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By: **Senators Van Hollen, Green, Blount, Hollinger, Frosh, Pinsky, Sfikas,  
and Forehand**

Introduced and read first time: February 4, 2000

Assigned to: Finance

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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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (I) MEMBERS OF THE HOUSE OF DELEGATES APPOINTED BY THE  
13 SPEAKER OF THE HOUSE;

14 (II) MEMBERS OF THE SENATE OF MARYLAND APPOINTED BY THE  
15 PRESIDENT OF THE SENATE; AND

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

17 1. A TECHNICAL EXPERT ON MASS TRANSIT;

18 2. A TECHNICAL EXPERT ON PEDESTRIAN  
19 TRANSPORTATION;

20 3. A TECHNICAL EXPERT ON BICYCLE TRANSPORTATION;

21 4. A TECHNICAL EXPERT ON TRANSPORTATION DEMAND  
22 MANAGEMENT;

23 5. A REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY  
24 ORGANIZATION;

25 6. A REPRESENTATIVE OF A SMART GROWTH ADVOCACY  
26 ORGANIZATION; AND

27 7. A REPRESENTATIVE OF A SOCIAL JUSTICE ADVOCACY  
28 ORGANIZATION.

29 (3) THE GOVERNOR SHALL APPOINT THE CHAIRMAN OF THE  
30 SUBCOMMITTEE.

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

33 (5) MEMBERS OF THE SUBCOMMITTEE SHALL SERVE WITHOUT  
34 COMPENSATION EXCEPT THAT THE MEMBERS MAY BE REIMBURSED FOR EXPENSES

1 UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE  
2 BUDGET.

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

10           (7)       WHEN PREPARING ITS RECOMMENDATIONS, THE SUBCOMMITTEE  
11 SHALL CONSIDER:

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 AND THEIR USE IN OTHER STATES;

23                   (VI)     HOW TO COORDINATE STATE TRANSPORTATION INVESTMENTS  
24 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 BENCHMARKS RECOMMENDED BY THE  
27 SUBCOMMITTEE.

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

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

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

14 **Article - Transportation**

15 2-103.1.

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

17 (2) "Capital project" means:

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

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

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

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

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

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

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

3 (i) Substantially modifies the capacity, level of service, or cost of  
4 the project;

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

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

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

11 (9) "Transportation facilities project" has the meaning stated in §  
12 4-101(i) of this article.

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

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

16 (i) Be revised annually; and

17 (ii) Include:

18 1. A list of Program priorities;

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

22 3. Expanded descriptions of major capital projects;

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

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

28 6. A list of major bridge work projects;

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

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

- 1 9. A glossary of terms; and
- 2 10. A cross-reference table for the information contained in  
3 the various parts of the State Report on Transportation.
- 4 (2) In addition to the items listed in paragraph (1) of this subsection, the  
5 Consolidated Transportation Program shall include:
- 6 (i) A summary of current efforts and future plans, prepared after  
7 consultation with the Bicycle Advisory Board established under § 21-1213 of this  
8 article:
- 9 1. To develop and promote bicycle transportation; and
- 10 2. Working together with local jurisdictions, to accommodate  
11 in a safe and effective manner pedestrians and bicycles within a reasonable distance  
12 for walking and bicycling to rail stops, light rail stops, and subway stations;
- 13 (ii) A listing of all bicycle and pedestrian transportation projects  
14 expected to use State or federal highway funds; and
- 15 (iii) Reflected under the Office of the Secretary, any  
16 technology-related project to be funded from the account established under § 2-111 of  
17 this article, along with a description and projected cost of each.
- 18 (3) Annually, the Consolidated Transportation Program shall include a  
19 report that:
- 20 (i) Identifies each major capital project for which the budget bill or  
21 a supplemental budget amendment first requests funds for the project development  
22 phase or for the construction phase;
- 23 (ii) With respect to each major capital project for which funds are  
24 requested in the budget request year, states:
- 25 1. The amount of the funds requested; and
- 26 2. The total estimated cost of the project;
- 27 (iii) Identifies significant changes in the cost, scope, design, or  
28 scheduling of major capital projects for each completed fiscal year;
- 29 (iv) When there is a significant change in cost, states the amount by  
30 which the expenditures that have been authorized exceed the original project  
31 estimate;
- 32 (v) When there is a significant change, states:
- 33 1. The amount by which costs exceed projected costs during  
34 each completed fiscal year; and

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

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

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

10        (d)        The Maryland Transportation Plan shall:

11                                    (1)       Be revised every 2 years;

12                                    (2)       Include a 20-year forecast of State transportation needs, based on  
13 the financial resources anticipated to be available to the Department during that  
14 20-year period;

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

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

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

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

30        (G)        THE DEPARTMENT:

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



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

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