

SENATE BILL 731

Unofficial Copy  
R2

2000 Regular Session  
(01r2420)

**ENROLLED BILL**  
-- Finance/Environmental Matters --

Introduced by **Senators Van Hollen, Green, Blount, Hollinger, Frosh, Pinsky, Sfikas, and Forehand**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

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 to~~  
6 report annually to the General Assembly on the attainment of certain  
7 transportation goals and benchmarks for the Maryland Transportation Plan and  
8 the Maryland Transportation Program; altering the time period for revising the  
9 Maryland Transportation Plan; altering provisions of law concerning the format  
10 of the Maryland Transportation Plan; requiring the Department to report  
11 annually to the General Assembly concerning the establishment of certain  
12 transportation performance goals, indicators, and benchmarks relating to  
13 priority funding areas; establishing a subcommittee of the Transportation  
14 Commission on Transportation in Priority Funding Areas; providing that the  
15 members of the Task Force are entitled to reimbursement for certain expenses  
16 an advisory committee to advise the Department on the establishment of certain

1 goals, indicators, and benchmarks relating to transportation; specifying the  
 2 membership and duties of the ~~Task Force~~ advisory committee; requiring certain  
 3 information about priority funding areas to be included in certain  
 4 transportation plans and reports; providing that certain performance indicators,  
 5 benchmarks, and goals established by the Department may not serve as the basis  
 6 for certain causes of action; and generally relating to transportation in priority  
 7 funding areas.

8 BY repealing and reenacting, ~~with~~ without amendments,  
 9 Article - State Finance and Procurement  
 10 Section 5-7B-09  
 11 Annotated Code of Maryland  
 12 (1995 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,  
 14 Article - Transportation  
 15 Section 2-103.1  
 16 Annotated Code of Maryland  
 17 (1993 Replacement Volume and 1999 Supplement)

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

20 **Article - State Finance and Procurement**

21 5-7B-09.

22 (a) The Office of Planning shall:

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

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

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

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

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

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

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

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

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

9 ~~(I) THE ESTABLISHMENT OF CERTAIN MEASURABLE  
10 PERFORMANCE GOALS AND BENCHMARKS FOR REDUCING AUTOMOBILE TRAFFIC IN  
11 PRIORITY FUNDING AREAS AND FOR INCREASING THE USE OF NONAUTOMOBILE  
12 TRANSPORTATION IN PRIORITY FUNDING AREAS; AND~~

13 ~~(II) THE DEGREE TO WHICH THE PROJECTS AND PROGRAMS  
14 CONTAINED IN THE PROPOSED AND APPROVED MARYLAND TRANSPORTATION PLAN  
15 AND CONSOLIDATED TRANSPORTATION PROGRAM ATTAIN THOSE GOALS AND  
16 BENCHMARKS.~~

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

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

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

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

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

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

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

37 ~~(I) MEMBERS OF THE HOUSE OF DELEGATES APPOINTED BY THE  
38 SPEAKER OF THE HOUSE;~~

1                   (II)   MEMBERS OF THE SENATE OF MARYLAND APPOINTED BY THE  
2 PRESIDENT OF THE SENATE; AND

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

4                   1.     A TECHNICAL EXPERT ON MASS TRANSIT;

5                   2.     A TECHNICAL EXPERT ON PEDESTRIAN  
6 TRANSPORTATION;

7                   3.     A TECHNICAL EXPERT ON BICYCLE TRANSPORTATION;

8                   4.     A TECHNICAL EXPERT ON TRANSPORTATION DEMAND  
9 MANAGEMENT;

10                  5.     A REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY  
11 ORGANIZATION;

12                  6.     A REPRESENTATIVE OF A SMART GROWTH ADVOCACY  
13 ORGANIZATION; AND

14                  7.     A REPRESENTATIVE OF A SOCIAL JUSTICE ADVOCACY  
15 ORGANIZATION.

16                  (3)    THE GOVERNOR SHALL APPOINT THE CHAIRMAN OF THE  
17 SUBCOMMITTEE.

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

20                  (5)    MEMBERS OF THE SUBCOMMITTEE SHALL SERVE WITHOUT  
21 COMPENSATION EXCEPT THAT THE MEMBERS MAY BE REIMBURSED FOR EXPENSES  
22 UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE  
23 BUDGET.

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

31                  (7)    WHEN PREPARING ITS RECOMMENDATIONS, THE SUBCOMMITTEE  
32 SHALL CONSIDER:

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

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

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

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

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

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

10                  (VII)   THE TYPES OF INVESTMENTS NEEDED AND THEIR LEVELS OF  
11 FUNDING FOR SUPPORTING THE GOALS AND BENCHMARKS RECOMMENDED BY THE  
12 SUBCOMMITTEE.

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

21                  (H)     IN REPORTING ON THE ATTAINMENT OF TRANSPORTATION  
22 PERFORMANCE GOALS AND BENCHMARKS, THE DEPARTMENT AND OFFICE OF  
23 PLANNING SHALL:

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

26                  (2)     INCLUDE PROJECTED LONG TERM TRENDS FOR EACH OF THE  
27 INDICATORS AND THE EFFECT OF PLANNED TRANSPORTATION INVESTMENTS ON  
28 THE TRENDS;

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

31                  (4)     TO THE EXTENT PRACTICABLE, ACCOUNT FOR AUTOMOBILE TRIPS  
32 NOT TAKEN DUE TO DEMAND MANAGEMENT MEASURES, INCLUDING TELEWORK,  
33 TELESHOPPING, AND LAND USE PATTERNS SUPPORTING ALTERNATIVES TO  
34 DRIVING; AND

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

**Article - Transportation**

2 2-103.1.

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

4 (2) "Capital project" means:

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

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

9 (3) "Construction phase" means the phase of a capital project in which  
10 the project is committed and advanced from the project development phase to  
11 completion.

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

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

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

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

26 (i) Substantially modifies the capacity, level of service, or cost of  
27 the project;

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

29 (iii) Impacts the ability of a modal administration to accomplish the  
30 program priorities established by the Secretary in the State Report on  
31 Transportation.

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

34 (9) "Transportation facilities project" has the meaning stated in §  
35 4-101(i) of this article.

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

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

4 (i) Be revised annually; and

5 (ii) Include:

6 1. A list of Program priorities;

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

10 3. Expanded descriptions of major capital projects;

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

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

16 6. A list of major bridge work projects;

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

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

22 9. A glossary of terms; and

23 10. A cross-reference table for the information contained in  
24 the various parts of the State Report on Transportation.

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

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

30 1. To develop and promote bicycle transportation; and

31 2. Working together with local jurisdictions, to accommodate  
32 in a safe and effective manner pedestrians and bicycles within a reasonable distance  
33 for walking and bicycling to rail stops, light rail stops, and subway stations;

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

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

6 (3) Annually, the Consolidated Transportation Program shall include a  
7 report that:

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

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

13 1. The amount of the funds requested; and

14 2. The total estimated cost of the project;

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

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

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

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

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

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

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

32 (d) The Maryland Transportation Plan shall:

33 (1) Be revised every ~~2 years~~ 3 YEARS THROUGH AN INCLUSIVE PUBLIC  
34 PARTICIPATION PROCESS;

1 (2) Include a 20-year forecast of State transportation needs, based on  
 2 the financial resources anticipated to be available to the Department during that  
 3 20-year period;

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

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

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

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

19 ~~(G) THE DEPARTMENT:~~

20 ~~(1) SHALL SUBMIT ITS AN ANNUAL REPORT ON THE ATTAINMENT OF~~  
 21 ~~TRANSPORTATION GOALS AND BENCHMARKS FOR THE APPROVED AND PROPOSED~~  
 22 ~~MARYLAND TRANSPORTATION PLAN AND APPROVED AND PROPOSED CONSOLIDATED~~  
 23 ~~TRANSPORTATION PROGRAM, AS REQUIRED UNDER § 5-7B-09 OF THE STATE~~  
 24 ~~FINANCE AND PROCUREMENT ARTICLE, TO THE LEGISLATURE PRIOR TO THE~~  
 25 ~~LEGISLATURE'S CONSIDERATION OF THE PROPOSED MARYLAND TRANSPORTATION~~  
 26 ~~PLAN AND CONSOLIDATED TRANSPORTATION PROGRAM; AND~~

27 ~~(2) SHALL PRESENT ITS REPORT IN HEARINGS BEFORE COMMITTEES OF~~  
 28 ~~THE SENATE AND THE HOUSE WITH RESPONSIBILITY FOR TRANSPORTATION~~  
 29 ~~OVERSIGHT.~~

30 ~~(H) (1) BEGINNING WITH THE YEAR 2002 STATE REPORT ON~~  
 31 ~~TRANSPORTATION AND CONTINUING THEREAFTER, THE DEPARTMENT SHALL~~  
 32 ~~REPORT TO THE GENERAL ASSEMBLY REGARDING:~~

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

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

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

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

11 (2) THE DEPARTMENT SHALL ~~ESTABLISH~~ INCLUDE IN ITS REPORT  
12 MEASURABLE LONG-TERM GOALS, AND INTERMEDIATE BENCHMARKS OF PROGRESS  
13 TOWARD THE ATTAINMENT OF THE LONG-TERM GOALS, FOR THE FOLLOWING  
14 MEASURABLE TRANSPORTATION INDICATORS FOR THE DEPARTMENT'S ANNUAL  
15 REPORT:

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

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

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

24 (I) (1) AN ADVISORY COMMITTEE SHALL BE ASSEMBLED TO ADVISE THE  
25 DEPARTMENT ON THE ESTABLISHMENT OF THE TRANSPORTATION GOALS,  
26 BENCHMARKS, AND INDICATORS UNDER SUBSECTION ~~(H)(2)~~ (H) OF THIS SECTION.

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

29 (I) A REPRESENTATIVE OF THE MARYLAND BUSINESS  
30 COMMUNITY;

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

32 (III) A REPRESENTATIVE OF RURAL INTERESTS;

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

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

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

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

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

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

7                   (X) A REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY  
8 ORGANIZATION;

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

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

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

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

16               (4) THE ADVISORY COMMITTEE SHALL MEET AT LEAST FOUR TIMES  
17 DURING THE PROCESS OF DEVELOPING THE MARYLAND TRANSPORTATION PLAN TO  
18 PROVIDE ADVICE TO THE DEPARTMENT ON MEETING THE REQUIREMENTS OF THIS  
19 SUBSECTION.

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

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

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

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

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

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

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

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

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

12 ~~(K) IN REPORTING ON THE ATTAINMENT OF TRANSPORTATION~~  
13 ~~PERFORMANCE GOALS AND BENCHMARKS, THE DEPARTMENT SHALL:~~

14 ~~(J) THE DEPARTMENT MAY:~~

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

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

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

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

27 ~~(2) INCLUDE PROJECTED LONG-TERM TRENDS FOR EACH OF THE~~  
28 ~~INDICATORS AND THE EFFECT OF PLANNED TRANSPORTATION INVESTMENTS ON~~  
29 ~~THE TRENDS;~~

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

32 ~~(4) TO THE EXTENT PRACTICABLE, ACCOUNT FOR AUTOMOBILE TRIPS~~  
33 ~~NOT TAKEN DUE TO DEMAND MANAGEMENT MEASURES, INCLUDING TELEWORKING,~~  
34 ~~TELESHOPPING, AND LAND USE PATTERNS SUPPORTING ALTERNATIVES TO~~  
35 ~~DRIVING; AND~~

36 ~~(5) INDICATE THE COST EFFECTIVENESS OF INVESTMENTS FOR~~  
37 ~~ACHIEVING RELEVANT PERFORMANCE GOALS AND BENCHMARKS, INCLUDING A~~  
38 ~~SPECIFIC ANALYSIS OF PLANNED TRANSPORTATION INVESTMENTS DETAILING:~~

1                   (I)       ANY PROJECTED DECREASES OR INCREASES IN INDICATORS OF  
2 TRAFFIC CONGESTION AS DEFINED BY THE DEPARTMENT; AND

3                   (II)       THE COST PER PASSENGER MILE AND OTHER INDICATORS OF  
4 COST EFFECTIVENESS AS DEFINED BY THE DEPARTMENT.

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

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