
By: **Delegates Sher, Hurson, Hubbard, Stern, and Bronrott**
Introduced and read first time: February 8, 2002
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the inclusion of certain land use and community
5 facilities plan elements in certain local comprehensive plans; requiring that
6 certain demands projected in the land use element of certain comprehensive
7 plans be within, and planned with due regard to, certain capacities for certain
8 transportation and community facilities; requiring that certain facilities in the
9 transportation element of certain comprehensive plans be consistent with a
10 certain plan; allowing certain applications for certain developments to be
11 approved only if certain transportation facilities exist or are consistent with
12 certain programs; allowing the approval of certain standards and developments
13 under certain circumstances; requiring local jurisdictions to report certain
14 approvals to the Secretary of Transportation; requiring the Secretary to report
15 on certain matters regarding the Consolidated Transportation Program to the
16 General Assembly; applying this Act to all local jurisdictions, including charter
17 counties; providing for the application of this Act; and generally relating to
18 growth management and adequacy of transportation and community facilities.

19 BY repealing and reenacting, with amendments,
20 Article 66B - Land Use
21 Section 1.02
22 Annotated Code of Maryland
23 (1998 Replacement Volume and 2001 Supplement)
24 (As enacted by Chapter 337 of the Acts of the General Assembly of 2001)

25 BY repealing and reenacting, with amendments,
26 Article 66B - Land Use
27 Section 1.03(a) and (d), 2.13, and 3.05(a)(4) and (5)
28 Annotated Code of Maryland
29 (1998 Replacement Volume and 2001 Supplement)

30 BY adding to
31 Article 66B - Land Use

1 Section 10.02
2 Annotated Code of Maryland
3 (1998 Replacement Volume and 2001 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Transportation
6 Section 2-103.1(c)(3)(v) and (vi)
7 Annotated Code of Maryland
8 (2001 Replacement Volume)

9 BY adding to
10 Article - Transportation
11 Section 2-103.1(c)(3)(vi) and (vii)
12 Annotated Code of Maryland
13 (2001 Replacement Volume)

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

16 **Article 66B - Land Use**

17 1.02.

18 (a) Except as provided in this section, this article does not apply to charter
19 counties.

20 (b) The following sections of this article apply to a charter county:

- 21 (1) § 1.00(j) (Definition of "sensitive areas");
22 (2) § 1.01 (Visions);
23 (3) § 1.03 (Charter county - Comprehensive plans);
24 (4) § 4.01(b)(2) (Regulation of bicycle parking);
25 (5) § 5.03(d) (Easements for burial sites);
26 (6) § 7.02 (Civil penalty for zoning violation);
27 (7) § 10.01 (Adequate Public Facilities Ordinances);
28 (8) § 10.02 (TRANSPORTATION AND COMMUNITY FACILITIES);
29 (9) § 11.01 (Transfer of Development Rights);
30 [(9)] (10) § 12.01 (Inclusionary Zoning);

1 [(10)] (11) Except in Montgomery County or Prince George's County, §
2 13.01 (Development Rights and Responsibilities Agreements); and

3 [(11)] (12) For Baltimore County only, § 14.02.

4 (c) This section supersedes any inconsistent provision of Article 28 of the
5 Code.

6 1.03.

7 (a) (1) When developing a comprehensive plan for a charter county, a
8 planning commission shall include:

9 (I) A LAND USE PLAN ELEMENT, WHICH:

10 1. SHALL PROPOSE THE MOST APPROPRIATE AND
11 DESIRABLE PATTERNS FOR THE GENERAL LOCATION, CHARACTER, EXTENT, AND
12 INTERRELATIONSHIP OF THE USES OF PUBLIC AND PRIVATE LAND, ON A SCHEDULE
13 THAT EXTENDS AS FAR INTO THE FUTURE AS IS REASONABLE; AND

14 2. MAY INCLUDE PUBLIC AND PRIVATE, RESIDENTIAL,
15 COMMERCIAL, INDUSTRIAL, AGRICULTURAL, AND RECREATIONAL LAND USES;

16 [(i)] (II) A transportation plan element which shall:

17 1. Propose the most appropriate and desirable patterns for
18 the general location, character, and extent of the channels, routes, and terminals for
19 transportation facilities, CONSISTENT WITH THE MARYLAND TRANSPORTATION PLAN
20 DEVELOPED UNDER § 2-103.1 OF THE TRANSPORTATION ARTICLE WITH RESPECT TO
21 STATE-FUNDED FACILITIES, and for the circulation of persons and goods on a
22 schedule that extends as far into the future as is reasonable;

23 2. Provide for bicycle and pedestrian access and travelways;
24 and

25 3. Include an estimate of the probable utilization of any
26 proposed improvement;

27 (III) A COMMUNITY FACILITIES PLAN ELEMENT, WHICH:

28 1. SHALL PROPOSE THE MOST APPROPRIATE AND
29 DESIRABLE PATTERNS FOR THE GENERAL LOCATION, CHARACTER, AND EXTENT OF
30 PUBLIC AND SEMIPUBLIC BUILDINGS, LAND, AND FACILITIES ON A SCHEDULE THAT
31 EXTENDS AS FAR INTO THE FUTURE AS IS REASONABLE; AND

32 2. MAY INCLUDE PARKS AND RECREATION AREAS, SCHOOLS
33 AND OTHER EDUCATIONAL AND CULTURAL FACILITIES, LIBRARIES, CHURCHES,
34 HOSPITALS, SOCIAL WELFARE AND MEDICAL FACILITIES, INSTITUTIONS, FIRE
35 STATIONS, POLICE STATIONS, JAILS, OR OTHER PUBLIC OFFICE OR ADMINISTRATIVE
36 FACILITIES;

1 [(ii)] (IV) If current geological information is available, a mineral
2 resources plan element that:

3 1. Identifies undeveloped land that should be kept in its
4 undeveloped state until the land can be used to provide or assist in providing a
5 continuous supply of minerals, as defined in § 15-801(i) of the Environment Article;

6 2. Identifies appropriate postexcavation uses for the land
7 that are consistent with the county's land planning process;

8 3. Incorporates land use policies and recommendations for
9 regulations:

10 A. To balance mineral resource extraction with other land
11 uses; and

12 B. To the extent feasible, to prevent the preemption of
13 mineral resources extraction by other uses; and

14 4. Has been reviewed by the Department of the Environment
15 to determine whether the proposed comprehensive plan is consistent with the
16 programs and goals of the Department;

17 [(iii)] (V) An element which contains the planning commission's
18 recommendation for land development regulations to implement the comprehensive
19 plan and which encourages:

20 1. Streamlined review of applications for development,
21 including permit review and subdivision plat review within the areas designated for
22 growth in the comprehensive plan;

23 2. The use of flexible development regulations to promote
24 innovative and cost-saving site design and protect the environment; and

25 3. Economic development in areas designated for growth in
26 the comprehensive plan through the use of innovative techniques; and

27 [(iv)] (VI) A sensitive areas element that contains goals, objectives,
28 principles, policies, and standards designed to protect sensitive areas from the
29 adverse effects of development.

30 (2) EXCEPT FOR SPECIFIC EXCEPTIONS EXPLICITLY APPROVED BY THE
31 LOCAL LEGISLATIVE BODY, THE DEMANDS PROJECTED BY THE LAND USE ELEMENT
32 REQUIRED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION ON TRANSPORTATION
33 INFRASTRUCTURE AND ON PUBLICLY FUNDED COMMUNITY FACILITIES SHALL BE:

34 (I) FULLY WITHIN THE CAPACITY ALLOWED BY THE
35 TRANSPORTATION INFRASTRUCTURE INCLUDED IN PARAGRAPH (1)(II) OF THIS
36 SUBSECTION AND BY THE COMMUNITY FACILITIES INCLUDED IN PARAGRAPH (1)(III)
37 OF THIS SUBSECTION; AND

1 (II) PLANNED WITH DUE REGARD TO THE CAPACITY OF EXISTING
2 AND PLANNED TRANSPORTATION INFRASTRUCTURE IN NEIGHBORING COUNTIES.

3 [(2)] (3) The channels, routes, travelways, and terminals required under
4 paragraph [(1)(i)] (1)(II) of this subsection may include all types of highways or
5 streets, bicycle ways, sidewalks, railways, waterways, airways, routings for mass
6 transit, and terminals for people, goods, and vehicles related to highways, airways,
7 waterways, and railways.

8 [(3)] (4) The mineral resources plan element required under paragraph
9 [(1)(ii)] (1)(IV) of this subsection shall be incorporated in:

10 (i) Any new comprehensive plan adopted after July 1, 1986 for all
11 or any part of a jurisdiction; and

12 (ii) Any amendment or addition that is adopted after July 1, 1986
13 to a comprehensive plan that was in effect on July 1, 1985.

14 (d) On or before July 1, 1997, and subsequently at intervals of not more than
15 6 years which correspond to the comprehensive plan revision under subsection (b) of
16 this section, a charter county shall ensure that the implementation of the provisions
17 of the comprehensive plan that comply with § 1.01 of this article and subsection
18 [(a)(1)(iii) and (iv)] (A)(1)(V) AND (VI) of this section are achieved through the adoption
19 of:

20 (1) Applicable zoning ordinances and regulations;

21 (2) Planned development ordinances and regulations;

22 (3) Subdivision ordinances and regulations; and

23 (4) Other land use ordinances and regulations that are consistent with
24 the comprehensive plan.

25 2.13.

26 (a) Except as provided in subsection (b) of this section, §§ 3.01 through 8.15 of
27 this article do not apply in Baltimore City.

28 (b) The following sections of this article apply to Baltimore City:

29 (1) § 1.00(j) (Definition of "sensitive areas");

30 (2) § 1.01 (Visions);

31 (3) § 1.03 (Charter county - Comprehensive plans);

32 (4) § 4.01(b)(2) (Regulation of bicycle parking);

33 (5) § 5.03(d) (Easements for burial sites);

- 1 (6) § 7.02 (Civil penalty for zoning violation);
2 (7) § 10.01 (Adequate Public Facilities Ordinances);
3 (8) § 10.02 (TRANSPORTATION AND COMMUNITY FACILITIES);
4 (9) § 11.01 (Transfer of Development Rights);
5 [(9)] (10) § 12.01 (Inclusionary Zoning); and
6 [(10)] (11) § 13.01 (Development Rights and Responsibilities Agreements).
7 3.05.

8 (a) (4) The plan shall contain at a minimum the following elements:

9 (i) A statement of goals and objectives, principles, policies, and
10 standards, which shall serve as a guide for the development and economic and social
11 well-being of the local jurisdiction;

12 (ii) A land use plan element, which:

13 1. Shall propose the most appropriate and desirable patterns
14 for the general location, character, extent, and interrelationship of the uses of public
15 and private land, on a schedule that extends as far into the future as is reasonable;
16 and

17 2. May include public and private, residential, commercial,
18 industrial, agricultural, and recreational land uses;

19 (iii) A transportation plan element which shall:

20 1. Propose the most appropriate and desirable patterns for
21 the general location, character, and extent of the channels, routes, and terminals for
22 transportation facilities, CONSISTENT WITH THE MARYLAND TRANSPORTATION PLAN
23 DEVELOPED UNDER § 2-103.1 OF THE TRANSPORTATION ARTICLE WITH RESPECT TO
24 STATE-FUNDED FACILITIES, and for the circulation of persons and goods on a
25 schedule that extends as far into the future as is reasonable;

26 2. Provide for bicycle and pedestrian access and travelways;
27 and

28 3. Include an estimate of the probable utilization of any
29 proposed improvement;

30 (iv) A community facilities plan element, which:

31 1. Shall propose the most appropriate and desirable patterns
32 for the general location, character, and extent of public and semipublic buildings,
33 land, and facilities on a schedule that extends as far into the future as is reasonable;
34 and

1 (5) (I) EXCEPT FOR SPECIFIC EXCEPTIONS EXPLICITLY APPROVED BY
2 THE LOCAL LEGISLATIVE BODY, THE DEMANDS PROJECTED BY THE LAND USE
3 ELEMENT ON TRANSPORTATION INFRASTRUCTURE AND ON PUBLICLY FUNDED
4 COMMUNITY FACILITIES SHALL BE:

5 1. FULLY WITHIN THE CAPACITY ALLOWED BY THE
6 TRANSPORTATION INFRASTRUCTURE INCLUDED IN PARAGRAPH (4)(III) OF THIS
7 SUBSECTION AND BY THE COMMUNITY FACILITIES INCLUDED IN PARAGRAPH (4)(IV)
8 OF THIS SUBSECTION; AND

9 2. PLANNED WITH DUE REGARD TO THE CAPACITY OF
10 EXISTING AND PLANNED TRANSPORTATION INFRASTRUCTURE IN NEIGHBORING
11 COUNTIES.

12 [(i)] (II) The transportation element may include all types of
13 highways and streets, bicycle ways, sidewalks, railways, waterways, airways,
14 routings for mass transit, and terminals for people, goods, and vehicles related to
15 highways, airways, waterways, and railways.

16 [(ii)] (III) The mineral resources plan element shall be incorporated
17 in:

18 1. Any new plan adopted after July 1, 1986 for all or any part
19 of a local jurisdiction; and

20 2. Any amendment or addition that is adopted after July 1,
21 1986 to a plan that was in effect on July 1, 1985.

22 10.02.

23 (A) (1) THE PROVISIONS OF THIS SECTION APPLY TO AN IMPROVEMENT TO
24 LAND OR A CHANGE TO AN IMPROVEMENT THAT WOULD GENERATE MORE THAN 50
25 ADDITIONAL ONE-WAY VEHICLE TRIPS PER DAY.

26 (2) A DEVELOPMENT PROJECT MAY NOT BE DIVIDED INTO SEGMENTED
27 APPLICATIONS THAT INDIVIDUALLY WOULD:

28 (I) GENERATE FEWER VEHICLE TRIPS PER DAY THAN PROVIDED
29 UNDER PARAGRAPH (1) OF THIS SUBSECTION; OR

30 (II) OTHERWISE HAVE THE EFFECT OF PRECLUDING A
31 COMPREHENSIVE EVALUATION OF THE ENTIRE PROJECT.

32 (B) IN THIS SECTION, LEVELS OF SERVICE ARE THOSE PROVIDED IN THE
33 "HIGHWAY CAPACITY MANUAL", SPECIAL REPORT 209 OF THE TRANSPORTATION
34 RESEARCH BOARD OF THE NATIONAL ACADEMY OF SCIENCES, AS AMENDED.

35 (C) A LOCAL JURISDICTION MAY ONLY APPROVE AN APPLICATION FOR
36 DEVELOPMENT IF TRANSPORTATION FACILITIES SUFFICIENT TO SUPPORT THE
37 TRANSPORTATION DEMANDS FOR STATE-FUNDED TRANSPORTATION

1 INFRASTRUCTURE THAT ARE PROJECTED TO OCCUR IN THAT OR ANY OTHER
2 COUNTY BECAUSE OF THE PROPOSED DEVELOPMENT:

3 (1) EXIST; OR

4 (2) ARE CONSISTENT WITH THE TRANSPORTATION ELEMENT
5 DEVELOPED AND APPROVED UNDER § 1.03(A)(1)(II) OR § 3.05(A)(1)(II) OF THIS ARTICLE,
6 AS APPROPRIATE, AND ARE:

7 (I) LISTED IN:

8 1. THE HIGHWAY CONSTRUCTION PROGRAM PREPARED
9 UNDER § 8-613 OF THE TRANSPORTATION ARTICLE FOR EACH AFFECTED COUNTY; OR

10 2. THE CONSOLIDATED TRANSPORTATION PROGRAM UNDER
11 § 2-103.1 OF THE TRANSPORTATION ARTICLE; OR

12 (II) FOR DEVELOPMENT PROPOSED TO OCCUR AT LEAST 6 YEARS IN
13 THE FUTURE, DETERMINED BY THE SECRETARY OF TRANSPORTATION TO BE
14 REASONABLY FORESEEABLE TO BE IN PLACE AND CONSISTENT WITH THE
15 MARYLAND TRANSPORTATION PLAN UNDER § 2-103.1 OF THE TRANSPORTATION
16 ARTICLE.

17 (D) FOR PURPOSES OF PROJECTION UNDER SUBSECTION (C) OF THIS
18 SECTION, A PROJECTION SHALL INCLUDE ANY PORTION OF STATE-FUNDED
19 INFRASTRUCTURE THAT, IN CONSIDERATION OF THE SIZE, DISTANCE FROM
20 TRANSPORTATION FACILITIES, AND OTHER RELEVANT ATTRIBUTES OF THE
21 PROPOSED DEVELOPMENT, MAY REASONABLY BE EXPECTED TO BE AFFECTED BY
22 THE PROPOSED DEVELOPMENT AND FOR WHICH THE CAPACITY OF THAT
23 INFRASTRUCTURE MAY NOT BE SUFFICIENT TO MEET THE DEMANDS CREATED BY
24 THE DEVELOPMENT.

25 (E) (1) EXCEPT AS PROVIDED IN SUBSECTIONS (F) AND (G) OF THIS SECTION,
26 FOR PURPOSES OF THIS SECTION, A TRANSPORTATION FACILITY THAT IS A ROAD OR
27 HIGHWAY IS SUFFICIENT IF IT IS PROJECTED TO:

28 (I) OPERATE FOR THE NEXT 10 YEARS AT A LEVEL OF SERVICE OF
29 D OR BETTER AT ALL HOURS; OR

30 (II) MEET AN ALTERNATIVE STANDARD THAT THE DEPARTMENT OF
31 TRANSPORTATION DETERMINES SHALL PROVIDE THE SAME OR LESSER LEVEL OF
32 CONGESTION.

33 (2) A PROJECTION UNDER THIS SUBSECTION SHALL FULLY
34 INCORPORATE PROJECTIONS OF:

35 (I) DEMAND TO BE:

1 1. DIVERTED TO OTHER TRANSPORTATION MODES
2 THROUGH INCREASING THE LEVEL AND AVAILABILITY OF PUBLIC
3 TRANSPORTATION; OR

4 2. REDUCED BY DEMAND REDUCTION MEASURES; AND

5 (II) CAPACITY TO BE INCREASED BY IMPROVED SIGNALIZATION
6 AND OTHER MEASURES.

7 (F) NOTWITHSTANDING SUBSECTIONS (C) AND (E) OF THIS SECTION, A LOCAL
8 JURISDICTION MAY APPROVE A PROPOSED DEVELOPMENT IF THE DEMANDS
9 CREATED BY THE PROPOSED DEVELOPMENT ARE PROJECTED TO RESULT IN NOT
10 MORE THAN A MINIMAL FURTHER DEGRADATION OF OPERATION OF STATE-FUNDED
11 INFRASTRUCTURE.

12 (G) (1) THIS SUBSECTION APPLIES TO PROPOSED DEVELOPMENT LOCATED
13 IN A PRIORITY FUNDING AREA UNDER TITLE 5, SUBTITLE 7B OF THE STATE FINANCE
14 AND PROCUREMENT ARTICLE.

15 (2) A LOCAL JURISDICTION MAY ADOPT A LOWER SUFFICIENCY
16 STANDARD THAN THE STANDARD UNDER SUBSECTION (E) OF THIS SECTION, IF THE
17 LOCAL LEGISLATIVE BODY FINDS THAT THE LOWER STANDARD IS IN THE OVERALL
18 PUBLIC INTEREST.

19 (3) NOTWITHSTANDING SUBSECTIONS (C) AND (E) OF THIS SECTION, A
20 LOCAL JURISDICTION THAT HAS NOT ADOPTED A LOWER SUFFICIENCY STANDARD
21 UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY APPROVE AN INDIVIDUAL
22 APPLICATION FOR DEVELOPMENT THAT FAILS TO COMPLY WITH THE STANDARD
23 UNDER SUBSECTION (C) OF THIS SECTION, IF THE LOCAL LEGISLATIVE BODY FINDS
24 THAT THE DEVELOPMENT IS IN THE OVERALL PUBLIC INTEREST.

25 (4) THE OVERALL PUBLIC INTEREST UNDER THIS SUBSECTION MAY
26 INCLUDE MITIGATION OF REGIONAL TRANSPORTATION CONGESTION BY LOCATING
27 APPROPRIATE DEVELOPMENT NEAR MASS TRANSIT OR RAIL FACILITIES.

28 (5) EACH APPROVAL OF A STANDARD OR OF A PROPOSED DEVELOPMENT
29 UNDER THIS SUBSECTION SHALL INCORPORATE REASONABLE MEASURES TO
30 MINIMIZE AND MITIGATE CONGESTION IMPACTS DUE TO DEVELOPMENT.

31 (6) THE LOCAL JURISDICTION SHALL REPORT TO THE SECRETARY OF
32 TRANSPORTATION ANY APPROVAL OF A STANDARD OR OF A PROPOSED
33 DEVELOPMENT GRANTED UNDER THIS SUBSECTION THAT DOES NOT COMPLY WITH
34 THE STANDARD UNDER SUBSECTION (E) OF THIS SECTION.

35 (H) (1) THE SECRETARY OF TRANSPORTATION SHALL INCLUDE THE
36 DETERMINATIONS MADE UNDER SUBSECTION (C)(2)(II) OF THIS SECTION IN THE
37 REPORT ON THE CONSOLIDATED TRANSPORTATION PROGRAM UNDER §
38 2-103.1(C)(3)(VI) OF THE TRANSPORTATION ARTICLE.

1 (2) A DETERMINATION MAY NOT BE CONSTRUED AS A COMMITMENT BY
 2 THE SECRETARY TO ADVANCE THE AFFECTED TRANSPORTATION FACILITY TO A
 3 FUTURE CONSOLIDATED TRANSPORTATION PROGRAM.

4 (3) AN APPROVAL BY A LOCAL JURISDICTION OF A TRANSPORTATION
 5 FACILITY UNDER SUBSECTION (C) OF THIS SECTION IS NOT SUBJECT TO
 6 ADVANCEMENT OF THE FACILITY TO A FUTURE CONSOLIDATED TRANSPORTATION
 7 PROGRAM AS A CONDITION OF APPROVAL, UNLESS THE LOCAL JURISDICTION
 8 IMPOSES THAT CONDITION ON THE APPROVAL.

9 (I) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT THE
 10 AUTHORITY OF A LOCAL JURISDICTION TO ADOPT:

11 (1) STRICTER SUFFICIENCY STANDARDS THAN ARE IMPOSED BY THIS
 12 SECTION; OR

13 (2) ANY OTHER ADEQUATE PUBLIC FACILITIES ORDINANCE OR
 14 REGULATION THAT IS NOT INCONSISTENT WITH THIS SECTION.

15 **Article - Transportation**

16 2-103.1.

17 (c) (3) Annually, the Consolidated Transportation Program shall include a
 18 report that:

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

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

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

24 (VI) IDENTIFIES EACH APPLICATION FOR DEVELOPMENT IN A
 25 PRIORITY FUNDING AREA APPROVED BY A LOCAL JURISDICTION UNDER ARTICLE
 26 66B, § 10.02(F) OF THE CODE, FOR WHICH THE LOCAL JURISDICTION HAS ADVISED
 27 THE DEPARTMENT THAT THE STANDARDS OF ARTICLE 66B, § 10.02(D) WILL NOT BE
 28 MET AND INCLUDES A BRIEF DISCUSSION OF THE CONCEPT AND COST OF FEASIBLE
 29 CAPITAL IMPROVEMENTS AND OTHER MEASURES, INCLUDING IMPROVED
 30 SIGNALIZATION AND AVAILABILITY OF PUBLIC TRANSPORTATION, THAT MAY
 31 MITIGATE CONGESTION ON STATE-FUNDED INFRASTRUCTURE IMPACTED BY THE
 32 DEVELOPMENT, WHICH MEASURES SHOULD BE CONSIDERED FOR INCLUSION IN
 33 LATER REVISIONS OF THE CONSOLIDATED TRANSPORTATION PROGRAM;

34 (VII) IDENTIFIES PROJECTS THAT THE SECRETARY HAS
 35 DETERMINED TO BE REASONABLY FORESEEABLE, ALLOWING A LOCAL
 36 JURISDICTION TO APPROVE AN APPLICATION FOR DEVELOPMENT UNDER ARTICLE
 37 66B, § 10.02(B)(2)(II) OF THE CODE, WHICH PROJECTS SHOULD BE CONSIDERED FOR
 38 INCLUSION IN LATER REVISIONS OF THE CONSOLIDATED TRANSPORTATION

1 PROGRAM, BUT ARE NOT CONSIDERED COMMITTED FOR INCLUSION ON ACCOUNT OF
2 THE SECRETARY'S DETERMINATION; AND

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
7 construed to apply only prospectively and may not be applied or interpreted to have
8 any effect on or application to any local comprehensive plan, master plan, sector plan,
9 or implementing ordinance or policy, or to any State development policy, the
10 development, implementation, enactment, or amendment of which begins before the
11 effective date of this Act.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2002.