

# HOUSE BILL 1155

R2, R1

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CF SB 760

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By: **Delegates Lafferty, Ali, Anderson, Beidle, Bobo, Bronrott, Cardin, Carr, Frush, Gilchrist, Hecht, Hucker, Lee, Manno, Montgomery, Morhaim, Niemann, Reznik, Rosenberg, Schuh, Schuler, Stein, and Waldstreicher**

Introduced and read first time: February 17, 2010

Assigned to: Ways and Means and Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Consolidated Transportation Program – Evaluation and**  
3 **Selection of Proposed Capital Projects**

4 FOR the purpose of altering the process and the criteria used for selecting capital  
5 projects to be included in the Consolidated Transportation Program; requiring  
6 that the annual Consolidated Transportation Program report include certain  
7 goals, a summary of how certain determinations were made, and certain  
8 information for each major capital project; requiring that each major capital  
9 project proposed by a certain entity include certain elements; requiring the  
10 Department of Transportation to evaluate requests for major capital projects  
11 based on a certain record and certain other information; requiring the  
12 Department to evaluate and select the capital projects to be included in the  
13 Consolidated Transportation Program based on certain criteria; requiring the  
14 Smart Growth Subcabinet to conduct an annual review of certain goals,  
15 benchmarks, and indicators that are used to select certain capital projects;  
16 defining certain terms; and generally relating to the evaluation and selection  
17 process for capital projects to be included in the Consolidated Transportation  
18 Program.

19 BY repealing and reenacting, with amendments,  
20 Article – Transportation  
21 Section 2–103.1  
22 Annotated Code of Maryland  
23 (2008 Replacement Volume and 2009 Supplement)

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

26 **Article – Transportation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2-103.1.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Capital project" means:

4 (i) Any project for which funds are expended for construction,  
5 reconstruction, or rehabilitation of a transportation facility by the Department or of a  
6 transportation facilities project by the Maryland Transportation Authority; or

7 (ii) Capital equipment, as defined by the Secretary.

8 (3) "Construction phase" means the phase of a capital project in which  
9 the project is committed and advanced from the project development phase to  
10 completion.

11 (4) "Major capital project" means any new, expanded, or significantly  
12 improved facility or service that involves planning, environmental studies, design,  
13 right-of-way, construction, or purchase of essential equipment related to the facility  
14 or service.

15 (5) "Minor capital project" means any project for the preservation or  
16 rehabilitation of an existing facility or service, including the planning, design,  
17 right-of-way, construction, or purchase of equipment essential to the facility or  
18 service, and generally not requiring the preparation of an environmental impact  
19 assessment.

20 (6) "Project development phase" means the phase of a capital project  
21 in which planning, engineering, and environmental studies and analyses are  
22 conducted with full participation by the public, prior to commitment to construction.

23 **(7) (I) "PROPOSING ENTITY" MEANS A GOVERNMENT AGENCY**  
24 **OR POLITICAL SUBDIVISION THAT REQUESTS THAT A TRANSPORTATION**  
25 **PROJECT BE INCLUDED IN THE CONSOLIDATED TRANSPORTATION PROGRAM.**

26 **(II) "PROPOSING ENTITY" INCLUDES A COUNTY, A**  
27 **MUNICIPALITY, A METROPOLITAN PLANNING ORGANIZATION, OR A MODAL**  
28 **ADMINISTRATION OR ANY OTHER AGENCY OF THE DEPARTMENT.**

29 **(8) "PURPOSE AND NEED SUMMARY STATEMENT" MEANS A**  
30 **STATEMENT THAT SPECIFIES THE UNDERLYING PURPOSE AND NEED FOR A**  
31 **PROJECT.**

32 **[(7)] (9) "Significant change" means any change that affects the size**  
33 **or character of a project to the extent that the change:**

- 1 (i) Substantially modifies the capacity, level of service, or cost  
2 of the project;
- 3 (ii) Alters the function or purpose of the project; or
- 4 (iii) Impacts the ability of a modal administration to accomplish  
5 the program priorities established by the Secretary in the State Report on  
6 Transportation.

7 **(10) “STATE TRANSPORTATION GOALS” MEANS THE GOALS**  
8 **DESCRIBED IN THE MARYLAND TRANSPORTATION PLAN.**

9 **[(8) (11)** “Transportation facility” has the meaning stated in §  
10 3–101(l) of this article.

11 **[(9) (12)** “Transportation facilities project” has the meaning stated in  
12 § 4–101(i) of this article.

13 (b) The State Report on Transportation consists of the Consolidated  
14 Transportation Program and the Maryland Transportation Plan.

15 (c) (1) The Consolidated Transportation Program shall:

16 (i) Be revised annually; and

17 (ii) Include:

18 1. A list of **[Program priorities]**;

19 **A. THE CURRENT STATE TRANSPORTATION GOALS;**

20 **B. PROGRAM PRIORITIES; AND**

21 **C. THE CRITERIA USED TO SELECT MAJOR CAPITAL**  
22 **PROJECTS FOR INCLUSION IN THE CAPITAL PROGRAM, AS DETERMINED BY THE**  
23 **DEPARTMENT;**

24 2. A statement of the Department’s projected annual  
25 operating costs, set forth separately for the Office of the Secretary and for each modal  
26 administration;

27 3. Expanded descriptions of major capital projects;

28 4. A list of major capital projects for the current year,  
29 the budget request year, and the 4 successive planning years;

1                   5.     A list of anticipated minor capital projects, including a  
2 specific list of anticipated special projects for the current year and the budget request  
3 year and an estimate of the Program level for each of the 4 successive planning years;

4                   6.     A list of major bridge work projects;

5                   7.     A summary of the capital and operating programs, as  
6 defined by the Secretary, for the Maryland Transportation Authority;

7                   8.     For each listed major capital project, an indication  
8 whether the revenue source anticipated to support that project consists of federal,  
9 special, general, or other funds;

10                  9.     The Department's estimates of the levels and sources  
11 of revenues to be used to fund the projects in the Program;

12                  10.    A glossary of terms; and

13                  11.    A cross-reference table for the information contained  
14 in the various parts of the State Report on Transportation.

15                  (2)    In addition to the items listed in paragraph (1) of this subsection,  
16 the Consolidated Transportation Program shall include:

17                   (i)    A summary of current efforts and future plans, prepared  
18 after consultation with the Director of Bicycle and Pedestrian Access and the Bicycle  
19 and Pedestrian Advisory Committee established under § 2-606 of this title:

20                   1.    To develop and promote bicycle and pedestrian  
21 transportation; and

22                   2.    Working together with local jurisdictions, to  
23 accommodate in a safe and effective manner pedestrians and bicycles within a  
24 reasonable distance for walking and bicycling to rail stops, light rail stops, and subway  
25 stations;

26                   (ii)   A listing of all bicycle and pedestrian transportation projects  
27 expected to use State or federal highway funds; and

28                   (iii) Reflected under the Office of the Secretary, any  
29 technology-related project to be funded from the account established under § 2-111 of  
30 this subtitle, along with a description and projected cost of each.

31                  (3)    Annually, the Consolidated Transportation Program shall include  
32 a report that:

1 (i) Identifies each major capital project for which the budget  
2 bill or a supplemental budget amendment first requests funds for the project  
3 development phase or for the construction phase;

4 (ii) With respect to each major capital project for which funds  
5 are requested in the budget request year, states:

6 1. The amount of the funds requested; and

7 2. The total estimated cost of the project;

8 (iii) Identifies significant changes in the cost, scope, design, or  
9 scheduling of major capital projects for each completed fiscal year;

10 (iv) When there is a significant change in cost, states the  
11 amount by which the expenditures that have been authorized exceed the original  
12 project estimate;

13 (v) When there is a significant change, states:

14 1. The amount by which costs exceed projected costs  
15 during each completed fiscal year; and

16 2. The total amount that has been expended for a major  
17 capital project; [and]

18 (VI) PROVIDES A PURPOSE AND NEED SUMMARY  
19 STATEMENT THAT INCLUDES:

20 1. A GENERAL DESCRIPTION AND SUMMARY THAT  
21 DESCRIBES WHY THE PROJECT IS NECESSARY AND SATISFIES STATE GOALS,  
22 INCLUDING CURRENT STATE TRANSPORTATION GOALS, STATE DEVELOPMENT  
23 PLAN GOALS, AND CLIMATE ACTION PLAN GOALS REQUIRED BY THE  
24 GREENHOUSE GAS EMISSIONS REDUCTION ACT OF 2009 UNDER § 2-1205(B)  
25 OF THE ENVIRONMENT ARTICLE;

26 2. THE LOCATION OF THE PROJECT, INCLUDING A  
27 MAP OF THE PROJECT LIMITS, PROJECT AREA, OR TRANSPORTATION  
28 CORRIDOR; AND

29 3. THE PROJECT EVALUATION, BASED ON THE  
30 SELECTION CRITERIA FOR INCLUSION IN THE CAPITAL PROGRAM; AND

1                    [(vi)] (VII) Includes any other information that the Secretary  
2 believes would be useful to the members of the General Assembly, **THE GENERAL**  
3 **PUBLIC**, or other recipients of the Consolidated Transportation Program.

4                    (4) The total operating and capital expenditures for the Department or  
5 for the Office of the Secretary or any modal administration projected in the  
6 Consolidated Transportation Program for the budget request year may not exceed the  
7 budget request for the Department, Office, or modal administration for that year.

8                    (5) **FOR A MAJOR CAPITAL PROJECT TO BE CONSIDERED FOR**  
9 **INCLUSION IN THE CONSOLIDATED TRANSPORTATION PROGRAM, A REQUEST**  
10 **MUST BE SUBMITTED TO THE SECRETARY BY THE PROPOSING ENTITY ALONG**  
11 **WITH A PURPOSE AND NEED SUMMARY STATEMENT JUSTIFYING THE PROJECT**  
12 **THAT INCLUDES:**

13                    (I) **THE LOCATION OF THE PROJECT, INCLUDING A MAP OF**  
14 **THE PROJECT LIMITS, PROJECT AREA, OR TRANSPORTATION CORRIDOR; AND**

15                    (II) **A LIST OF THE PRIORITIES AND FACTORS CONSIDERED**  
16 **IN PRESENTING THE PURPOSE AND NEED SUMMARY STATEMENT, INCLUDING:**

17                                    1. **THE PROJECT NECESSITY;**

18                                    2. **A DESCRIPTION OF HOW THE PROJECT MEETS**  
19 **STATE TRANSPORTATION GOALS;**

20                                    3. **A DESCRIPTION OF HOW THE PROJECT**  
21 **ADDRESSES OTHER STATE GOALS, INCLUDING THOSE IN THE STATE**  
22 **DEVELOPMENT PLAN AND IN THE CLIMATE ACTION PLAN AS REQUIRED UNDER**  
23 **THE GREENHOUSE GAS EMISSIONS REDUCTION ACT OF 2009 UNDER §**  
24 **2-1205(B) OF THE ENVIRONMENT ARTICLE;**

25                                    4. **HOW THE PROJECT IS CONSISTENT WITH LOCAL**  
26 **GOVERNMENT LAND USE PLANS;**

27                                    5. **POTENTIAL LAND USE CHANGES THAT SUPPORT**  
28 **THE PURPOSE AND NEED FOR THE PROJECT; AND**

29                                    6. **ANY OTHER INFORMATION THAT THE SECRETARY**  
30 **DEEMS NECESSARY TO EVALUATE THE PROJECT.**

31                    (6) **THE DEPARTMENT SHALL EVALUATE REQUESTS FOR MAJOR**  
32 **CAPITAL PROJECTS BASED ON THE STATE'S GOALS AND CRITERIA AS**

1 **DETERMINED BY THE INFORMATION SUBMITTED BY THE PROPOSING ENTITY**  
2 **AND THE AVAILABILITY OF FUNDING.**

3 (d) The Maryland Transportation Plan shall:

4 (1) Be revised every 5 years through an inclusive public participation  
5 process;

6 (2) Include a 20-year forecast of State transportation needs, based on  
7 the financial resources anticipated to be available to the Department during that  
8 20-year period;

9 (3) Be expressed in terms of goals and objectives; and

10 (4) Include a summary of the types of projects and programs that are  
11 proposed to accomplish the goals and objectives, using a multi-modal approach when  
12 feasible.

13 (e) On or before November 15 of each year, the Department shall visit each  
14 county to give local governments and local legislative delegations information about  
15 and an opportunity to comment on the proposed Consolidated Transportation Program  
16 and the proposed Maryland Transportation Plan.

17 (f) At the earliest practical date but no later than November 1 of each year,  
18 the Department shall provide the proposed Consolidated Transportation Program and  
19 the proposed Maryland Transportation Plan to the Department of Planning for review  
20 and comment on planning issues including consistency between transportation  
21 investments and the State Economic Growth, Resource Protection, and Planning  
22 Policy and State priority funding areas established under Title 5, Subtitle 7B, of the  
23 State Finance and Procurement Article.

24 (g) Beginning with the year 2002 State Report on Transportation and  
25 continuing thereafter, before the General Assembly considers the proposed Maryland  
26 Transportation Plan and the proposed Consolidated Transportation Program, the  
27 Department shall submit an annual report on the attainment of transportation goals  
28 and benchmarks for the approved and proposed Maryland Transportation Plan and  
29 the approved and proposed Consolidated Transportation Program to the Governor  
30 and, subject to § 2-1246 of the State Government Article, to the General Assembly.

31 (h) (1) The report required under subsection (g) of this section shall  
32 include:

33 (i) The establishment of certain measurable performance  
34 indicators or benchmarks, in priority funding areas at a minimum, designed to  
35 quantify the goals and objectives specified in the Maryland Transportation Plan; and

1 (ii) The degree to which the projects and programs contained in  
 2 the approved Maryland Transportation Plan and Consolidated Transportation  
 3 Program attain those goals and benchmarks as measured by the performance  
 4 indicators or benchmarks.

5 (2) The Department shall include in its report measurable long-term  
 6 goals, and intermediate benchmarks of progress toward the attainment of the  
 7 long-term goals, for the following measurable transportation indicators:

8 (i) An increase in the share of total person trips for each of  
 9 transit, high occupancy auto, pedestrian, and bicycle modes of travel;

10 (ii) A decrease in indicators of traffic congestion as determined  
 11 by the Department; and

12 (iii) Any other performance goals established by the Department  
 13 for reducing automobile traffic and increasing the use of nonautomobile traffic.

14 **(I) THE SMART GROWTH SUBCABINET, ESTABLISHED UNDER TITLE 9,**  
 15 **SUBTITLE 14 OF THE STATE GOVERNMENT ARTICLE, SHALL CONDUCT AN**  
 16 **ANNUAL REVIEW OF THE TRANSPORTATION GOALS, BENCHMARKS, AND**  
 17 **INDICATORS THAT ARE USED TO SELECT MAJOR CAPITAL PROJECTS THAT ARE**  
 18 **TO BE INCLUDED IN THE CAPITAL PROGRAM.**

19 **[(i)] (J)** (1) An advisory committee shall be assembled to advise the  
 20 Department on the establishment of the transportation goals, benchmarks, and  
 21 indicators under subsection (h) of this section.

22 (2) Membership of the advisory committee shall include but is not  
 23 limited to the following members appointed by the Governor:

24 (i) A representative of the Maryland business community;

25 (ii) A representative of the disabled citizens community;

26 (iii) A representative of rural interests;

27 (iv) A representative of an auto users group;

28 (v) A representative of a transit users group;

29 (vi) A representative of the goods movement industry;

30 (vii) A nationally recognized expert on transportation demand  
 31 management;



1 (viii) A nationally recognized expert on pedestrian and bicycle  
2 transportation;

3 (ix) A nationally recognized expert on transportation  
4 performance measurement;

5 (x) A representative of an environmental advocacy organization;

6 (xi) A representative from the Maryland Department of  
7 Planning;

8 (xii) A representative of the Maryland Association of Counties;  
9 and

10 (xiii) A representative of the Maryland Municipal League.

11 (3) The Governor shall appoint the chairman of the advisory  
12 committee.

13 (4) The advisory committee shall meet at least four times during the  
14 process of developing the Maryland Transportation Plan to provide advice to the  
15 Department on meeting the requirements of this subsection.

16 (5) The Department and the advisory committee shall consider the  
17 following:

18 (i) Transportation and population trends and their impact on  
19 the State's transportation system and priority funding areas;

20 (ii) Past and present State funding devoted to the various  
21 transportation modes and demand management;

22 (iii) The full range of unmet transportation needs in priority  
23 funding areas;

24 (iv) The full range of transportation measures and facilities  
25 available, and their role, effectiveness, and cost effectiveness in providing travel  
26 choices and reducing congestion;

27 (v) A review of transportation performance indicators and their  
28 use in other states;

29 (vi) A review of the coordination of State transportation  
30 investments with local growth plans for priority funding areas; **[and]**

31 (vii) The types of investments needed and their levels of funding  
32 for supporting the goals and objectives of the Maryland Transportation Plan; **AND**

1                   **(VIII) THE FULL RANGE OF THE ENVIRONMENTAL IMPACTS OF**  
2 **THE TRANSPORTATION INVESTMENT.**

3           **[(j)] (K)**     The Department may:

4                   (1)     Conduct its analysis of planned transportation investments in  
5 priority funding areas on a statewide basis or in groupings of priority funding areas  
6 centered on regions, metropolitan areas, cities, or other groupings suitable for  
7 transportation modeling; and

8                   (2)     Choose to exclude from its analysis priority funding areas which  
9 have an insignificant role in transportation trends because of small size, population, or  
10 physical isolation.

11           **[(k)] (L)**     In the report required under subsection (g) of this section, the  
12 Department shall:

13                   (1)     Use narrative, graphs, charts, tables, and maps as appropriate to  
14 make the results easily understood by the public;

15                   (2)     Include projected long-term trends for each of the indicators and  
16 the effect of planned transportation investments on the trends;

17                   (3)     To the extent practicable, account for the effect of planned  
18 transportation investments on inducing automobile travel;

19                   (4)     To the extent practicable, account for automobile trips not taken  
20 due to demand management measures, including teleworking, teleshopping, and land  
21 use patterns supporting alternatives to driving; and

22                   (5)     Indicate the cost effectiveness of investments for achieving  
23 relevant performance goals and benchmarks, including a specific analysis of planned  
24 transportation investments detailing:

25                           (i)     Any projected decreases or increases in indicators of traffic  
26 congestion **AND ACCESSIBILITY TO HOUSING, EMPLOYMENT, AND PUBLIC**  
27 **BENEFITS** as defined by the Department; and

28                           (ii)    The cost per passenger mile and other indicators of cost  
29 effectiveness as defined by the Department, **INCLUDING THE COST OF**  
30 **MAINTENANCE AND OPERATIONS OVER THE LIFE OF THE PROJECT.**

31           **[(l)] (M)**     (1)     (i)     Subject to § 2-1246 of the State Government Article:

1                   1.     On or before September 1 of each year, the  
2 Department shall submit copies of the proposed Consolidated Transportation Program  
3 and the supporting financial forecast to the General Assembly; and

4                   2.     On submission of the budget bill to the presiding  
5 officers of the General Assembly, the Department shall submit copies of the approved  
6 Consolidated Transportation Program and the supporting financial forecast to the  
7 General Assembly.

8                   (ii)    Notwithstanding § 2-1246(b)(2) of the State Government  
9 Article, the Department shall provide to each member of the General Assembly a copy  
10 of the proposed Consolidated Transportation Program and the approved Consolidated  
11 Transportation Program.

12                  (2)    (i)    The financial forecast supporting the Consolidated  
13 Transportation Program to be submitted to the General Assembly under paragraph (1)  
14 of this subsection shall include the following components:

15                   1.     A schedule of operating expenses for each specific  
16 modal administration;

17                   2.     A schedule of revenues, including tax and fee  
18 revenues, deductions from revenues for other agencies, Department program and fees,  
19 Motor Vehicle Administration cost recovery, deductions for highway user revenues,  
20 operating revenues by modal administration, and miscellaneous revenues; and

21                   3.     A summary schedule for the Transportation Trust  
22 Fund that includes the opening and closing Fund balance, revenues, transfers, bond  
23 sales, bond premiums, any other revenues, expenditures for debt service, operating  
24 expenses, amounts available for capital expenses, bond interest rates, bond coverage  
25 ratios, total bonds outstanding, federal capital aid, and the total amount for the  
26 Transportation Capital Program.

27                   (ii)    The financial forecast shall include, for each of the  
28 components specified in subparagraph (i) of this paragraph:

29                   1.     Actual information for the last full fiscal year; and

30                   2.     Forecasts of the information for each of the six  
31 subsequent fiscal years, including the current fiscal year, the fiscal year for the  
32 proposed budget, and the next four subsequent fiscal years.

33                   (iii)   The Department shall incorporate in the financial forecast  
34 the most recent estimates by the Board of Revenue Estimates of the revenues from:

1                                   1.     The corporate income tax and the sales and use tax  
2 for each of the six subsequent years, including the current fiscal year and the fiscal  
3 year for the proposed budget; and

4                                   2.     Motor fuel taxes and motor vehicle titling taxes for  
5 the current fiscal year and the fiscal year for the proposed budget.

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2010.