

CHAPTER 123

(House Bill 373)

AN ACT concerning

Maryland Transit Administration – Transit–Oriented Development

FOR the purpose of establishing that the realization of certain transit–oriented development of certain property located near transit stations is a transportation purpose that is essential for the attainment of certain objectives; providing for the construction of certain provisions of this Act; defining certain terms; ~~providing for the construction of this Act~~; declaring the intent of the General Assembly for local governments to coordinate with the Maryland Transit Administration in a certain manner; and generally relating to transit oriented development.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–101 and 7–102
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

Preamble

WHEREAS, In recognition of the role transit plays in reducing highway congestion and greenhouse gas emissions, it is the intent of the General Assembly that land uses surrounding transit stations throughout the State be developed in a manner that is conducive to greater transit ridership and designed to promote transit, walking, and bicycling in addition to the automobile as means of transportation; and

WHEREAS, Households within one–half of a mile of transit service own fewer automobiles than households where transit is not available and people who live near transit are more likely to use transit to commute; and

WHEREAS, Transit–oriented development includes a mix of uses built in a compact form that is oriented to the transit station, streets designed to be safe and pleasant for pedestrians, buildings oriented to the streets, sufficient parking to support transit ridership and commercial land uses, and public open spaces; and

WHEREAS, The State has made a substantial investment in transit that can be leveraged to achieve smart growth outcomes; and

WHEREAS, It is in the interest of the State to support local governments as they exercise their land use authority to develop around planned transit stations in a manner that improves the efficiency and effectiveness of planned transit systems; and

WHEREAS, The support and promotion of transit-oriented development throughout the State is in the interest of the citizens of the State and is a critical component of a high functioning transportation system; now, therefore,

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

Article – Transportation

7–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Administration” means the Maryland Transit Administration.
- (c) “Administrator” means the Maryland Transit Administrator.
- (d) “District” means:
 - (1) The Metropolitan Transit District, consisting of Baltimore City, Baltimore County, Anne Arundel County, and other areas as designated by the Secretary after consultation and coordination with the affected jurisdiction and subject to the provisions of the Washington Metropolitan Transit Authority Compact; and
 - (2) Any area in which railroad service is performed under contract with the Administration or in which railroad facilities are owned by the Administration.
- (e) “Excursion train” means any special event train sponsored or contracted for in connection with the promotion of a public event benefiting the State and its citizens.
- (f) “Light rail transit” means rail transit which is electrically powered and can operate in mixed traffic with automobiles.
- (g) “Private carrier” means any person that renders transit service within the District under an operating permit or license issued by an agency of this State exercising regulatory jurisdiction over transportation of passengers within this State and over persons engaged in that business.
- (h) “Proof of fare payment” means evidence of fare prepayment authorized by the Administration for the use of transit service.

(i) “Railroad company” means any entity engaged in the providing of railroad service under this title.

(j) (1) “Railroad facility” means any facility used in providing railroad services, and includes any one or more or combination of:

(i) Switches, spurs, tracks, structures, terminals, yards, real property, and other facilities useful or designed for use in connection with the transportation of persons or goods by rail; and

(ii) All other appurtenances, including locomotives, cars, vehicles, and other instrumentalities of shipment or carriage, useful or designed for use in connection with the transportation of persons or goods by rail.

(2) “Railroad facility” does not include any transit facility.

(k) “Railroad service” means any service utilizing rail or railroad facilities performed by any common carrier operating under the jurisdiction of the State or federal government as a common carrier and includes any such service performed by the National Railroad Passenger Corporation.

(l) “Transit facility” includes any one or more or combination of tracks, rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking areas, equipment, fixtures, buildings, structures, other real or personal property, and services incidental to or useful or designed for use in connection with the rendering of transit service by any means, including rail, bus, motor vehicle, or other mode of transportation, but does not include any railroad facility.

(M) “TRANSIT-ORIENTED DEVELOPMENT” MEANS A MIX OF PRIVATE OR PUBLIC PARKING FACILITIES, COMMERCIAL AND RESIDENTIAL STRUCTURES, AND USES, IMPROVEMENTS, AND FACILITIES CUSTOMARILY APPURTENANT TO SUCH FACILITIES AND USES, THAT:

(1) IS PART OF A DELIBERATE DEVELOPMENT PLAN OR STRATEGY INVOLVING:

(I) PROPERTY THAT IS ADJACENT TO THE PASSENGER BOARDING AND ALIGHTING LOCATION OF A PLANNED OR EXISTING TRANSIT STATION; OR

(II) PROPERTY, ANY PART OF WHICH IS LOCATED WITHIN ONE-HALF MILE OF THE PASSENGER BOARDING AND ALIGHTING LOCATION OF A PLANNED OR EXISTING TRANSIT STATION;

(2) IS PLANNED TO MAXIMIZE THE USE OF TRANSIT, WALKING, AND BICYCLING BY RESIDENTS AND EMPLOYEES; AND

(3) IS DESIGNATED AS A TRANSIT-ORIENTED DEVELOPMENT BY ~~THE~~:

(I) THE SECRETARY IN CONSULTATION WITH THE SECRETARIES OF BUSINESS AND ECONOMIC DEVELOPMENT, GENERAL SERVICES, HOUSING AND COMMUNITY DEVELOPMENT, THE ENVIRONMENT, AND PLANNING; AND

(II) THE LOCAL GOVERNMENT OR MULTICOUNTY AGENCY WITH LAND USE AND PLANNING RESPONSIBILITY FOR THE RELEVANT AREA.

[(m)] (N) (1) "Transit service" means the transportation of persons and their packages and baggage and of newspapers, express, and mail in regular route, special, or charter service by means of transit facilities between points within the District.

(2) "Transit service" does not include any:

- (i) Taxicab service;**
- (ii) Vanpool operation; or**
- (iii) Railroad service.**

[(n)] (O) (1) "TRANSIT STATION" MEANS ANY FACILITY, THE PRIMARY FUNCTION OF WHICH RELATES TO THE BOARDING AND ALIGHTING OF PASSENGERS FROM TRANSIT VEHICLES.

(2) "TRANSIT STATION" INCLUDES PLATFORMS, SHELTERS, PASSENGER WAITING FACILITIES, PARKING AREAS, ACCESS ROADWAYS, AND OTHER REAL PROPERTY USED TO FACILITATE PASSENGER ACCESS TO TRANSIT SERVICE OR RAILROAD SERVICE.

(P) "Transit vehicle" means a mobile device used in rendering transit service.

7-102.

(a) (1) The development of improved and expanded railroad facilities, railroad services, transit facilities, and transit services operating as a unified and coordinated regional transportation system, [is] AND THE REALIZATION OF TRANSIT-ORIENTED DEVELOPMENT THROUGHOUT THE STATE, REPRESENT

TRANSPORTATION PURPOSES THAT ARE essential for the satisfactory movement of people and goods, the alleviation of present and future traffic congestion, the economic welfare and vitality, and the development of the metropolitan area of Baltimore and other political subdivisions of the State.

(2) THE ESTABLISHMENT OF THE REALIZATION OF TRANSIT-ORIENTED DEVELOPMENT AS A TRANSPORTATION PURPOSE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO:

(I) LIMIT THE AUTHORITY OF LOCAL GOVERNMENTS TO GOVERN LAND USE AS ESTABLISHED UNDER ANY OTHER LAW; OR

(II) GRANT THE STATE OR A DEPARTMENT OF THE STATE ADDITIONAL AUTHORITY TO SUPERSEDE LOCAL LAND USE AND PLANNING AUTHORITY.

(b) It is the policy of this title to create a regional transportation system in the District that will provide compatibility with other contiguous or neighboring systems.

(c) The desired regional transportation system cannot be achieved by the unilateral action of any one political subdivision, but requires action by this State through a State agency that is politically responsive to local needs and will assure that the development of the regional transportation system fosters general development plans for this State, the region, and the local development plans of the participating political subdivisions.

~~SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to:~~

~~(1) limit the authority of local governments to govern land use as established under any other law; or~~

~~(2) grant the State or a department of the State additional authority to supersede local land use and planning authority.~~

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that in order for areas with planned transit stations to be considered for designation as a transit-oriented development, local governments shall coordinate with the Maryland Transit Administration on land-use planning elements such as right-of-way preservation; density; pedestrian, bicycle, bus, and automobile access; project financing mechanisms; and other critical design elements.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

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MARTIN O'MALLEY, Governor

Approved by the Governor, April 24, 2008.