

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE  
Revised

House Bill 900 (Delegate Kopp. *et al.*)

Environmental Matters

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**Growth Management - Transportation and Community Facilities - Adequacy**

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The bill amends the State zoning and planning law (Article 66B), to provide that the projected demands on transportation infrastructure and on publicly funded community facilities in local comprehensive plans must be consistent with the Maryland Transportation Plan and with the community facilities element of the local plan. A local jurisdiction may only approve an application for proposed development if transportation facilities sufficient to support the projected transportation demands for state-funded transportation infrastructure exist or are consistent with the transportation element of the local plan developed and approved and listed in the Highway Construction Program or the Consolidated Transportation Program in the Maryland Department of Transportation. The bill also provides that a local jurisdiction may not approve a proposed development if it is projected to result in more than a minimal further degradation of operation of specified roads or highways, based on "levels of service" as provided in a specified federal transportation manual.

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**Fiscal Summary**

**State Effect:** Potential meaningful increase in Transportation Trust Fund expenditures. No effect on revenues.

**Local Effect:** Potential meaningful increase in expenditures. No effect on revenues. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** Potential meaningful.

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**Analysis**

**Current Law:** Article 66B governs zoning and planning in the State. Local planning commissions are required to develop and approve a plan which must be recommended to the local legislative body for adoption and which must serve as a guide to public and private actions and decisions relating to development. The plan, at a minimum, must contain a statement of goals and standards, a land use plan element, a transportation plan element, a community facilities plan element, a mineral resources plan element under specified conditions, recommendations for land development regulations, recommendations for the designation of areas of critical concern, and a sensitive area element.

**Background:** Twelve local jurisdictions currently operate under an Adequate Public Facilities Ordinance (AFPO), which limits growth to the existence of adequate public facilities. Proposed projects are analyzed for adequacy of existing facilities on a project-by-project basis. The Maryland Office of Planning is currently examining methods to use computer modeling to address adequate public facility analyses on a larger scale.

The federal Highway Capacity Manual includes several levels of service that relate to traffic movements. Levels of service are generally higher, or better, in less congested areas such as rural areas. Areas with congestion have lower levels of service. This bill limits growth to areas with higher levels of service, or more rural, less congested areas.

**State Expenditures:** The Maryland Department of Transportation currently reviews traffic reports completed as a result of AFPOs to determine the effect that proposed developments will have on State highways. The additional workload created as a result of this bill could be handled with existing resources. However, to the extent that developments proposed in areas with inadequate State highway facilities require additional improvements to be made to the State highway system, special fund expenditures could increase. Any such improvements cannot be predicted at this time. As a result, any increase in Transportation Trust Fund expenditures for highway improvements cannot be reliably estimated.

**Local Fiscal Effect:** The bill would likely result in an increase in local expenditures to analyze the adequacy of public facilities and levels of service before development permits may be issued. The bill could also result in the delay or prohibition of projects within areas where adequate public facilities or levels of service do not exist. Because the bill ties proposed developments to state-funded transportation infrastructure, local jurisdictions will have little control over what improvements can be made and, therefore, which projects move forward. The bill could also, in many instances, result in increased pressure for local funding of improvements so that projects can be permitted. Any fiscal effect cannot be quantified at this time, but could be potentially significant, especially for local jurisdictions in urban areas and local jurisdictions that do not already have a similar AFPO in place.

**Small Business Effect:** Small businesses wishing to locate in areas without adequate public

facilities or levels of service could be denied a zoning or building permit. Because levels of service are generally higher in rural areas and lower in more congested areas, small businesses involved with the establishment of proposed developments in urban areas could be prohibited from developing in those areas.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Transportation, Maryland Office of Planning, Anne Arundel and Prince George's counties, Department of Legislative Services

**Fiscal Note History:** First Reader - February 24, 2000  
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