

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 398  
Ways and Means

(Montgomery County Delegation)

Budget and Taxation

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**Montgomery County - Highway Project Funding - Restrictions**  
**MC 309-03**

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This bill alters a provision of law that prohibits the Maryland Department of Transportation (MDOT) from spending further funds to construct a new highway for the Rockville Facility project in Montgomery County. It specifies that MDOT may not spend funds to construct a new highway, arterial, freeway, or expressway in the lands between Viers Mill Road and Northwest Branch, including the Matthew Henson State Park.

The bill also changes the current provision that allows construction of grade intersections and railroad crossings in the right-of-way designated as the Rockville Facility to specify that roadway crossings or a hiker/biker trail in the lands between Viers Mill Road and Northwest Branch are permitted.

The bill would become effective July 1, 2003.

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**Fiscal Summary**

**State Effect:** Unknown. The State's six-year Consolidated Transportation Program (CTP) includes improvement projects in the defined area that are not likely to be affected. However, the amount of State funds that could be spent on a project as permitted under the bill cannot be determined at this time.

**Local Effect:** Potential decrease in local expenditures if State funds become available for projects outside the area defined by the bill.

**Small Business Effect:** None.

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## Analysis

**Current Law:** State law directs the State Highway Administration (SHA) to construct and repair highways as necessary but bars MDOT from spending funds to construct a new highway, arterial freeway, or expressway in the right-of-way reserved for the Rockville Facility. The law does permit improvements for grade intersections and railroad crossings in the facility right-of-way; planning for improvements is underway.

**Background:** In 1984, the General Assembly approved legislation (Chapter 447) that prohibited MDOT from using State funds to construct any new highway in the Rockville Facility right-of-way located between Parklawn Drive and Veirs Mill Road or on the south side of Montrose Road bordering the Old Farm and Tilden Woods subdivisions. According to SHA, the Rockville Facility was considered as a potential route between the Intercounty Connector (ICC) and I-270 as part of a 1983 study of the ICC. The facility, which was only defined by broad study areas, was rejected due to environmental concerns and because it did not meet the project's needs. SHA advises that much of the rights-of-way have been acquired by the State; legislation (HB 417) that would bar the State from selling the rights-of-way during the 1999 session was proposed and later withdrawn.

The Montgomery County Department of Public Works advises that some of the concerns regarding construction of the Montrose Parkway in the right-of-way have been addressed. Montrose Parkway West will extend from I-270 to Old Georgetown Road and Montrose Parkway East will extend from Old Georgetown Road to Veirs Mill Road.

**State Expenditures:** The bill changes the geographic area in which the State cannot spend money for highway or arterial construction. The difference between the defined area and the area considered the Rockville Facility cannot be completely delineated or measured because the boundaries of the facility were not firmly established. However, the newly defined area does extend further east than the original area and eliminates the area in which the Montrose Parkway is being constructed. The bill would therefore allow State funds to be used for the Montrose Parkway project, which is funded by the county.

The CTP contains a few improvement projects that will be located near or in the area between Veirs Mill Road and Northwest Branch, including a design of interchange improvements at Randolph Road that is underway. SHA advises that it does not expect the bill to interfere with this project or with any potential expenditure related to the ICC.

**Local Expenditures:** The Montgomery County Council approved the construction of Montrose Parkway West, which is estimated to cost \$61.8 million, inclusive of funds that have been spent on planning studies. Preliminary planning is underway for Montrose Parkway East.

## Additional Information

**Prior Introductions:** A similar bill was proposed prior to the 2002 session. It was considered at a delegation hearing but was not introduced as legislation during the session.

**Cross File:** None.

**Information Source(s):** Montgomery County, Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2003  
mdf/cer Revised - House Third Reader - March 28, 2003

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