

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**

Senate Bill 334 (Senator Rosapepe)

Budget and Taxation and Education, Health,  
and Environmental Affairs

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**Public Institutions of Higher Education - New Design and Substantial Exterior  
Modification - Notice and Consultation**

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This bill requires a public institution of higher education to make reasonable efforts to notify and consult with communities within three miles of a proposed construction site in connection with the design of a new structure or the substantial exterior modification of an existing structure.

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**Fiscal Summary**

**State Effect:** Higher education institutions' administrative expenditures may increase minimally to notify and consult with communities about proposed construction. In addition, planning expenditures may increase for capital projects. Revenues are not affected.

**Local Effect:** Community colleges' administrative expenditures may increase minimally to notify and consult with communities about proposed construction. In addition, planning expenditures for community college facilities may increase. Revenues are not affected.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** A public institution must make reasonable efforts to consult with communities located within three miles of the proposed construction site through meetings with local civic associations, government agencies, and other interested parties

regarding the project design and methods to minimize adverse effects on these communities including noise, traffic, pollution, loss of open space, and other detriments.

**Current Law:** Public higher education institutions in Maryland include the constituent institutions of the University System of Maryland (USM), Morgan State University (MSU), St. Mary's College of Maryland (SMCM), Baltimore City Community College (BCCC), and the locally operated community colleges.

USM is an independent unit of State government that is managed by its Board of Regents. In consultation with the presidents of the USM institutions, the Chancellor of the Board of Regents is responsible for developing an overall plan for USM. The boards of trustees for MSU and St. Mary's College are likewise responsible for their institutions. BCCC is the only State-run community college.

As State units of government, USM, MSU, SMCM, and BCCC are required to follow a specified process when applying for development permits, which allows for joint hearings before local and State government units for which development permits are required.

**Background:** The University of Maryland, College Park (UMCP) needs to relocate its East Campus facilities to begin the redevelopment of the East Campus site. Working with the developer, UMCP was going to relocate the facilities to the 22.4-acre site west of the Comcast Center known as the Wooded Hillock. The relocation would have required the removal of 8.75 acres of forest on the site. The plan was opposed by some members of the community and UMCP students, faculty, and staff.

In January 2010, UMCP announced its plan to purchase an 18-acre site in College Park that was formerly the location of the *Washington Post's* production plant and relocate the East Campus facilities there. The deal still requires approval of the State's Board of Public Works, which is expected to vote on the purchase on February 10, 2010.

USM reports that some USM institutions already involve the community during their facilities master planning process, and the Board of Regents has encouraged all the remaining institutions to do the same.

**State Expenditures:** Administrative expenditures by USM, MSU, SMCM, and BCCC may increase minimally to notify and consult with communities about proposed construction. USM also advises that the consultation process may lengthen the planning and design process, which may increase architectural and engineering (A&E) expenditures.

The Governor's proposed fiscal 2011 *Capital Improvement Program* (CIP) includes \$243.1 million in fiscal 2011 and \$864.2 million in fiscal 2012 through 2015 for capital projects at USM, MSU, SMCM, and BCCC. The public universities and colleges also issue academic and auxiliary revenue bonds to fund capital projects.

The bill may increase A&E expenditures minimally, which may increase individual project costs. However, any impact is expected to be minimal and not expected to affect the overall number of projects funded each year.

The State provides grants for capital improvement projects at community colleges. The fiscal 2011 CIP includes \$78.745 million in grants for fiscal 2011 and \$80 million in each of fiscal 2012 through 2015. While an increase in A&E expenditures may increase individual project costs and may result in fewer projects funded each year, it does not affect the total funding for the capital grants.

**Local Expenditures:** Administrative expenditures by community colleges may increase minimally to notify and consult with communities about proposed construction. In addition, A&E expenditures may increase due to the lengthened design process.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 348 (Delegate Pena-Melnyk, *et al.*) - Appropriations.

**Information Source(s):** Department of Natural Resources, Maryland Department of the Environment, Maryland Higher Education Commission, Maryland Department of Transportation, University System of Maryland, Department of Legislative Services

**Fiscal Note History:** First Reader - February 5, 2010  
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