
By: **Delegate Guns**

Introduced and read first time: February 11, 2000

Assigned to: Ways and Means

Reassigned: Environmental Matters, February 18, 2000

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2000

CHAPTER _____

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 to~~
12 ~~submit a certain report to the Governor and General Assembly in a certain~~
13 ~~manner and by a certain date; providing for the contents of the report; requiring~~
14 ~~the Department to establish certain long-term goals and intermediate~~
15 ~~benchmarks for certain transportation indicators; requiring an advisory~~
16 ~~committee to be assembled to advise the Department on certain matters;~~
17 ~~providing for the membership of the advisory committee; establishing how often~~
18 ~~the advisory committee will meet; requiring the Department and the advisory~~
19 ~~committee to consider certain issues; authorizing the Department to conduct~~
20 ~~certain activities; altering the frequency of the revision of the Maryland~~
21 ~~Transportation Plan and the manner in which it is revised; providing that~~
22 ~~certain performance indicators, benchmarks, and goals established by the~~
23 ~~Department may not serve as the basis for certain causes of action; and~~
24 ~~generally relating to the study of certain transportation issues in priority~~
25 ~~funding areas.~~

26 ~~BY repealing and reenacting, with amendments,~~

1 ~~Article—State Finance and Procurement~~
 2 ~~Section 5-7B-09~~
 3 ~~Annotated Code of Maryland~~
 4 ~~(1995 Replacement Volume and 1999 Supplement)~~

5 BY repealing and reenacting, with amendments,
 6 Article - Transportation
 7 Section 2-103.1
 8 Annotated Code of Maryland
 9 (1993 Replacement Volume and 1999 Supplement)

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

12 **~~Article—State Finance and Procurement~~**

13 ~~5-7B-09.~~

14 (a) ~~The Office of Planning shall:~~

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

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

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

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

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

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

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

29 (d) ~~Each State agency subject to this subtitle shall report annually to the~~
 30 ~~Office of Planning on the implementation of this subtitle in a form approved by the~~
 31 ~~Office of Planning.~~

32 (E) (1) ~~BEGINNING WITH THE YEAR 2000 ANNUAL REPORT AND~~
 33 ~~CONTINUING THEREAFTER, THE DEPARTMENT OF TRANSPORTATION SHALL REPORT~~
 34 ~~TO THE GENERAL ASSEMBLY REGARDING:~~

1 (I) ~~THE ESTABLISHMENT OF CERTAIN MEASURABLE~~
2 ~~PERFORMANCE GOALS AND BENCHMARKS FOR REDUCING AUTOMOBILE TRAFFIC IN~~
3 ~~PRIORITY FUNDING AREAS AND FOR INCREASING THE USE OF NONAUTOMOBILE~~
4 ~~TRANSPORTATION IN PRIORITY FUNDING AREAS; AND~~

5 (II) ~~THE DEGREE TO WHICH THE PROJECTS AND PROGRAMS~~
6 ~~CONTAINED IN THE PROPOSED AND APPROVED MARYLAND TRANSPORTATION PLAN~~
7 ~~AND CONSOLIDATED TRANSPORTATION PROGRAM ATTAIN THOSE GOALS AND~~
8 ~~BENCHMARKS.~~

9 (2) ~~THE DEPARTMENT SHALL PREPARE THIS ELEMENT OF ITS ANNUAL~~
10 ~~REPORT JOINTLY WITH THE OFFICE OF PLANNING.~~

11 (3) ~~THE DEPARTMENT AND THE OFFICE OF PLANNING SHALL JOINTLY~~
12 ~~ESTABLISH MEASURABLE LONG TERM GOALS, AND INTERMEDIATE BENCHMARKS~~
13 ~~OF PROGRESS TOWARD THE ATTAINMENT OF THE LONG TERM GOALS, FOR EACH OF~~
14 ~~THE FOLLOWING TRANSPORTATION INDICATORS FOR ITS ANNUAL REPORT:~~

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

18 (II) ~~A DECREASE IN INDICATORS OF TRAFFIC CONGESTION AS~~
19 ~~DETERMINED BY THE DEPARTMENT AND THE OFFICE OF PLANNING; AND~~

20 (III) ~~ANY OTHER PERFORMANCE GOALS ESTABLISHED BY THE~~
21 ~~DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING FOR REDUCING~~
22 ~~AUTOMOBILE TRAFFIC AND INCREASING THE USE OF NONAUTOMOBILE TRAFFIC.~~

23 (F) (1) ~~A SUBCOMMITTEE OF THE MARYLAND TRANSPORTATION~~
24 ~~COMMISSION SHALL BE ASSEMBLED TO PROVIDE RECOMMENDATIONS FOR THE~~
25 ~~ESTABLISHMENT OF THE TRANSPORTATION GOALS, BENCHMARKS, AND INDICATORS~~
26 ~~UNDER SUBSECTION (E)(3) OF THIS SECTION.~~

27 (2) ~~MEMBERSHIP OF THE SUBCOMMITTEE SHALL INCLUDE, BUT IS NOT~~
28 ~~LIMITED TO, THE FOLLOWING:~~

29 (I) ~~MEMBERS OF THE HOUSE OF DELEGATES APPOINTED BY THE~~
30 ~~SPEAKER OF THE HOUSE;~~

31 (II) ~~MEMBERS OF THE SENATE OF MARYLAND APPOINTED BY THE~~
32 ~~PRESIDENT OF THE SENATE; AND~~

33 (III) ~~THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:~~

34 1. ~~A TECHNICAL EXPERT ON MASS TRANSIT;~~

35 2. ~~A TECHNICAL EXPERT ON PEDESTRIAN~~
36 ~~TRANSPORTATION;~~

HOUSE BILL 1189

- 1 3. A TECHNICAL EXPERT ON BICYCLE TRANSPORTATION;
- 2 4. A TECHNICAL EXPERT ON TRANSPORTATION DEMAND
- 3 MANAGEMENT;
- 4 5. A REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY
- 5 ORGANIZATION;
- 6 6. A REPRESENTATIVE OF A SMART GROWTH ADVOCACY
- 7 ORGANIZATION; AND
- 8 7. A REPRESENTATIVE OF A SOCIAL JUSTICE ADVOCACY
- 9 ORGANIZATION.

10 (3) THE GOVERNOR SHALL APPOINT THE CHAIRMAN OF THE
11 SUBCOMMITTEE.

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

14 (5) MEMBERS OF THE SUBCOMMITTEE SHALL SERVE WITHOUT
15 COMPENSATION EXCEPT THAT THE MEMBERS MAY BE REIMBURSED FOR EXPENSES
16 UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
17 BUDGET.

18 (6) THE SUBCOMMITTEE OF THE MARYLAND TRANSPORTATION
19 COMMITTEE ASSEMBLED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
20 PROVIDE ITS RECOMMENDATIONS FOR TRANSPORTATION BENCHMARKS AND
21 INDICATORS IN AN INTERIM REPORT TO BE COMPLETED BY SEPTEMBER 1, 2000.
22 FINAL RECOMMENDATIONS ON LONG TERM TRANSPORTATION GOALS,
23 INTERMEDIATE BENCHMARKS, AND INDICATORS SHALL BE DEVELOPED WITH
24 PARTICIPATION FROM THE PUBLIC AND SHALL BE PROVIDED BY DECEMBER 31, 2000.

25 (7) WHEN PREPARING ITS RECOMMENDATIONS, THE SUBCOMMITTEE
26 SHALL CONSIDER:

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

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

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

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

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

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

5 (VII) THE TYPES OF INVESTMENTS NEEDED AND THEIR LEVELS OF
6 FUNDING FOR SUPPORTING THE GOALS AND BENCHMARKS RECOMMENDED BY THE
7 SUBCOMMITTEE.

8 (G) THE DEPARTMENT MAY CONDUCT ITS ANALYSIS OF PLANNED
9 TRANSPORTATION INVESTMENTS IN PRIORITY FUNDING AREAS ON A STATEWIDE
10 BASIS OR IN GROUPINGS OF PRIORITY FUNDING AREAS CENTERED ON REGIONS,
11 METROPOLITAN AREAS, CITIES, OR OTHER GROUPINGS SUITABLE FOR
12 TRANSPORTATION MODELING, AND THE DEPARTMENT MAY CHOOSE TO EXCLUDE
13 FROM ANALYSIS PRIORITY FUNDING AREAS WHICH HAVE AN INSIGNIFICANT ROLE
14 IN TRANSPORTATION TRENDS BECAUSE OF SMALL SIZE, POPULATION, OR PHYSICAL
15 ISOLATION.

16 (H) IN REPORTING ON THE ATTAINMENT OF TRANSPORTATION
17 PERFORMANCE GOALS AND BENCHMARKS, THE DEPARTMENT AND OFFICE OF
18 PLANNING SHALL:

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

21 (2) INCLUDE PROJECTED LONG TERM TRENDS FOR EACH OF THE
22 INDICATORS AND THE EFFECT OF PLANNED TRANSPORTATION INVESTMENTS ON
23 THE TRENDS;

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

26 (4) TO THE EXTENT PRACTICABLE, ACCOUNT FOR AUTOMOBILE TRIPS
27 NOT TAKEN DUE TO DEMAND MANAGEMENT MEASURES, INCLUDING TELEWORK,
28 TELESHOPPING, AND LAND USE PATTERNS SUPPORTING ALTERNATIVES TO
29 DRIVING; AND

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

32 Article - Transportation

33 2-103.1.

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

35 (2) "Capital project" means:

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

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

5 (3) "Construction phase" means the phase of a capital project in which
6 the project is committed and advanced from the project development phase to
7 completion.

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

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

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

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

22 (i) Substantially modifies the capacity, level of service, or cost of
23 the project;

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

25 (iii) Impacts the ability of a modal administration to accomplish the
26 program priorities established by the Secretary in the State Report on
27 Transportation.

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

30 (9) "Transportation facilities project" has the meaning stated in §
31 4-101(i) of this article.

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

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

35 (i) Be revised annually; and

36 (ii) Include:

- 1 1. A list of Program priorities;
- 2 2. A statement of the Department's projected annual
3 operating costs, set forth separately for the Office of the Secretary and for each modal
4 administration;
- 5 3. Expanded descriptions of major capital projects;
- 6 4. A list of major capital projects for the current year, the
7 budget request year, and the 4 successive planning years;
- 8 5. A list of anticipated minor capital projects, including a
9 specific list of anticipated special projects for the current year and the budget request
10 year and an estimate of the Program level for each of the 4 successive planning years;
- 11 6. A list of major bridge work projects;
- 12 7. A summary of the capital and operating programs, as
13 defined by the Secretary, for the Maryland Transportation Authority;
- 14 8. For each listed major capital project, an indication
15 whether the revenue source anticipated to support that project consists of federal,
16 special, general, or other funds;
- 17 9. A glossary of terms; and
- 18 10. A cross-reference table for the information contained in
19 the various parts of the State Report on Transportation.

20 (2) In addition to the items listed in paragraph (1) of this subsection, the
21 Consolidated Transportation Program shall include:

22 (i) A summary of current efforts and future plans, prepared after
23 consultation with the Bicycle Advisory Board established under § 21-1213 of this
24 article:

- 25 1. To develop and promote bicycle transportation; and
- 26 2. Working together with local jurisdictions, to accommodate
27 in a safe and effective manner pedestrians and bicycles within a reasonable distance
28 for walking and bicycling to rail stops, light rail stops, and subway stations;

29 (ii) A listing of all bicycle and pedestrian transportation projects
30 expected to use State or federal highway funds; and

31 (iii) Reflected under the Office of the Secretary, any
32 technology-related project to be funded from the account established under § 2-111 of
33 this article, along with a description and projected cost of each.

34 (3) Annually, the Consolidated Transportation Program shall include a
35 report that:

1 (i) Identifies each major capital project for which the budget bill or
 2 a supplemental budget amendment first requests funds for the project development
 3 phase or for the construction phase;

4 (ii) With respect to each major capital project for which funds are
 5 requested in the budget request year, states:

6 1. The amount of the funds requested; and

7 2. The total estimated cost of the project;

8 (iii) Identifies significant changes in the cost, scope, design, or
 9 scheduling of major capital projects for each completed fiscal year;

10 (iv) When there is a significant change in cost, states the amount by
 11 which the expenditures that have been authorized exceed the original project
 12 estimate;

13 (v) When there is a significant change, states:

14 1. The amount by which costs exceed projected costs during
 15 each completed fiscal year; and

16 2. The total amount that has been expended for a major
 17 capital project; and

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

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

25 (d) The Maryland Transportation Plan shall:

26 (1) Be revised every ~~2~~ 3 years THROUGH AN INCLUSIVE PUBLIC
 27 PARTICIPATION PROCESS;

28 (2) Include a 20-year forecast of State transportation needs, based on
 29 the financial resources anticipated to be available to the Department during that
 30 20-year period;

31 (3) Be expressed in terms of ~~Program~~ GOALS AND objectives; and

32 (4) Include a summary of the types of projects AND PROGRAMS that are
 33 proposed to accomplish the ~~Program~~ GOALS AND objectives, using ~~an inter-modal~~
 34 ~~administration~~ A MULTI-MODAL approach when feasible.

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

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

12 ~~(G) THE DEPARTMENT:~~

13 ~~(1) SHALL SUBMIT ITS ANNUAL REPORT ON THE ATTAINMENT OF~~
 14 ~~TRANSPORTATION GOALS AND BENCHMARKS FOR THE APPROVED AND PROPOSED~~
 15 ~~MARYLAND TRANSPORTATION PLAN AND APPROVED AND PROPOSED CONSOLIDATED~~
 16 ~~TRANSPORTATION PROGRAM, AS REQUIRED UNDER § 5-7B-09 OF THE STATE~~
 17 ~~FINANCE AND PROCUREMENT ARTICLE, TO THE LEGISLATURE PRIOR TO THE~~
 18 ~~LEGISLATURE'S CONSIDERATION OF THE PROPOSED MARYLAND TRANSPORTATION~~
 19 ~~PLAN AND CONSOLIDATED TRANSPORTATION PROGRAM; AND~~

20 ~~(2) SHALL PRESENT ITS REPORT IN HEARINGS BEFORE COMMITTEES OF~~
 21 ~~THE SENATE AND THE HOUSE WITH RESPONSIBILITY FOR TRANSPORTATION~~
 22 ~~OVERSIGHT.~~

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

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

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

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

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

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

8 (II) A DECREASE IN INDICATORS OF TRAFFIC CONGESTION AS
9 DETERMINED BY THE DEPARTMENT; AND

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

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

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

18 (I) A REPRESENTATIVE OF THE MARYLAND BUSINESS
19 COMMUNITY;

20 (II) A REPRESENTATIVE OF THE DISABLED CITIZENS COMMUNITY;

21 (III) A REPRESENTATIVE OF RURAL INTERESTS;

22 (IV) A REPRESENTATIVE OF AN AUTO USERS GROUP;

23 (V) A REPRESENTATIVE OF A TRANSIT USERS GROUP;

24 (VI) A REPRESENTATIVE OF THE GOODS MOVEMENT INDUSTRY;

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

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

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

31 (X) A REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY
32 ORGANIZATION;

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

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

3 (XIII) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL LEAGUE.

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

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

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

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

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

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

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

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

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

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

28 (J) THE DEPARTMENT MAY:

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

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

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

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

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

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

10 (4) TO THE EXTENT PRACTICABLE, ACCOUNT FOR AUTOMOBILE TRIPS
11 NOT TAKEN DUE TO DEMAND MANAGEMENT MEASURES, INCLUDING TELEWORK,
12 TELESHOPPING, AND LAND USE PATTERNS SUPPORTING ALTERNATIVES TO
13 DRIVING; AND

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

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

21 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2000.