

# 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, Huckler, Lee, Manno, Montgomery, Morhaim, Niemann, Reznik, Rosenberg, Schuh, Schuler, Stein, and Waldstreicher**

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Assigned to: Ways and Means and Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2010

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## CHAPTER \_\_\_\_\_

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; certain criteria,~~  
10 and a certain statement that describes the purpose and need for each major  
11 capital project; requiring an entity that proposes a major capital project to  
12 submit a request and a certain statement justifying the project to the Secretary  
13 of Transportation; requiring the Department of Transportation to evaluate  
14 requests for major capital projects based on a certain record and certain other  
15 ~~information; requiring the Department to evaluate and select the capital~~  
16 ~~projects to be included in the Consolidated Transportation Program based on~~  
17 ~~certain criteria~~ certain goals and criteria; requiring that certain indicators or  
18 benchmarks acknowledge the difference between urban and rural  
19 transportation needs; requiring the Smart Growth Subcabinet to conduct an  
20 annual review of certain goals, benchmarks, and indicators that are used to  
21 select certain capital projects; requiring the Department and a certain advisory  
22 committee to consider certain factors when establishing certain transportation  
23 goals, benchmarks, and indicators; requiring the Department to include certain

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 information concerning the cost effectiveness of transportation investments in a  
2 certain report; defining certain terms; and generally relating to the evaluation  
3 and selection process for capital projects to be included in the Consolidated  
4 Transportation Program.

5 BY repealing and reenacting, with amendments,  
6 Article – Transportation  
7 Section 2–103.1  
8 Annotated Code of Maryland  
9 (2008 Replacement Volume and 2009 Supplement)

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

12 **Article – Transportation**

13 2–103.1.

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

15 (2) “Capital project” means:

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

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

20 (3) “Construction phase” means the phase of a capital project in which  
21 the project is committed and advanced from the project development phase to  
22 completion.

23 (4) “Major capital project” means any new, expanded, or significantly  
24 improved facility or service that involves planning, environmental studies, design,  
25 right-of-way, construction, or purchase of essential equipment related to the facility  
26 or service.

27 (5) “Minor capital project” means any project for the preservation or  
28 rehabilitation of an existing facility or service, including the planning, design,  
29 right-of-way, construction, or purchase of equipment essential to the facility or  
30 service, and generally not requiring the preparation of an environmental impact  
31 assessment.

32 (6) “Project development phase” means the phase of a capital project  
33 in which planning, engineering, and environmental studies and analyses are  
34 conducted with full participation by the public, prior to commitment to construction.

1           **(7) (I) “PROPOSING ENTITY” MEANS A GOVERNMENT AGENCY**  
2 **OR POLITICAL SUBDIVISION THAT REQUESTS THAT A TRANSPORTATION**  
3 **PROJECT BE INCLUDED IN THE CONSOLIDATED TRANSPORTATION PROGRAM.**

4           **(II) “PROPOSING ENTITY” INCLUDES A COUNTY, A**  
5 **MUNICIPALITY, A METROPOLITAN PLANNING ORGANIZATION, OR A MODAL**  
6 **ADMINISTRATION OR ANY OTHER AGENCY OF THE DEPARTMENT.**

7           **(8) “PURPOSE AND NEED SUMMARY STATEMENT” MEANS A BRIEF**  
8 **STATEMENT THAT SPECIFIES THE UNDERLYING PURPOSE AND NEED FOR A**  
9 **PROJECT.**

10           **[(7)] (9) “Significant change” means any change that affects the size**  
11 **or character of a project to the extent that the change:**

12                   (i) Substantially modifies the capacity, level of service, or cost  
13 of the project;

14                   (ii) Alters the function or purpose of the project; or

15                   (iii) Impacts the ability of a modal administration to accomplish  
16 the program priorities established by the Secretary in the State Report on  
17 Transportation.

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

20           **[(8)] (11) “Transportation facility” has the meaning stated in §**  
21 **3–101(l) of this article.**

22           **[(9)] (12) “Transportation facilities project” has the meaning stated in**  
23 **§ 4–101(i) of this article.**

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

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

27                   (i) Be revised annually; and

28                   (ii) Include:

29                           1. A list of [Program priorities];

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

**B. PROGRAM PRIORITIES; AND****C. ~~THE~~ FOR PROJECTS IN THE CONSTRUCTION PHASE, THE CRITERIA USED TO SELECT MAJOR CAPITAL PROJECTS FOR INCLUSION IN THE CAPITAL PROGRAM, AS DETERMINED BY THE DEPARTMENT;**

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

3. Expanded descriptions of major capital projects;

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

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

6. A list of major bridge work projects;

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

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

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

10. A glossary of terms; and

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

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

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

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

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

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

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

10               (3) Annually, the Consolidated Transportation Program shall include  
11 a report that:

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

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

17                               1. The amount of the funds requested; and

18                               2. The total estimated cost of the project;

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

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

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

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

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

29                   **(VI) PROVIDES A PURPOSE AND NEED SUMMARY**  
30 **STATEMENT THAT INCLUDES:**

31                               **1. A GENERAL DESCRIPTION AND SUMMARY THAT**  
32 **DESCRIBES WHY THE PROJECT IS NECESSARY AND SATISFIES STATE GOALS,**  
33 **INCLUDING CURRENT STATE TRANSPORTATION GOALS, ~~STATE DEVELOPMENT~~**

1 ~~PLAN GOALS,~~ AND CLIMATE ACTION PLAN GOALS REQUIRED BY THE  
 2 GREENHOUSE GAS EMISSIONS REDUCTION ACT OF 2009 UNDER § 2-1205(B)  
 3 OF THE ENVIRONMENT ARTICLE;

4                   2. THE LOCATION OF THE PROJECT, INCLUDING A  
 5 MAP OF THE PROJECT LIMITS, PROJECT AREA, OR TRANSPORTATION  
 6 CORRIDOR; AND

7                   3. ~~THE PROJECT EVALUATION, BASED ON A~~  
 8 SUMMARY OF HOW THE PROJECT MEETS THE SELECTION CRITERIA FOR  
 9 INCLUSION IN THE CAPITAL PROGRAM; AND

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

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

17                   (5) FOR A MAJOR CAPITAL PROJECT TO BE CONSIDERED FOR  
 18 INCLUSION IN THE CONSTRUCTION PROGRAM OF THE CONSOLIDATED  
 19 TRANSPORTATION PROGRAM, A REQUEST MUST BE SUBMITTED TO THE  
 20 SECRETARY BY THE PROPOSING ENTITY ALONG WITH A PURPOSE AND NEED  
 21 SUMMARY STATEMENT JUSTIFYING THE PROJECT THAT INCLUDES:

22                   (I) THE LOCATION OF THE PROJECT, INCLUDING A MAP OF  
 23 THE PROJECT LIMITS, PROJECT AREA, OR TRANSPORTATION CORRIDOR; ~~AND~~

24                   ~~(II) A LIST OF THE PRIORITIES AND FACTORS CONSIDERED~~  
 25 ~~IN PRESENTING THE PURPOSE AND NEED SUMMARY STATEMENT, INCLUDING:~~

26                   1. ~~THE PROJECT NECESSITY;~~

27                   2. ~~A DESCRIPTION OF HOW THE PROJECT MEETS~~  
 28 ~~STATE TRANSPORTATION GOALS;~~

29                   3. ~~A DESCRIPTION OF HOW THE PROJECT~~  
 30 ~~ADDRESSES OTHER STATE GOALS, INCLUDING THOSE IN THE STATE~~  
 31 ~~DEVELOPMENT PLAN AND IN THE CLIMATE ACTION PLAN AS REQUIRED UNDER~~  
 32 ~~THE GREENHOUSE GAS EMISSIONS REDUCTION ACT OF 2009 UNDER §~~  
 33 ~~2-1205(B) OF THE ENVIRONMENT ARTICLE;~~

~~4. HOW THE PROJECT IS CONSISTENT WITH LOCAL GOVERNMENT LAND USE PLANS;~~

~~5. POTENTIAL LAND USE CHANGES THAT SUPPORT THE PURPOSE AND NEED FOR THE PROJECT; AND~~

~~6. ANY OTHER INFORMATION THAT THE SECRETARY DEEMS NECESSARY TO EVALUATE THE PROJECT.~~

(II) THE NEED FOR THE PROJECT; AND

(III) A DISCUSSION OF HOW THE PROJECT:

1. ADDRESSES STATE TRANSPORTATION GOALS;  
AND

2. SUPPORTS LOCAL GOVERNMENT LAND USE PLANS AND GOALS.

**(6) (I) THE DEPARTMENT SHALL EVALUATE REQUESTS FOR MAJOR CAPITAL PROJECTS BASED ON THE STATE'S GOALS AND, AS APPROPRIATE, CRITERIA AS DETERMINED BY THE INFORMATION SUBMITTED BY THE PROPOSING ENTITY AND THE AVAILABILITY OF FUNDING.**

**(II) AS PART OF THE EVALUATION UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL ACKNOWLEDGE THE DIFFERENCE BETWEEN URBAN AND RURAL TRANSPORTATION NEEDS.**

(d) The Maryland Transportation Plan shall:

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

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

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

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

(e) On or before November 15 of each year, the Department shall visit each county to give local governments and local legislative delegations information about

1 and an opportunity to comment on the proposed Consolidated Transportation Program  
2 and the proposed Maryland Transportation Plan.

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

10 (g) Beginning with the year 2002 State Report on Transportation and  
11 continuing thereafter, before the General Assembly considers the proposed Maryland  
12 Transportation Plan and the proposed Consolidated Transportation Program, the  
13 Department shall submit an annual report on the attainment of transportation goals  
14 and benchmarks for the approved and proposed Maryland Transportation Plan and  
15 the approved and proposed Consolidated Transportation Program to the Governor  
16 and, subject to § 2–1246 of the State Government Article, to the General Assembly.

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

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

22 (ii) The degree to which the projects and programs contained in  
23 the approved Maryland Transportation Plan and Consolidated Transportation  
24 Program attain those goals and benchmarks as measured by the performance  
25 indicators or benchmarks.

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

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

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

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

35 **(3) THE PERFORMANCE INDICATORS OR BENCHMARKS**  
36 **DESCRIBED IN THIS SUBSECTION SHALL ACKNOWLEDGE THE DIFFERENCE**  
37 **BETWEEN URBAN AND RURAL TRANSPORTATION NEEDS.**



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

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

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

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

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

13                   (iii) A representative of rural interests;

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

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

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

17                   (vii) A nationally recognized expert on transportation demand  
18 management;

19                   (viii) A nationally recognized expert on pedestrian and bicycle  
20 transportation;

21                   (ix) A nationally recognized expert on transportation  
22 performance measurement;

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

24                   (xi) A representative from the Maryland Department of  
25 Planning;

26                   (xii) A representative of the Maryland Association of Counties;  
27 and

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

29           (3) The Governor shall appoint the chairman of the advisory  
30 committee.

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

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

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

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

10 (iii) The full range of unmet transportation needs in priority  
 11 funding areas;

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

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

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

19 (vii) The types of investments needed and their levels of funding  
 20 for supporting the goals and objectives of the Maryland Transportation Plan; ~~AND~~

21 ~~(VIII) THE FULL RANGE OF THE ENVIRONMENTAL IMPACTS OF~~  
 22 ~~THE TRANSPORTATION INVESTMENT~~ THE IMPACT OF TRANSPORTATION  
 23 INVESTMENT ON:

24 1. THE ENVIRONMENT;

25 2. ENVIRONMENTAL JUSTICE AS DEFINED IN § 1-701  
 26 OF THE ENVIRONMENT ARTICLE; AND

27 3. COMMUNITIES; AND

28 (IX) THE CLIMATE ACTION PLAN GOALS REQUIRED BY THE  
 29 GREENHOUSE GAS EMISSIONS REDUCTION ACT OF 2009 UNDER § 2-1205(B)  
 30 OF THE ENVIRONMENT ARTICLE.

31 [(j)] (K) The Department may:

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

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

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

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

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

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

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

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

22 (i) Any projected decreases or increases in indicators of traffic  
23 congestion ~~AND ACCESSIBILITY TO HOUSING, EMPLOYMENT, AND PUBLIC~~  
24 ~~BENEFITS~~ as defined by the Department; and

25 (ii) The cost per passenger mile and other indicators of cost  
26 effectiveness as defined by the Department, ~~INCLUDING THE COST OF~~  
27 ~~MAINTENANCE AND OPERATIONS OVER THE LIFE OF THE PROJECT~~ ESTIMATED  
28 ANNUAL COST OF MAINTENANCE AND OPERATIONS.

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

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

33 2. On submission of the budget bill to the presiding  
34 officers of the General Assembly, the Department shall submit copies of the approved

1 Consolidated Transportation Program and the supporting financial forecast to the  
2 General Assembly.

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

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

10 1. A schedule of operating expenses for each specific  
11 modal administration;

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

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

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

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

25 2. Forecasts of the information for each of the six  
26 subsequent fiscal years, including the current fiscal year, the fiscal year for the  
27 proposed budget, and the next four subsequent fiscal years.

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.