

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1189

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “jointly” in line 3 down through “areas” in line 11 and substitute “to submit a certain report to the Governor and General Assembly in a certain manner and by a certain date; providing for the contents of the report; requiring the Department to establish certain long-term goals and intermediate benchmarks for certain transportation indicators; requiring an advisory committee to be assembled to advise the Department on certain matters; providing for the membership of the advisory committee; establishing how often the advisory committee will meet; requiring the Department and the advisory committee to consider certain issues; authorizing the Department to conduct certain activities; altering the frequency of the revision of the Maryland Transportation Plan and the manner in which it is revised; providing that certain performance indicators, benchmarks, and goals established by the Department may not serve as the basis for certain causes of action; and generally relating to the study of certain transportation issues in priority funding areas”; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On page 8, in line 9, strike “2” and substitute “3”; and in line 9 after “years” insert “THROUGH AN INCLUSIVE PUBLIC PARTICIPATION PROCESS”; in line 13, strike “Program” and substitute “GOALS AND”; in line 14, after “projects” insert “AND PROGRAMS”; in line 15, strike “Program” and substitute “GOALS AND”; and in line 15, strike “an inter-modal administration” and substitute “A MULTI-MODAL”.

AMENDMENT NO. 3

Strike beginning with line 24 on page 1 through line 11 on page 5.

On page 8, strike in their entirety lines 28 through 38, inclusive, and substitute:

(Over)

“(G) BEGINNING WITH THE YEAR 2002 STATE REPORT ON TRANSPORTATION AND CONTINUING THEREAFTER, BEFORE THE GENERAL ASSEMBLY CONSIDERS THE PROPOSED MARYLAND TRANSPORTATION PLAN AND PROPOSED CONSOLIDATED TRANSPORTATION PROGRAM, THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT ON THE ATTAINMENT OF TRANSPORTATION GOALS AND BENCHMARKS FOR THE APPROVED AND PROPOSED MARYLAND TRANSPORTATION PLAN AND APPROVED AND PROPOSED CONSOLIDATED TRANSPORTATION PROGRAM TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

(H) (1) THE REPORT REQUIRED UNDER SUBSECTION (G) OF THIS SECTION SHALL INCLUDE:

(I) THE ESTABLISHMENT OF CERTAIN MEASURABLE PERFORMANCE INDICATORS OR BENCHMARKS, IN PRIORITY FUNDING AREAS AT A MINIMUM, DESIGNED TO QUANTIFY THE GOALS AND OBJECTIVES SPECIFIED IN THE MARYLAND TRANSPORTATION PLAN; AND

(II) THE DEGREE TO WHICH THE PROJECTS AND PROGRAMS CONTAINED IN THE APPROVED MARYLAND TRANSPORTATION PLAN AND CONSOLIDATED TRANSPORTATION PROGRAM ATTAIN THOSE GOALS AND BENCHMARKS AS MEASURED BY THE PERFORMANCE INDICATORS OR BENCHMARKS.

(2) THE DEPARTMENT SHALL INCLUDE IN ITS REPORT MEASURABLE LONG-TERM GOALS, AND INTERMEDIATE BENCHMARKS OF PROGRESS TOWARD THE ATTAINMENT OF THE LONG-TERM GOALS FOR THE FOLLOWING MEASURABLE TRANSPORTATION INDICATORS:

(I) AN INCREASE IN THE SHARE OF TOTAL PERSON TRIPS FOR EACH OF TRANSIT, HIGH OCCUPANCY AUTO, PEDESTRIAN, AND BICYCLE MODES OF TRAVEL;

(II) A DECREASE IN INDICATORS OF TRAFFIC CONGESTION AS

DETERMINED BY THE DEPARTMENT; AND

(III) ANY OTHER PERFORMANCE GOALS ESTABLISHED BY THE DEPARTMENT OF TRANSPORTATION FOR REDUCING AUTOMOBILE TRAFFIC AND INCREASING THE USE OF NONAUTOMOBILE TRAFFIC.

(I) (1) AN ADVISORY COMMITTEE SHALL BE ASSEMBLED TO ADVISE THE DEPARTMENT ON THE ESTABLISHMENT OF THE TRANSPORTATION GOALS, BENCHMARKS, AND INDICATORS UNDER SUBSECTION (H) OF THIS SECTION.

(2) MEMBERSHIP OF THE ADVISORY COMMITTEE SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

(I) A REPRESENTATIVE OF THE MARYLAND BUSINESS COMMUNITY;

(II) A REPRESENTATIVE OF THE DISABLED CITIZENS COMMUNITY;

(III) A REPRESENTATIVE OF RURAL INTERESTS;

(IV) A REPRESENTATIVE OF AN AUTO USERS GROUP;

(V) A REPRESENTATIVE OF A TRANSIT USERS GROUP;

(VI) A REPRESENTATIVE OF THE GOODS MOVEMENT INDUSTRY;

(VII) A NATIONALLY RECOGNIZED EXPERT ON TRANSPORTATION DEMAND MANAGEMENT;

(VIII) A NATIONALLY RECOGNIZED EXPERT ON PEDESTRIAN AND BICYCLE TRANSPORTATION;

(Over)

(IX) A NATIONALLY RECOGNIZED EXPERT ON
TRANSPORTATION PERFORMANCE MEASUREMENT;

(X) A REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY
ORGANIZATION;

(XI) A REPRESENTATIVE FROM THE MARYLAND OFFICE OF
PLANNING;

(XII) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF
COUNTIES; AND

(XIII) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL
LEAGUE.

(3) THE GOVERNOR SHALL APPOINT THE CHAIRMAN OF THE
ADVISORY COMMITTEE.

(4) THE ADVISORY COMMITTEE SHALL MEET AT LEAST FOUR TIMES
DURING THE PROCESS OF THE DEVELOPMENT OF THE MARYLAND
TRANSPORTATION PLAN TO PROVIDE ADVICE TO THE DEPARTMENT ON MEETING
THE REQUIREMENTS OF SUBSECTION (H) OF THIS SECTION.

(5) THE DEPARTMENT AND THE ADVISORY COMMITTEE SHALL
CONSIDER THE FOLLOWING:

(I) TRANSPORTATION AND POPULATION TRENDS AND THEIR
IMPACT ON THE STATE'S TRANSPORTATION SYSTEM AND PRIORITY FUNDING
AREAS;

(II) PAST AND PRESENT STATE FUNDING DEVOTED TO THE
VARIOUS TRANSPORTATION MODES AND DEMAND MANAGEMENT;

(III) THE FULL RANGE OF UNMET TRANSPORTATION NEEDS IN PRIORITY FUNDING AREAS;

(IV) THE FULL RANGE OF TRANSPORTATION MEASURES AND FACILITIES AVAILABLE, AND THEIR ROLE, EFFECTIVENESS, AND COST EFFECTIVENESS IN PROVIDING TRAVEL CHOICES AND REDUCING CONGESTION;

(V) A REVIEW OF TRANSPORTATION PERFORMANCE INDICATORS USED IN OTHER STATES;

(VI) A REVIEW OF THE COORDINATION OF STATE TRANSPORTATION INVESTMENTS WITH LOCAL GROWTH PLANS FOR PRIORITY FUNDING AREAS; AND

(VII) THE TYPES OF INVESTMENTS NEEDED AND THEIR LEVELS OF FUNDING FOR SUPPORTING THE GOALS AND OBJECTIVES OF THE MARYLAND TRANSPORTATION PLAN.

(J) THE DEPARTMENT MAY:

(1) CONDUCT ITS ANALYSIS OF PLANNED TRANSPORTATION INVESTMENTS IN PRIORITY FUNDING AREAS ON A STATEWIDE BASIS OR IN GROUPINGS OF PRIORITY FUNDING AREAS CENTERED ON REGIONS, METROPOLITAN AREAS, CITIES, OR OTHER GROUPINGS SUITABLE FOR TRANSPORTATION MODELING; AND

(2) CHOOSE TO EXCLUDE FROM ITS ANALYSIS PRIORITY FUNDING AREAS WHICH HAVE AN INSIGNIFICANT ROLE IN TRANSPORTATION TRENDS BECAUSE OF SMALL SIZE, POPULATION, OR PHYSICAL ISOLATION.

(K) IN THE REPORT REQUIRED UNDER SUBSECTION (H) OF THIS SECTION, THE DEPARTMENT SHALL:

(Over)

- (1) USE NARRATIVE, GRAPHS, CHARTS, TABLES, AND MAPS AS APPROPRIATE TO MAKE THE RESULTS EASILY UNDERSTOOD BY THE PUBLIC;
- (2) INCLUDE PROJECTED LONG-TERM TRENDS FOR EACH OF THE INDICATORS AND THE EFFECT OF PLANNED TRANSPORTATION INVESTMENTS ON THE TRENDS;
- (3) TO THE EXTENT PRACTICABLE, ACCOUNT FOR THE EFFECT OF PLANNED TRANSPORTATION INVESTMENTS ON INDUCING AUTOMOBILE TRAVEL;
- (4) TO THE EXTENT PRACTICABLE, ACCOUNT FOR AUTOMOBILE TRIPS NOT TAKEN DUE TO DEMAND MANAGEMENT MEASURES, INCLUDING TELEWORK, TELESHOPPING, AND LAND USE PATTERNS SUPPORTING ALTERNATIVES TO DRIVING; AND
- (5) INDICATE THE COST EFFECTIVENESS OF INVESTMENTS FOR ACHIEVING RELEVANT PERFORMANCE GOALS AND BENCHMARKS.”.

On page 9, before line 1, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the measurable performance indicators, benchmarks, and goals established by the Department under this Act may not serve as the basis of any cause of action brought by any party seeking damages or injunctive relief, or in any tort action to block a transportation project for the alleged failure to meet the indicators, benchmarks, or goals.”;

and in line 1, strike “2.” and substitute “3.”.