
By: **Delegate Guns**

Introduced and read first time: February 11, 2000

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation - Priority Funding Areas**

3 FOR the purpose of requiring the Department of Transportation jointly with the
4 Office of Planning to provide counties with maps establishing performance goals
5 to reduce traffic congestion and increase the use of nonautomobile traffic;
6 establishing a subcommittee of the Transportation Commission on
7 Transportation in Priority Funding Areas; providing that the members of the
8 Task Force are entitled to reimbursement for certain expenses; specifying the
9 membership and duties of the Task Force; requiring certain information about
10 priority funding areas to be included in certain transportation plans and
11 reports; and generally relating to transportation in priority funding areas.

12 BY repealing and reenacting, with amendments,
13 Article - State Finance and Procurement
14 Section 5-7B-09
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1999 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 2-103.1
20 Annotated Code of Maryland
21 (1993 Replacement Volume and 1999 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - State Finance and Procurement**

25 5-7B-09.

26 (a) The Office of Planning shall:

27 (1) establish a process for the review of projects by the appropriate State
28 agencies and the Office of Planning for compliance with this subtitle;

1 (2) provide to each State agency and unit of State government the
2 location of priority funding areas; and

3 (3) make available to each county, and to the public for review, copies of
4 maps illustrating:

5 (i) priority funding areas certified by the local governments; and

6 (ii) any comments by the Office of Planning on the areas certified.

7 (b) By October 1, 1998, the Office of Planning shall complete surveys of
8 municipal, county, and State governments for infrastructure needs and shall
9 maintain a list of needed projects that includes information relating to the financial
10 capacity of the affected unit of government to undertake such projects.

11 (c) A copy of this list of projects shall be made available upon request to
12 members of the General Assembly, local government officials, and the general public.

13 (d) Each State agency subject to this subtitle shall report annually to the
14 Office of Planning on the implementation of this subtitle in a form approved by the
15 Office of Planning.

16 (E) (1) BEGINNING WITH THE YEAR 2000 ANNUAL REPORT AND
17 CONTINUING THEREAFTER, THE DEPARTMENT OF TRANSPORTATION SHALL REPORT
18 TO THE GENERAL ASSEMBLY REGARDING:

19 (I) THE ESTABLISHMENT OF CERTAIN MEASURABLE
20 PERFORMANCE GOALS AND BENCHMARKS FOR REDUCING AUTOMOBILE TRAFFIC IN
21 PRIORITY FUNDING AREAS AND FOR INCREASING THE USE OF NONAUTOMOBILE
22 TRANSPORTATION IN PRIORITY FUNDING AREAS; AND

23 (II) THE DEGREE TO WHICH THE PROJECTS AND PROGRAMS
24 CONTAINED IN THE PROPOSED AND APPROVED MARYLAND TRANSPORTATION PLAN
25 AND CONSOLIDATED TRANSPORTATION PROGRAM ATTAIN THOSE GOALS AND
26 BENCHMARKS.

27 (2) THE DEPARTMENT SHALL PREPARE THIS ELEMENT OF ITS ANNUAL
28 REPORT JOINTLY WITH THE OFFICE OF PLANNING.

29 (3) THE DEPARTMENT AND THE OFFICE OF PLANNING SHALL JOINTLY
30 ESTABLISH MEASURABLE LONG-TERM GOALS, AND INTERMEDIATE BENCHMARKS
31 OF PROGRESS TOWARD THE ATTAINMENT OF THE LONG-TERM GOALS, FOR EACH OF
32 THE FOLLOWING TRANSPORTATION INDICATORS FOR ITS ANNUAL REPORT:

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

36 (II) A DECREASE IN INDICATORS OF TRAFFIC CONGESTION AS
37 DETERMINED BY THE DEPARTMENT AND THE OFFICE OF PLANNING; AND

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

4 (F) (1) A SUBCOMMITTEE OF THE MARYLAND TRANSPORTATION
5 COMMISSION SHALL BE ASSEMBLED TO PROVIDE RECOMMENDATIONS FOR THE
6 ESTABLISHMENT OF THE TRANSPORTATION GOALS, BENCHMARKS, AND INDICATORS
7 UNDER SUBSECTION (E)(3) OF THIS SECTION.

8 (2) MEMBERSHIP OF THE SUBCOMMITTEE SHALL INCLUDE, BUT IS NOT
9 LIMITED TO, THE FOLLOWING:

10 (I) MEMBERS OF THE HOUSE OF DELEGATES APPOINTED BY THE
11 SPEAKER OF THE HOUSE;

12 (II) MEMBERS OF THE SENATE OF MARYLAND APPOINTED BY THE
13 PRESIDENT OF THE SENATE; AND

14 (III) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

15 1. A TECHNICAL EXPERT ON MASS TRANSIT;

16 2. A TECHNICAL EXPERT ON PEDESTRIAN
17 TRANSPORTATION;

18 3. A TECHNICAL EXPERT ON BICYCLE TRANSPORTATION;

19 4. A TECHNICAL EXPERT ON TRANSPORTATION DEMAND
20 MANAGEMENT;

21 5. A REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY
22 ORGANIZATION;

23 6. A REPRESENTATIVE OF A SMART GROWTH ADVOCACY
24 ORGANIZATION; AND

25 7. A REPRESENTATIVE OF A SOCIAL JUSTICE ADVOCACY
26 ORGANIZATION.

27 (3) THE GOVERNOR SHALL APPOINT THE CHAIRMAN OF THE
28 SUBCOMMITTEE.

29 (4) STAFF FOR THE SUBCOMMITTEE SHALL BE PROVIDED BY THE
30 DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING.

31 (5) MEMBERS OF THE SUBCOMMITTEE SHALL SERVE WITHOUT
32 COMPENSATION EXCEPT THAT THE MEMBERS MAY BE REIMBURSED FOR EXPENSES
33 UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
34 BUDGET.

1 (6) THE SUBCOMMITTEE OF THE MARYLAND TRANSPORTATION
2 COMMITTEE ASSEMBLED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
3 PROVIDE ITS RECOMMENDATIONS FOR TRANSPORTATION BENCHMARKS AND
4 INDICATORS IN AN INTERIM REPORT TO BE COMPLETED BY SEPTEMBER 1, 2000.
5 FINAL RECOMMENDATIONS ON LONG-TERM TRANSPORTATION GOALS,
6 INTERMEDIATE BENCHMARKS, AND INDICATORS SHALL BE DEVELOPED WITH
7 PARTICIPATION FROM THE PUBLIC AND SHALL BE PROVIDED BY DECEMBER 31, 2000.

8 (7) WHEN PREPARING ITS RECOMMENDATIONS, THE SUBCOMMITTEE
9 SHALL CONSIDER:

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

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

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

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

19 (V) A REVIEW OF TRANSPORTATION PERFORMANCE INDICATORS
20 AND THEIR USE IN OTHER STATES;

21 (VI) HOW TO COORDINATE STATE TRANSPORTATION INVESTMENTS
22 WITH LOCAL GROWTH PLANS FOR PRIORITY FUNDING AREAS; AND

23 (VII) THE TYPES OF INVESTMENTS NEEDED AND THEIR LEVELS OF
24 FUNDING FOR SUPPORTING THE GOALS AND BENCHMARKS RECOMMENDED BY THE
25 SUBCOMMITTEE.

26 (G) THE DEPARTMENT MAY CONDUCT ITS ANALYSIS OF PLANNED
27 TRANSPORTATION INVESTMENTS IN PRIORITY FUNDING AREAS ON A STATEWIDE
28 BASIS OR IN GROUPINGS OF PRIORITY FUNDING AREAS CENTERED ON REGIONS,
29 METROPOLITAN AREAS, CITIES, OR OTHER GROUPINGS SUITABLE FOR
30 TRANSPORTATION MODELING, AND THE DEPARTMENT MAY CHOOSE TO EXCLUDE
31 FROM ANALYSIS PRIORITY FUNDING AREAS WHICH HAVE AN INSIGNIFICANT ROLE
32 IN TRANSPORTATION TRENDS BECAUSE OF SMALL SIZE, POPULATION, OR PHYSICAL
33 ISOLATION.

34 (H) IN REPORTING ON THE ATTAINMENT OF TRANSPORTATION
35 PERFORMANCE GOALS AND BENCHMARKS, THE DEPARTMENT AND OFFICE OF
36 PLANNING SHALL:

37 (1) USE NARRATIVE, GRAPHS, CHARTS, TABLES, AND MAPS AS
38 APPROPRIATE TO MAKE THE RESULTS EASILY UNDERSTOOD BY THE PUBLIC;

1 (2) INCLUDE PROJECTED LONG-TERM TRENDS FOR EACH OF THE
2 INDICATORS AND THE EFFECT OF PLANNED TRANSPORTATION INVESTMENTS ON
3 THE TRENDS;

4 (3) TO THE EXTENT PRACTICABLE, ACCOUNT FOR THE EFFECT OF
5 PLANNED TRANSPORTATION INVESTMENTS ON INDUCING AUTOMOBILE TRAVEL;

6 (4) TO THE EXTENT PRACTICABLE, ACCOUNT FOR AUTOMOBILE TRIPS
7 NOT TAKEN DUE TO DEMAND MANAGEMENT MEASURES, INCLUDING TELEWORK,
8 TELESHOPPING, AND LAND USE PATTERNS SUPPORTING ALTERNATIVES TO
9 DRIVING; AND

10 (5) INDICATE THE COST EFFECTIVENESS OF INVESTMENTS FOR
11 ACHIEVING RELEVANT PERFORMANCE GOALS AND BENCHMARKS.

12 **Article - Transportation**

13 2-103.1.

14 (a) (1) In this section the following words have the meanings indicated.

15 (2) "Capital project" means:

16 (i) Any project for which funds are expended for construction,
17 reconstruction, or rehabilitation of a transportation facility by the Department or of a
18 transportation facilities project by the Maryland Transportation Authority; or

19 (ii) Capital equipment, as defined by the Secretary.

20 (3) "Construction phase" means the phase of a capital project in which
21 the project is committed and advanced from the project development phase to
22 completion.

23 (4) "Major capital project" means any new, expanded, or significantly
24 improved facility or service that involves planning, environmental studies, design,
25 right-of-way, construction, or purchase of essential equipment related to the facility
26 or service.

27 (5) "Minor capital project" means any project for the preservation or
28 rehabilitation of an existing facility or service, including the planning, design,
29 right-of-way, construction, or purchase of equipment essential to the facility or
30 service, and generally not requiring the preparation of an environmental impact
31 assessment.

32 (6) "Project development phase" means the phase of a capital project in
33 which planning, engineering, and environmental studies and analyses are conducted
34 with full participation by the public, prior to commitment to construction.

35 (7) "Significant change" means any change that affects the size or
36 character of a project to the extent that the change:

1 (i) Substantially modifies the capacity, level of service, or cost of
2 the project;

3 (ii) Alters the function or purpose of the project; or

4 (iii) Impacts the ability of a modal administration to accomplish the
5 program priorities established by the Secretary in the State Report on
6 Transportation.

7 (8) "Transportation facility" has the meaning stated in § 3-101(l) of this
8 article.

9 (9) "Transportation facilities project" has the meaning stated in §
10 4-101(i) of this article.

11 (b) The State Report on Transportation consists of the Consolidated
12 Transportation Program and the Maryland Transportation Plan.

13 (c) (1) The Consolidated Transportation Program shall:

14 (i) Be revised annually; and

15 (ii) Include:

16 1. A list of Program priorities;

17 2. A statement of the Department's projected annual
18 operating costs, set forth separately for the Office of the Secretary and for each modal
19 administration;

20 3. Expanded descriptions of major capital projects;

21 4. A list of major capital projects for the current year, the
22 budget request year, and the 4 successive planning years;

23 5. A list of anticipated minor capital projects, including a
24 specific list of anticipated special projects for the current year and the budget request
25 year and an estimate of the Program level for each of the 4 successive planning years;

26 6. A list of major bridge work projects;

27 7. A summary of the capital and operating programs, as
28 defined by the Secretary, for the Maryland Transportation Authority;

29 8. For each listed major capital project, an indication
30 whether the revenue source anticipated to support that project consists of federal,
31 special, general, or other funds;

32 9. A glossary of terms; and

1 (vi) Includes any other information that the Secretary believes
2 would be useful to the members of the General Assembly or other recipients of the
3 Consolidated Transportation Program.

4 (4) The total operating and capital expenditures for the Department or
5 for the Office of the Secretary or any modal administration projected in the
6 Consolidated Transportation Program for the budget request year may not exceed the
7 budget request for the Department, Office, or modal administration for that year.

8 (d) The Maryland Transportation Plan shall:

9 (1) Be revised every 2 years;

10 (2) Include a 20-year forecast of State transportation needs, based on
11 the financial resources anticipated to be available to the Department during that
12 20-year period;

13 (3) Be expressed in terms of Program objectives; and

14 (4) Include a summary of the types of projects that are proposed to
15 accomplish the Program objectives, using an inter-modal administration approach
16 when feasible.

17 (e) On or before November 15 of each year, the Department shall visit each
18 county to give local governments and local legislative delegations information about
19 and an opportunity to comment on the proposed Consolidated Transportation
20 Program and the proposed Maryland Transportation Plan.

21 (f) At the earliest practical date but no later than November 1 of each year,
22 the Department shall provide the proposed Consolidated Transportation Program and
23 the proposed Maryland Transportation Plan to the Office of Planning for review and
24 comment on planning issues including consistency between transportation
25 investments and the State Economic Growth, Resource Protection, and Planning
26 Policy AND STATE PRIORITY FUNDING AREAS ESTABLISHED UNDER TITLE 5,
27 SUBTITLE 7B, OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

28 (G) THE DEPARTMENT:

29 (1) SHALL SUBMIT ITS ANNUAL REPORT ON THE ATTAINMENT OF
30 TRANSPORTATION GOALS AND BENCHMARKS FOR THE APPROVED AND PROPOSED
31 MARYLAND TRANSPORTATION PLAN AND APPROVED AND PROPOSED CONSOLIDATED
32 TRANSPORTATION PROGRAM, AS REQUIRED UNDER § 5-7B-09 OF THE STATE
33 FINANCE AND PROCUREMENT ARTICLE, TO THE LEGISLATURE PRIOR TO THE
34 LEGISLATURE'S CONSIDERATION OF THE PROPOSED MARYLAND TRANSPORTATION
35 PLAN AND CONSOLIDATED TRANSPORTATION PROGRAM; AND

36 (2) SHALL PRESENT ITS REPORT IN HEARINGS BEFORE COMMITTEES OF
37 THE SENATE AND THE HOUSE WITH RESPONSIBILITY FOR TRANSPORTATION
38 OVERSIGHT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2000.