROVAL AGENCY AND DEVELOPMENT APPLICANT MAY DEEM THE ADMINSTRATIONS APPROVAL GRATNED TO AS TO THE DEVELOPMENT PROJECT APPLICATION SUBMITTED.”

For these reasons, MBIA respectfully urges the Committee to adopt the proposed amendments and give this measure a **favorable with amendment** report. Thank you for your consideration.

For more information about this position, please contact Lori Graf at 410-800-7327 or lgraf@marylandbuilders.org.

cc: Members of the House Environment & Transportation Committee

HB1309 - SHA - Project Approval_LOC_FINAL.pdf

Uploaded by: Pilar Helm

Position: INFO

March 7, 2024

The Honorable Marc Korman
Chair, House Environment and Transportation Committee
251 House Office Building
Annapolis MD 21401

RE: Letter of Concern – House Bill 1309 – Transportation – State Highways – Project Approval

Dear Chair Korman and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following letter of concern for House Bill 1309 for the Committee’s consideration.

House Bill 1309 requires the State Highway Administration (SHA) to provide comments on an application for a development project within 30 days after SHA receives the complete project application. The bill defines a “development project” as a public or private construction project requiring approval from the Administration for access to a State highway for ingress or egress.

Based on the definition of “development project” in House Bill 1309, SHA believes the intent is to affect the access permit process, specifically the access permit plan review process. SHA’s access permit process includes several steps including the 1) traffic impact study review, 2) access permit plan review, and 3) permit package review, along with post-permit issuance coordination. Each step is sequential and requires separate submittals from the requester. The steps are sequential to avoid wasted developer expenses on activities that rely on earlier work. At each step, SHA must coordinate with local entities to ensure comment consistency back to the developer. The coordination between localities often takes time, especially for more complex projects. SHA’s duration of review is reflective of the complexity of each submittal, which is further outlined below. Rushed reviews would undermine SHA’s ability to perform due diligence on projects in various aspects including traffic, environmental, and highway hydraulics.

Access permit plan reviews are generally categorized by project type:

- **Type 1 Project:** These projects require minimal construction in the State’s right-of-way. The reviews are confined to site access and improvements at offsite intersections where mitigation requirements are conditioned on the application by way of an approved traffic impact study.
 - The review guideline for a Type 1 project is 30 days for the plan review step. This timeline excludes the duration for other steps and varies depending on the completeness of the plans submitted. Occasionally, plans are returned for revision to: 1) correct errors; 2) ensure compliance with State laws, regulations, and guidelines; and 3) address incompleteness.
- **Type 2 Project:** These projects are similar in scope to Type 1 but may include additional elements other than standard site access improvements or routine offsite intersection improvements, such as additional through lanes, multiple left-turn lanes, traffic signal installations or significant modifications, roadway lighting improvements, adjustments to existing roadway cross slopes or profile, and major intersection mitigation.

- The review guideline for a Type 2 project is 45 days for the plan review step. This timeline excludes the duration for other steps and varies depending on the completeness of the plans submitted. Occasionally, plans are returned for revision to: 1) correct errors; 2) ensure compliance with State laws, regulations, and guidelines; and 3) address incompleteness.
- Extra items that might be considered relative to a Type 1 project (and that would require involvement from additional offices) include: photometric analysis of lighting improvements; hydraulic review of cross slope redesign; ADA review of signal design; and signal design, signing, and pavement marking review against various State and federal standards. These reviews will be more limited under the proposed 30-day comment window, which may lead to more iterative comments and the need to follow up with developers as SHA completes additional reviews. Such accelerated periods for comment would require the dedication of additional State resources, either for State employees or consultant support to ensure compliance with the bill.
- **Type 3 Project:** These projects require significant roadway reconstruction or new roadway alignments and include projects that directly impact the interstate system. These types of projects may require access breaks, median breaks, noise wall studies, Interstate Access Point Approval (IAPA) coordination (a federally required process), extensive geotechnical exploration, and considerable impacts to the right-of-way. Type 3 projects utilize elements of the milestone process, including a preliminary submission, semi-final submission, and final submission during the pre-permit plan review process.
 - The review guideline for a Type 3 project is 60 days for the plan review step. This timeline excludes the duration for other steps and varies depending on the completeness of the plans submitted. Occasionally, plans are returned for revision to: 1) correct errors; 2) ensure compliance with State laws, regulations, and guidelines; and 3) address incompleteness.
 - In addition to the items that might be considered under a Type 2 project, review of a Type 3 project may include roadway redesign. Similar to a Type 2 project, these reviews will be more limited under the proposed 30-day comment window, which may lead to more iterative comments and the need to follow up with developers as SHA completes additional reviews. Such accelerated periods for comment would require the dedication of additional State resources, either for State employees or consultant support to ensure compliance with the bill.

The SHA recommends maintaining the current review processes as they 1) scale for more complex projects and 2) allow SHA to accommodate the reviews necessary to support permit requests for those projects. Often, consultants are necessary to perform difficult or unusual reviews, which can impact the overall review and comment timeline. Further, the plan reviews are required to cover multiple disciplines, including highway design, pavement and geotechnical analysis, hydraulics, vulnerable user safety, traffic and signals, and environmental review. These reviews may uncover safety risks with proposed activities that must be addressed before a project is allowed to continue.

Requiring SHA to meet 30 days for comment is not realistic for many projects, as each requires technical discipline reviews from multiple subject matter experts (SMEs), followed by the compilation of SHA feedback into a conformed set of comments. These SME reviews are critical, as an incomplete understanding of a project can produce negative community impacts, safety concerns, and a reduced standard of living for communities affected by a developer's project.

The Honorable Marc Korman
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The SHA must perform thorough reviews to ensure requirements are satisfied to adequately represent all stakeholder interests – developers, motorists, pedestrians, cyclists, and the larger community. Compressing the timelines for review and comment may result in rushed reviews, increasing concerns expressed by local communities. In addition, a 30-day limitation will either require SHA to 1) incur greater costs tied to personnel expenses or consultant fees, or 2) require SHA to return plans for revision more frequently simply to meet the deadline rather than working with developers to improve submissions. Given the fiscal condition of the Transportation Trust Fund, the latter condition is most likely and will lead to a less collaborative process with more review cycles driven solely to meet the duration requirements.

In 2016, SHA reorganized the access permit processes to streamline reviews and to improve service at a local level from our Districts offices. We have made significant strides in reducing access permit review times and will continue to work with the development community to identify further improvement opportunities.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 1309.

Sincerely,

William Pines, P.E.
Administrator
Office of the Administrator
Maryland State Highway Administration

Pilar Helm
Director
Office of Government Affairs
Maryland Department of Transportation