

Department of Legislative Services

Maryland General Assembly

2003 Session

FISCAL AND POLICY NOTE

Revised

House Bill 399

(Montgomery County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

Montgomery County - Matthew Henson State Park – Expansion

MC 305-03

This bill expands the boundaries of Matthew Henson State Park and, in order to further the construction of a hiker/biker trail in the park, provides for the transfer of specified parcels of land from the State Highway Administration (SHA) to the Maryland-National Capital Park and Planning Commission (M-NCPPC). Montgomery County may not issue a sediment control permit for new construction within a specified portion of one of those parcels except under specified conditions. The bill also directs the Department of Natural Resources (DNR) to enter into an agreement with M-NCPPC to allow M-NCPPC park police officers to exercise police jurisdiction within the park.

Fiscal Summary

State Effect: The market value of the parcels is estimated at \$5.5 million; to the extent M-NCPPC pays anything less than market value, Transportation Trust Fund (TTF) revenues would decrease over the next few years as a result of foregone revenue.

Local Effect: M-NCPPC expenditures would increase to the extent M-NCPPC pays SHA for the parcels transferred under the bill. Because M-NCPPC already operates the park, the transfer of additional lands into the park should not result in a significant increase in administrative expenditures. To the extent that the proposed trail is built as a result of this bill, however, local expenditures would presumably increase to develop, construct, and maintain the trail.

Small Business Effect: Minimal or none.

Analysis

Current Law: Chapter 477 of 1996 provided that a hiker/biker or other recreational trail may be constructed within Matthew Henson State Park, provided that specified State lands were transferred to the park. Prior to the construction of a hiker/biker or other recreational trail, DNR or other appropriate governmental agency must: (1) review all studies concerning the environmental impact and trail alignment options prepared for the Montgomery County Parks Commission; (2) determine that construction is consistent with the environmentally sensitive nature of the park and is in the public interest; and (3) obtain the approval of the Montgomery County Parks Commission, the Montgomery County Council, and the County Executive.

Background: Matthew Henson State Park is a 100-acre park located in Montgomery County. It has been leased to the county to operate for a period of 20 years with two 10-year renewable terms. M-NCPPC operates the park for the county. In accordance with the terms of the lease, the county must submit any proposed construction to DNR. This is then put into the existing environmental review process for feasibility and environmental impact.

State Revenues: According to the Maryland Department of Transportation (MDOT), the bill requires the transfer of approximately 37 acres from SHA to M-NCPPC. MDOT estimates the market value of those parcels at approximately \$5.5 million. SHA advises that once it is determined that land owned by SHA is no longer needed for rights-of-way, SHA sells the land. Revenues from the sale of surplus land are paid into the TTF. SHA advises that in the absence of the bill, all the parcels affected by the bill would likely be sold within the next few years. Under the bill, however, SHA would transfer the parcels to M-NCPPC. Because negotiations between M-NCPPC and SHA regarding the transfer cannot be predicted, a reliable estimate of the bill's impact on State finances cannot be predicted. While M-NCPPC would presumably pay some amount for the parcels, the price would most likely be less than market value (\$5.5 million). Accordingly, TTF revenues would decrease by the difference between the market value of the parcels and the price paid by M-NCPPC, which could be significant.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation, Department of Natural Resources, Maryland-National Capital Park and Planning Commission, Montgomery County, Department of Legislative Services

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