

HOUSE BILL 1416

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By: **Delegates Stein, Ali, Barnes, Bobo, Bromwell, Cane, Carter, V. Clagett, Frush, Gutierrez, Healey, Holmes, Hubbard, Hucker, Kaiser, Kipke, Lafferty, Malone, McConkey, Mizeur, Montgomery, Niemann, Olszewski, Pena-Melnyk, Schuh, Schuler, Tarrant, and F. Turner**

Introduced and read first time: February 8, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Intercounty Connector - Impact on Global Warming - Study**

3 FOR the purpose of requiring the Maryland Department of Transportation and the
4 Department of the Environment to conduct a certain study on the impact the
5 Intercounty Connector could have on certain greenhouse gas emissions;
6 requiring the study to quantify certain costs attributable to the Intercounty
7 Connector; requiring a certain public comment period; requiring the publication
8 and submission of the study to the Governor and to the General Assembly;
9 prohibiting the financing of the Intercounty Connector by the State until the
10 requirements of this Act have been met; and generally relating to the
11 Intercounty Connector.

12 Preamble

13 WHEREAS, The Governor and the General Assembly have declared their
14 collective intent through legislation and executive statements and action to reduce the
15 State's greenhouse gas emissions in order to protect public health, the economy, and
16 ecosystems such as the Chesapeake Bay; and

17 WHEREAS, The Maryland Climate Commission appointed by the Governor
18 propose reducing statewide greenhouse gas emissions by at least 25 percent below
19 2006 levels by 2020, and by at least 90 percent below 2006 levels by 2050; and

20 WHEREAS, The greenhouse gas emissions reductions proposed by the Climate
21 Commission are based on a large and growing body of scientific evidence that indicates
22 that it is necessary to sharply reduce greenhouse gas emissions in order to prevent the
23 most damaging impacts of climate change; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, In 2004, transportation generated nearly 40 percent of Maryland's
2 greenhouse gas emissions and ranked approximately equal with electricity generation
3 as the largest source of greenhouse gas emissions in the State; and

4 WHEREAS, By 2020 transportation may be the largest source of greenhouse
5 gas emissions in the State due to sharp increases in vehicle miles traveled in the
6 State; and

7 WHEREAS, Motor vehicle emissions of greenhouse gases generally correlate
8 closely to vehicle miles traveled; and

9 WHEREAS, Reducing vehicle miles traveled has been identified as essential to
10 reducing Maryland's greenhouse gas emissions efficiently; and

11 WHEREAS, The State Highway Administration, the Maryland Transportation
12 Authority, and the Federal Highway Administration found in the 2006 Final
13 Environmental Impact Statement (EIS) that the Intercounty Connector (ICC) would
14 induce an additional 700 million vehicle miles traveled per year by 2030; and

15 WHEREAS, The State Highway Administration, the Maryland Transportation
16 Authority, and the Federal Highway Administration also estimated that the increased
17 vehicle miles traveled that will be attributable to the ICC equals approximately a 20
18 percent increase in the annual vehicle miles traveled on roads and highways within
19 the ICC Study Area, which covers much of Montgomery County and a portion of
20 northwestern Prince George's County, above the estimated vehicle miles traveled
21 without the ICC; and

22 WHEREAS, In 2007, the Metropolitan Washington Council of Governments
23 found that even if Maryland's Clean Cars standards or the 35 miles-per-gallon fuel
24 efficiency standards recently approved by the United States Congress were fully
25 implemented throughout the Washington, D.C., region, increases in vehicle miles
26 traveled would cause motor vehicle emissions of greenhouse gases to be higher in 2030
27 than in 2006, which is the baseline year for emissions reductions proposals by the
28 Climate Commission; and

29 WHEREAS, The State Highway Administration, the Maryland Transportation
30 Authority, and the Federal Highway Administration estimated in the 2006 EIS that
31 the ICC would induce 5,000 acres of new development beyond the growth programmed
32 in the comprehensive plans of Montgomery County, Prince George's County, Frederick
33 County, Howard County, and other jurisdictions; and

34 WHEREAS, Land use experts familiar with the ICC Study Area have predicted
35 that the ICC could induce 20,000 acres of new development, beyond the growth
36 currently planned for in the region's county comprehensive plans; and

37 WHEREAS, Most of the new development induced by the ICC is likely to be
38 suburban sprawl in outlying areas and in green fields that are remote from public

1 transportation and other basic services and infrastructure, thereby increasing the
2 costs to the State and to local governments; and

3 WHEREAS, The projected increase of 700 million vehicle miles traveled
4 triggered by the ICC excludes the large increases in vehicle miles traveled that would
5 be generated by the new growth; and

6 WHEREAS, Farmland, forests, and wetlands sequester carbon; and

7 WHEREAS, The ICC would directly destroy approximately 700 acres of forest,
8 substantial acreages of wetlands, and hundreds of acres of farmland rated to be prime,
9 unique, or of State or local value, and would, through thousands of acres of induced
10 growth, indirectly damage even more acres of forest, wetlands, and farmland; and

11 WHEREAS, Despite the aforementioned facts, the 2006 EIS for the ICC
12 contains no analysis of the direct, indirect, or cumulative greenhouse gas impacts of
13 the ICC; and

14 WHEREAS, The 2006 EIS for the ICC also contains no analysis of the
15 cumulative impacts of climate change and rising temperatures on the communities,
16 public health, and ecosystems threatened by the ICC; and

17 WHEREAS, The Maryland Department of Transportation estimated in 2004
18 that constructing the ICC would cost \$2.4 billion, not including interest on nearly \$2
19 billion in debt that the Department and the Authority plan to issue to finance the ICC;
20 and

21 WHEREAS, Interest on the nearly \$2 billion in ICC-related debt is projected to
22 cost approximately \$700 million, raising the cost of the ICC project to over \$3 billion
23 based on the 2004 cost estimate by the Maryland Department of Transportation; and

24 WHEREAS, The Federal Highway Administration estimates that highway
25 construction costs have increased by roughly 40 to 50 percent since January 2005; and

26 WHEREAS, Federal revenues have fallen so far short of projections that the
27 United States Department of Transportation has rescinded more than \$130 million in
28 transportation aid from Maryland since the beginning of fiscal year 2006, and is
29 expected to rescind another \$70 million from Maryland before fiscal year 2009; and

30 WHEREAS, Spending billions of dollars on constructing the ICC would
31 undermine the State's ability to invest in transportation projects and programs that
32 would help reduce projected vehicle miles traveled and greenhouse gas emissions; now,
33 therefore,

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
35 MARYLAND, That:

1 (a) The Maryland Department of Transportation and the Department of the
2 Environment shall jointly study the potential direct and indirect impact that the
3 Intercounty Connector, as defined in § 4–321 of the Transportation Article, could have
4 on greenhouse gas emissions in the State.

5 (b) The study required under subsection (a) of this section shall:

6 (1) quantify the projected direct and indirect greenhouse gas
7 emissions generated by:

8 (i) motor vehicles traveling the Intercounty Connector and
9 other roads within the ICC Study Area;

10 (ii) increased vehicle miles traveled attributable to the
11 Intercounty Connector through induced growth and travel;

12 (iii) the destruction of forests, wetlands, farmland, and other
13 carbon-sequestering land uses for the construction of the Intercounty Connector; and

14 (iv) the anticipated growth in development attributable to the
15 Intercounty Connector within the ICC Study Area;

16 (2) assess the cumulative impacts on natural resources and public
17 health within the ICC Study Area that would be attributable to the Intercounty
18 Connector;

19 (3) evaluate the impact of the Intercounty Connector on the State's
20 ability to meet the proposed greenhouse gas emissions reduction goals set forth in the
21 Climate Commission; and

22 (4) quantify the costs of mitigating the impacts identified in this
23 subsection.

24 (c) The Maryland Department of Transportation and the Department of the
25 Environment shall:

26 (1) publish the results of the study required by this section;

27 (2) establish a public comment period of no less than 45 days;

28 (3) hold at least one public hearing during the public comment period
29 to accept written comments from the public; and

30 (4) following the public comment period, but before December 1, 2008,
31 submit any findings to the Governor and, in accordance with § 2–1246 of the State
32 Government Article, the General Assembly.

1 (d) Notwithstanding any other provision of law, the State may not issue any
2 debt or expend any funds from any source for the Intercounty Connector until the
3 requirements of this section have been met.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2008.