

# SENATE BILL 539

M3  
SB 254/99 – EEA

9lr1390  
CF 9lr2794

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By: **Senators Frosh, Conway, Gladden, Harrington, Lenett, Madaleno, Pinsky,  
and Rosapepe**

Introduced and read first time: February 5, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Driver Relief Act of 2009**

3 FOR the purpose of requiring certain plans and programs to provide for air quality  
4 improvement by attaining a certain performance objective of reducing statewide  
5 vehicle miles traveled (VMT) per capita; requiring a certain schedule for  
6 reducing VMT; providing for the review of certain projects for certain purposes;  
7 allowing the adoption of certain regulations; and generally relating to air  
8 quality and transportation planning.

9 BY repealing and reenacting, with amendments,  
10 Article – Environment  
11 Section 2–303.2  
12 Annotated Code of Maryland  
13 (2007 Replacement Volume and 2008 Supplement)

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

16 **Article – Environment**

17 2–303.2.

18 (A) In any program implementing the reduction of vehicle miles traveled  
19 (VMT) as a part of the State’s compliance with the federal Clean Air Act the  
20 Department shall include provisions to allow, both within Maryland and among  
21 Maryland and adjoining states:

22 (1) The averaging of reductions in [vehicle miles traveled] **VMT**  
23 between different worksites of the same employer;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2) The averaging of reductions in [vehicle miles traveled] **VMT**  
2 between worksites of different employers;

3           (3) The sale between worksites and employers of credits for reduced  
4 [vehicle miles traveled] **VMT**; and

5           (4) The greatest degree of flexibility in implementation, giving full  
6 consideration to the geographic differences among affected areas, in order to promote  
7 the economic and environmental interests of the areas affected.

8           **(B) (1) STATE, LOCAL, AND REGIONAL TRANSPORTATION PLANS,**  
9 **CAPITAL IMPROVEMENT PROGRAMS, AND PROJECT ALTERNATIVE SELECTIONS**  
10 **SHALL PROVIDE FOR THE IMPROVEMENT OF AIR QUALITY AND REDUCTION OF**  
11 **TRAFFIC CONGESTION BY ATTAINING A PERFORMANCE OBJECTIVE OF**  
12 **REDUCING THE STATEWIDE AVERAGE OF VMT PER CAPITA 35% BY JANUARY 1,**  
13 **2036, BASED ON THE STATEWIDE PER CAPITA VMT LEVEL IN THE YEAR 2005.**

14           **(2) TO ATTAIN THE PERFORMANCE OBJECTIVE UNDER**  
15 **PARAGRAPH (1) OF THIS SUBSECTION, TRANSPORTATION PLANS, CAPITAL**  
16 **IMPROVEMENT PROGRAMS, AND PROJECT ALTERNATIVE SELECTIONS SHALL BE**  
17 **IMPLEMENTED OR AMENDED TO REDUCE THE STATEWIDE VMT PER CAPITA**  
18 **2.8% BY THE END OF 2012 AND AN ADDITIONAL 1.4% FOR EACH SUBSEQUENT**  
19 **YEAR THROUGH 2035.**

20           **(3) EACH CAPITAL IMPROVEMENT PROJECT AND CAPITAL**  
21 **HIGHWAY PROJECT FOR WHICH CONSTRUCTION BEGINS ON OR AFTER OCTOBER**  
22 **1, 2009, SHALL BE REVIEWED AND EVALUATED BY THE DEPARTMENT FOR**  
23 **CONSISTENCY WITH THE PERFORMANCE OBJECTIVE UNDER PARAGRAPH (1) OF**  
24 **THIS SUBSECTION.**

25           **(4) THE DEPARTMENT, IN COOPERATION WITH THE MARYLAND**  
26 **DEPARTMENT OF TRANSPORTATION, MAY ADOPT REGULATIONS TO ENSURE**  
27 **ATTAINMENT OF THE VMT REDUCTION UNDER THIS SUBSECTION, INCLUDING:**

28                   **(I) PROGRESS REPORTING;**

29                   **(II) TREND MONITORING; AND**

30                   **(III) MODELING OF TREND PROJECTIONS AND THE**  
31 **EFFECTIVENESS OF SPECIFIC TRANSPORTATION MEASURES TO REDUCE VMT**  
32 **PER CAPITA.**

33           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2009.