

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 1377 (Delegate Lafferty)
Environmental Matters

Department of Transportation - Local Development Reviews - Comments

This bill requires the Maryland Department of Transportation (MDOT) to provide comments to specified local governments on the development of the transportation element of their comprehensive plans and on applications for approval of site plans and preliminary and final subdivision plats. The bill also requires MDOT to provide review and comments on the following, to the extent they are within a specified scope of actions: (1) development of comprehensive plans, plan elements, and any other sector plan, area plan, or community plan; (2) site plan approval; (3) subdivision approval; and (4) any other action that MDOT and the local government identify as appropriate.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$136,700 in FY 2011 to hire two transportation planners. Future year expenditures reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	136,700	173,500	181,600	190,200	199,200
Net Effect	(\$136,700)	(\$173,500)	(\$181,600)	(\$190,200)	(\$199,200)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Local expenditures may increase to implement coordination and review with MDOT on various local planning and development documents.

Small Business Effect: None.

Analysis

Bill Summary: An “action” is a planning or development activity of a unit of a local jurisdiction that may have an impact on regional transportation systems, including highways, roads, transit systems, bicycling systems, and pedestrian systems. An “action” includes an action taken under a joint planning agreement between a county and a municipal corporation or between counties.

The bill requires MDOT to provide review and comments if they apply to an action that involves the application for, review of, or approval of (1) a planned unit development; (2) a transit-oriented development; (3) a mixed-use development; (4) a development of at least 150,000 square feet of commercial space located within one mile of the boundary of the local jurisdiction; (5) a development of at least 150 residential dwelling units located within one mile of the boundary of the local jurisdiction; (6) a State road that will traverse local jurisdictions and serve or support commercial or residential developments within one mile of the boundary of the local jurisdiction; and (7) a transit system that will serve or connect more than one local jurisdiction.

MDOT comments must address (1) the impact of the proposed action on transportation systems operations; (2) any anticipated effects of the proposed action on functionality of transportation systems; (3) potential alternatives for transportation issues presented by the proposed action; and (4) options to mitigate the traffic and transit impacts of the proposed action.

MDOT is authorized to enter into a memorandum of agreement with a local legislative body, planning commission, and any other appropriate unit of a local jurisdiction to facilitate (1) notification of local actions for which MDOT is a reviewing unit; and (2) timely submission of comments to the local jurisdiction.

MDOT must coordinate review and comments concerning local planning and development proposals among its various units. MDOT is required to consult with the Maryland Department of Planning (MDP) when it reviews and prepares comments and addresses jurisdictional issues.

The bill is not intended to limit or constrain other assistance MDOT provides to local jurisdictions in accordance with other provisions of law.

Current Law: The State has delegated to local governments the power to plan and zone subject to specified statutory requirements. There are 23 counties in the State and 156 incorporated municipalities (Baltimore City functions as both a county and municipality). Approximately two-thirds of the incorporated municipalities have

planning authority; the remaining one-third defer planning authority to their respective counties.

Local planning commissions develop and approve comprehensive plans that must be recommended to the local legislative body for adoption. In part, comprehensive plans serve as a guide to public and private actions and decisions relating to development. However, comprehensive plans must contain standards that implement specified land use policies incorporated in the State's 12 planning visions. The plans, at a minimum, must contain a statement of goals and standards, a land use plan element, a transportation plan element, a community facilities plan element, a mineral resources plan element under specified conditions, a water resources plan element, recommendations for land development regulations, recommendations for the designation of areas of critical concern, a sensitive areas element, and a municipal growth element (municipalities only). For charter counties and Baltimore City, the plan is required to include only 5 of the 10 previously mentioned elements: a transportation plan, a mineral resources plan under specified circumstances, a water resources plan, recommendations for land development regulations, and a sensitive areas element. Plans must be reviewed and if necessary, revised and amended, at least once every six years.

Background:

Maryland Department of Planning

MDP works with State and local government agencies to ensure comprehensive and integrated planning for the best use of State resources. MDP provides data, trend analysis, research assistance, and policy development and implementation support for local governments, communities, businesses, and organizations. MDP also provides technical assistance, local program review, and planning design services to local governments. Among its responsibilities, MDP leads a formal process to review and comment upon local government comprehensive plans.

Generally, MDP seeks to integrate transportation and land use planning and encourage investment in a multi-modal transportation system in Maryland. MDP's State Clearinghouse for Intergovernmental Assistance is responsible for administering a process that seeks to ensure that financial and nonfinancial assistance projects operating within Maryland are consistent with State and local laws, regulations, and guidelines. This is accomplished by circulating requests for financial assistance, plans, and development projects to State, regional, and local public officials to ensure that requests, plans, and projects are consistent with public policy.

MDOT Office of Planning and Capital Programming

MDOT's Office of Planning and Capital Programming is responsible for State transportation planning and development. The office develops (1) the annual *Consolidated Transportation Program*, MDOT's six-year budget for the construction, development, and evaluation of transportation capital projects; and (2) the *Maryland Transportation Plan*, which is a 20-year forecast of State transportation needs based on MDOT's anticipated financial resources. The office represents MDOT on several committees and commissions, including the Maryland Bicycle and Pedestrian Advisory Committee, the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, and the Task Force on the Future for Growth and Development. The office currently participates in the review of local comprehensive plans via MDP's clearinghouse review process.

State Expenditures:

Maryland Department of Planning

The bill requires MDP to assume additional review and coordination responsibilities with MDOT and local jurisdictions. The bill is expected to increase MDP's workload, potentially significantly, and require limited staff resources to be diverted from other responsibilities.

Maryland Department of Transportation

TTF expenditures increase by \$136,694 in fiscal 2011, which accounts for the bill's October 1, 2010 effective date. This estimate reflects the cost of hiring two technical transportation planners to review and coordinate comments on various local planning and development documents. MDOT advises that an administrative position may be required as well; however, this estimate does not assume that cost. It includes salaries, fringe benefits, other one-time start-up costs, and ongoing operating expenses.

Regular Positions	2
Salaries and Fringe Benefits	\$124,109
One-time Costs	8,670
Operating Expenses	<u>3,915</u>
Total FY 2011 State Expenditures	\$136,694

Future year expenditures reflect full salaries with 4.4% annual increases, 3% employee turnover, and 1% annual increases in ongoing operating expenses.

Local Expenditures: The bill requires local jurisdictions to coordinate with both MDP and MDOT on various planning and development documents and efforts. This requirement will result in more local jurisdiction staff time dedicated to meeting with State agencies, providing additional information, and integrating feedback. The bill is likely to result in more time being required to develop and review planning and development documents. Baltimore City advises the bill may prolong the comprehensive plan review process and impact the amount of staff time required to ensure compliance with State requirements.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): City of Bowie, Baltimore City, Maryland Department of Planning, Maryland Department of Transportation, Maryland Association of Counties, Department of Legislative Services

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Analysis by: Amanda Mock

Direct Inquiries to:
(410) 946-5510
(301) 970-5510