

# SENATE BILL 908

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By: **Senators DeGrange, Astle, Conway, Ferguson, Gladden, Guzzone, Kagan, Klausmeier, Madaleno, Manno, McFadden, Middleton, Miller, Muse, Nathan-Pulliam, Pugh, Ramirez, Raskin, Zirkin, and Zucker**

Introduced and read first time: February 5, 2016

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Open Transportation Investment Decision Act of 2016**

3 FOR the purpose of establishing State transportation goals; establishing measures by  
4 which the Department of Transportation is required to score the extent to which  
5 major capital projects satisfy the goals; requiring the Department to evaluate, score,  
6 and rank major capital projects for inclusion in the draft and final Consolidated  
7 Transportation Program, in a certain manner; requiring, with a certain exception,  
8 that certain capital projects with higher scores be ranked ahead of capital projects  
9 with lower scores; requiring the Department to incorporate the State transportation  
10 goals in the Consolidated Transportation Program and Maryland Transportation  
11 Plan; requiring that certain analyses and benchmarks are included in the  
12 Consolidated Transportation Program and Maryland Transportation Plan; providing  
13 for the application of this Act; defining a certain term; altering certain definitions;  
14 making certain conforming changes; and generally relating to State transportation  
15 goals.

16 BY repealing and reenacting, with amendments,  
17 Article – Transportation  
18 Section 2–103.1  
19 Annotated Code of Maryland  
20 (2015 Replacement Volume and 2015 Supplement)

21 BY adding to  
22 Article – Transportation  
23 Section 2–103.7  
24 Annotated Code of Maryland  
25 (2015 Replacement Volume and 2015 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Transportation**

4 2–103.1.

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

6 (2) “Capital project” means:

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

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

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

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

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

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

24 (7) (i) “Proposing entity” means a government agency or political  
25 subdivision that requests that a transportation project be included in the Consolidated  
26 Transportation Program.

27 (ii) “Proposing entity” includes a county, a municipality, a  
28 metropolitan planning organization, or a modal administration or any other agency of the  
29 Department.

30 (8) “Purpose and need summary statement” means a brief statement that  
31 specifies the underlying purpose and need for a project.

32 (9) “Significant change” means any change that affects the size or  
33 character of a project to the extent that the change:

1 (i) Substantially modifies the capacity, level of service, or cost of the  
2 project;

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

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

6 (10) "State transportation goals" means the goals described in [the  
7 Maryland Transportation Plan] **§ 2-103.7 OF THIS SUBTITLE**.

8 (11) "Transportation facilities project" has the meaning stated in § 4-101(i)  
9 of this article.

10 (12) "Transportation facility" has the meaning stated in § 3-101(l) of this  
11 article.

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

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

15 (i) Be revised annually **IN ACCORDANCE WITH § 2-103.7 OF THIS**  
16 **SUBTITLE**; and

17 (ii) Include:

18 1. A list of:

19 A. The current State transportation goals;

20 B. Program priorities; and

21 C. For projects in the construction phase, the criteria used to  
22 select major capital 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, the  
29 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 year  
3 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, special,  
9 general, or other funds;

10                  9.     The Department's estimates of the levels and sources of  
11 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 in  
14 the various parts of the State Report on Transportation.

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

17                  (i)    A summary of current efforts and future plans, prepared after  
18 consultation with the Director of Bicycle and Pedestrian Access and the Bicycle and  
19 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 accommodate  
23 in a safe and effective manner pedestrians and bicycles within a reasonable distance for  
24 walking and bicycling to rail stops, light rail stops, and subway stations;

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

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

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

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

4 (ii) With respect to each major capital project for which funds are  
5 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 amount by  
11 which the expenditures that have been authorized exceed the original project estimate;

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

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

15 2. The total amount that has been expended for a major  
16 capital project;

17 (vi) Provides a purpose and need summary statement that includes:

18 1. A general description and summary that describes why  
19 the project is necessary and satisfies State **TRANSPORTATION** goals, including [current  
20 State transportation goals and] Climate Action Plan goals required by the Greenhouse Gas  
21 Emissions Reduction Act of 2009 under § 2–1205(b) of the Environment Article;

22 2. The location of the project, including a map of the project  
23 limits, project area, or transportation corridor; and

24 3. A summary of how the project meets the selection criteria  
25 **ESTABLISHED UNDER § 2–103.7 OF THIS SUBTITLE** for inclusion in the capital program;  
26 and

27 (vii) Includes any other information that the Secretary believes would  
28 be useful to the members of the General Assembly, the general public, or other recipients  
29 of the Consolidated Transportation Program.

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

1           (5) For a major capital project to be considered for inclusion in the  
2 construction program of the Consolidated Transportation Program, a request must be  
3 submitted to the Secretary by the proposing entity along with a purpose and need summary  
4 statement justifying the project that includes:

5           (i) The location of the project, including a map of the project limits,  
6 project area, or transportation corridor;

7           (ii) The need for the project; and

8           (iii) A discussion of how the project:

9                 1. Addresses State transportation goals; and

10                2. Supports local government land use plans and goals.

11           (6) (i) The Department shall evaluate requests for major capital  
12 projects based on the State's **TRANSPORTATION goals AND MEASURES ESTABLISHED**  
13 **UNDER § 2-103.7 OF THIS SUBTITLE** and, as appropriate, criteria as determined by the  
14 information submitted by the proposing entity and the availability of funding.

15           (ii) As part of the evaluation under this paragraph, the Department  
16 shall acknowledge the difference between urban and rural transportation needs.

17           (7) (i) The Department, in developing a construction or improvement  
18 project involving a bridge or other transportation facility that is adjacent to or crosses a  
19 waterway for inclusion in the Consolidated Transportation Program, shall consider any  
20 reasonable and appropriate measures to provide or improve in the vicinity of the bridge or  
21 other transportation facility water access for fishing, canoeing, kayaking, or any other  
22 nonmotorized water dependent recreational activity.

23           (ii) The Department, in consultation with the Department of  
24 Natural Resources and interested stakeholders, shall establish:

25                 1. Standards and guidelines for identifying appropriate  
26 bridges and other transportation facilities to be considered for the provision or  
27 improvement of water access under this paragraph; and

28                 2. Best practices and cost effective strategies for  
29 accommodating water access under this paragraph.

30           (d) The Maryland Transportation Plan shall:

31                 (1) **[Be] EXCEPT AS OTHERWISE PROVIDED, BE** revised every 5 years  
32 through an inclusive public participation process;

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

4           (3)     Be expressed in terms of **THE STATE TRANSPORTATION** goals and  
5 **[objectives] MEASURES**; and

6           (4)     Include a summary of the types of projects and programs that are  
7 proposed to accomplish the **STATE TRANSPORTATION** goals and **[objectives] MEASURES**,  
8 using a multi–modal approach when feasible.

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

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

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

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

28                  (i)     The establishment of certain measurable performance indicators  
29 or benchmarks, in priority funding areas at a minimum, designed to quantify the **STATE**  
30 **TRANSPORTATION** goals and **[objectives] MEASURES** specified in the Maryland  
31 Transportation Plan **AND § 2–103.7 OF THIS SUBTITLE**; and

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

35          (2)     The Department shall include in its report measurable long–term goals,  
36 and intermediate benchmarks of progress toward the attainment of the long–term goals,  
37 for the following measurable transportation indicators:

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

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

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

7 (3) The performance indicators or benchmarks described in this subsection  
8 shall acknowledge the difference between urban and rural transportation needs.

9 (i) The Smart Growth Subcabinet, established under Title 9, Subtitle 14 of the  
10 State Government Article, shall conduct an annual review of the **STATE** transportation  
11 goals, benchmarks, and indicators.

12 (j) (1) An advisory committee shall be assembled to advise the Department on  
13 the [establishment of the] **STATE** transportation goals, benchmarks, and indicators under  
14 subsection (h) of this section.

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

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

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

19 (iii) A representative of rural interests;

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

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

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

23 (vii) A nationally recognized expert on transportation demand  
24 management;

25 (viii) A nationally recognized expert on pedestrian and bicycle  
26 transportation;

27 (ix) A nationally recognized expert on transportation performance  
28 measurement;

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



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

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

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

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

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

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

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

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

14 (iii) The full range of unmet transportation needs in priority funding  
15 areas;

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

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

21 (vi) A review of the coordination of State transportation investments  
22 with local growth plans for priority funding areas;

23 (vii) The types of investments needed and their levels of funding for  
24 supporting the **STATE TRANSPORTATION** goals and [objectives of the Maryland  
25 Transportation Plan] **MEASURES ESTABLISHED UNDER § 2-103.7 OF THIS SUBTITLE;**

26 (viii) The impact of transportation investment on:

27 1. The environment;

28 2. Environmental justice as defined in § 1-701 of the  
29 Environment Article;

30 3. Communities; and

1 4. Economic development; and

2 (ix) The Climate Action Plan goals required by the Greenhouse Gas  
3 Emissions Reduction Act of 2009 under § 2–1205(b) of the Environment Article.

4 (k) The Department may:

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

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

12 (l) In the report required under subsection (g) of this section, the Department  
13 shall:

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

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

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

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

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

26 (i) Any projected decreases or increases in indicators of traffic  
27 congestion and accessibility 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 estimated annual cost of  
30 maintenance and operations.

31 (m) (1) (i) Subject to § 2–1246 of the State Government Article:

32 1. On or before September 1 of each year, the Department  
33 shall submit copies of the proposed Consolidated Transportation Program, **INCLUDING**

1 **THE MANNER IN WHICH EACH MAJOR PROJECT WAS EVALUATED AND RANKED**  
2 **UNDER § 2-103.7 OF THIS SUBTITLE**, and the supporting financial forecast to the General  
3 Assembly; and

4                   2. On submission of the budget bill to the presiding officers  
5 of the General Assembly, the Department shall submit copies of the approved Consolidated  
6 Transportation Program, **INCLUDING THE MANNER IN WHICH EACH MAJOR PROJECT**  
7 **WAS EVALUATED AND RANKED UNDER § 2-103.7 OF THIS SUBTITLE**, and the  
8 supporting financial forecast to the General Assembly.

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

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

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

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

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

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

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

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

34                   (iii) The Department shall incorporate in the financial forecast the  
35 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 for  
2 each of the six subsequent years, including the current fiscal year and the fiscal year for  
3 the proposed budget; and

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

6 **2-103.7.**

7           **(A) IN THIS SECTION, "MAJOR CAPITAL PROJECT" HAS THE MEANING**  
8 **STATED IN § 2-103.1 OF THIS SUBTITLE.**

9           **(B) THE DEPARTMENT SHALL EVALUATE AND RANK MAJOR CAPITAL**  
10 **PROJECTS FOR INCLUSION IN THE DRAFT AND FINAL CONSOLIDATED**  
11 **TRANSPORTATION PROGRAM BASED ON THE GOALS AND MEASURES ESTABLISHED**  
12 **UNDER SUBSECTION (C) OF THIS SECTION.**

13           **(C) (1) THE STATE TRANSPORTATION GOALS ARE:**

14                   **(I) SAFETY AND SECURITY;**

15                   **(II) SYSTEM PRESERVATION;**

16                   **(III) QUALITY OF SERVICE;**

17                   **(IV) ENVIRONMENTAL STEWARDSHIP;**

18                   **(V) COMMUNITY VITALITY;**

19                   **(VI) ECONOMIC PROSPERITY;**

20                   **(VII) EQUITABLE ACCESS TO TRANSPORTATION; AND**

21                   **(VIII) COST EFFECTIVENESS AND RETURN ON INVESTMENT.**

22           **(2) IN EVALUATING WHETHER AND TO WHAT EXTENT A MAJOR**  
23 **CAPITAL PROJECT SATISFIES THE GOALS ESTABLISHED UNDER PARAGRAPH (1) OF**  
24 **THIS SUBSECTION, THE DEPARTMENT, USING A 20-YEAR FORECAST IN THE**  
25 **PROJECT AREA, SHALL ASSIGN A SCORE FROM 1 TO 100 FOR EACH GOAL IN THE**  
26 **FOLLOWING MANNER:**

27                   **(I) FOR SAFETY AND SECURITY:**

1                   **1. THE EXPECTED REDUCTION IN TOTAL FATALITIES**  
2 **AND SEVERE INJURIES IN ALL MODES AFFECTED BY THE PROJECT SHALL ACCOUNT**  
3 **FOR 50% OF THE SCORE;**

4                   **2. THE EXTENT TO WHICH THE PROJECT IMPLEMENTS**  
5 **THE MARYLAND STATE HIGHWAY ADMINISTRATION'S COMPLETE STREETS**  
6 **POLICIES SHALL ACCOUNT FOR 25% OF THE SCORE; AND**

7                   **3. THE EXTENT TO WHICH THE PROJECT IS EXPECTED**  
8 **TO REDUCE VEHICLE MILES TRAVELED SHALL ACCOUNT FOR 25% OF THE SCORE.**

9                   **(II) FOR SYSTEM PRESERVATION:**

10                   **1. THE DEGREE TO WHICH THE PROJECT INCREASES**  
11 **THE LIFESPAN OF THE AFFECTED FACILITY SHALL ACCOUNT FOR 40% OF THE**  
12 **SCORE;**

13                   **2. THE DEGREE TO WHICH THE PROJECT INCREASES**  
14 **THE FUNCTIONALITY OF THE FACILITY SHALL ACCOUNT FOR 30% OF THE SCORE;**  
15 **AND**

16                   **3. THE DEGREE TO WHICH THE PROJECT RENDERS THE**  
17 **FACILITY MORE RESILIENT SHALL ACCOUNT FOR 30% OF THE SCORE.**

18                   **(III) FOR QUALITY OF SERVICE:**

19                   **1. THE EXPECTED CHANGE IN CUMULATIVE JOB**  
20 **ACCESSIBILITY WITHIN AN APPROXIMATELY 45-MINUTE COMMUTE FOR HIGHWAY**  
21 **PROJECTS OR AN APPROXIMATELY 60-MINUTE COMMUTE FOR TRANSIT PROJECTS**  
22 **SHALL ACCOUNT FOR 50% OF THE SCORE;**

23                   **2. THE EXPECTED CHANGE IN CUMULATIVE JOB**  
24 **ACCESSIBILITY FOR DISADVANTAGED POPULATIONS WITHIN A 45-MINUTE**  
25 **COMMUTE FOR HIGHWAY PROJECTS OR AN APPROXIMATELY 60-MINUTE COMMUTE**  
26 **FOR TRANSIT PROJECTS SHALL ACCOUNT FOR 20% OF THE SCORE; AND**

27                   **3. THE DEGREE TO WHICH THE PROJECT SUPPORTS**  
28 **CONNECTIONS BETWEEN DIFFERENT MODES OF TRANSPORTATION AND PROMOTES**  
29 **MULTIPLE TRANSPORTATION CHOICES SHALL ACCOUNT FOR 30% OF THE SCORE.**

30                   **(IV) FOR ENVIRONMENTAL STEWARDSHIP:**

1                   1.     **THE POTENTIAL OF THE PROJECT TO LIMIT OR**  
2 **REDUCE HARMFUL EMISSIONS SHALL ACCOUNT FOR 30% OF THE SCORE;**

3                   2.     **THE DEGREE TO WHICH THE PROJECT AVOIDS**  
4 **IMPACTS ON STATE RESOURCES IN THE PROJECT AREA AND ADJACENT AREAS**  
5 **SHALL ACCOUNT FOR 30% OF THE SCORE; AND**

6                   3.     **THE DEGREE TO WHICH THE PROJECT ADVANCES THE**  
7 **STATE ENVIRONMENTAL GOALS OF THE STATE SHALL ACCOUNT FOR 40% OF THE**  
8 **SCORE.**

9                   **(V) FOR COMMUNITY VITALITY:**

10                  1.     **THE DEGREE TO WHICH THE PROJECT IS PROJECTED**  
11 **TO INCREASE THE USE OF WALKING, BIKING, AND TRANSIT SHALL ACCOUNT FOR**  
12 **25% OF THE SCORE;**

13                  2.     **THE DEGREE TO WHICH THE PROJECT ENHANCES**  
14 **EXISTING COMMUNITY ASSETS SHALL ACCOUNT FOR 25% OF THE SCORE;**

15                  3.     **THE DEGREE TO WHICH THE PROJECT FURTHERS THE**  
16 **AFFECTED COMMUNITY'S AND STATE'S PLANS FOR REVITALIZATION SHALL**  
17 **ACCOUNT FOR 25% OF THE SCORE; AND**

18                  4.     **THE DEGREE TO WHICH THE PROJECT SUPPORTS**  
19 **COMPACT DEVELOPMENT PATTERNS IN EXISTING COMMUNITIES AND DOES NOT**  
20 **INDUCE PREMATURE AND LOW-DENSITY DEVELOPMENT ON THE OUTSKIRTS OF**  
21 **EXISTING COMMUNITIES SHALL ACCOUNT FOR 25% OF THE SCORE.**

22                  **(VI) FOR ECONOMIC PROSPERITY:**

23                  1.     **THE PROJECTED INCREASE IN THE CUMULATIVE JOB**  
24 **ACCESSIBILITY WITHIN AN APPROXIMATELY 45-MINUTE COMMUTE FOR PROJECTS**  
25 **SHALL ACCOUNT FOR 40% OF THE SCORE;**

26                  2.     **THE EXTENT TO WHICH THE PROJECT IS PROJECTED**  
27 **TO ENHANCE ACCESS TO CRITICAL INTERMODAL LOCATIONS FOR THE MOVEMENT**  
28 **OF GOODS AND SERVICES SHALL ACCOUNT FOR 30% OF THE SCORE; AND**

29                  3.     **THE PROJECTED INCREASE IN FURTHERING**  
30 **NONSPECULATIVE LOCAL AND STATE ECONOMIC DEVELOPMENT STRATEGIES IN**  
31 **EXISTING COMMUNITIES SHALL ACCOUNT FOR 30% OF THE SCORE.**

1                   **(VII) FOR EQUITABLE ACCESS TO TRANSPORTATION:**

2                   **1. THE EXPECTED INCREASE IN JOB ACCESSIBILITY FOR**  
3 **DISADVANTAGED POPULATIONS WITHIN AN APPROXIMATELY 45-MINUTE COMMUTE**  
4 **FOR PROJECTS SHALL ACCOUNT FOR 40% OF THE SCORE;**

5                   **2. THE PROJECTED ECONOMIC DEVELOPMENT IMPACT**  
6 **ON LOW-INCOME COMMUNITIES SHALL ACCOUNT FOR 30% OF THE SCORE; AND**

7                   **3. THE POTENTIAL FOR THE PROJECT TO REVITALIZE**  
8 **AND ENHANCE LOW-INCOME COMMUNITIES SHALL ACCOUNT FOR 30% OF THE**  
9 **SCORE.**

10                   **(VIII) FOR COST EFFECTIVENESS AND RETURN ON INVESTMENT:**

11                   **1. THE EXTENT TO WHICH THE PROJECT IS PROJECTED**  
12 **TO ENHANCE ACCESS TO CRITICAL INTERMODAL LOCATIONS FOR THE MOVEMENT**  
13 **OF GOODS AND SERVICES SHALL ACCOUNT FOR 50% OF THE SCORE; AND**

14                   **2. THE DEGREE TO WHICH THE ENHANCEMENTS TO THE**  
15 **PROJECT AREA ARE WEIGHTED AGAINST THE PER CAPITA COST OF THE PROJECT**  
16 **SHALL ACCOUNT FOR 50% OF THE SCORE.**

17                   **(3) THE DEPARTMENT SHALL MULTIPLY THE TOTAL COMBINED**  
18 **SCORE OF EACH MAJOR CAPITAL PROJECT BY A WEIGHTING FACTOR EQUAL TO ONE**  
19 **PLUS THE RESULTS OF DIVIDING THE POPULATION IN THE PROJECT AREA BY THE**  
20 **POPULATION OF MARYLAND.**

21                   **(D) (1) THE SCORE OF A MAJOR CAPITAL PROJECT SHALL BE BASED**  
22 **SOLELY ON THE GOALS AND MEASURES ESTABLISHED UNDER SUBSECTION (C) OF**  
23 **THIS SECTION.**

24                   **(2) EXCEPT AS PROVIDED UNDER PARAGRAPH (3) OF THIS**  
25 **SUBSECTION, THE DEPARTMENT SHALL PRIORITIZE MAJOR CAPITAL PROJECTS**  
26 **WITH HIGHER SCORES FOR INCLUSION IN THE CONSOLIDATED TRANSPORTATION**  
27 **PROGRAM OVER MAJOR CAPITAL PROJECTS WITH LOWER SCORES.**

28                   **(3) THE DEPARTMENT MAY INCLUDE IN THE CONSOLIDATED**  
29 **TRANSPORTATION PROGRAM A MAJOR CAPITAL PROJECT WITH A LOWER SCORE**  
30 **OVER A MAJOR CAPITAL PROJECT WITH A HIGHER SCORE IF IT PROVIDES IN**  
31 **WRITING A RATIONAL BASIS FOR THE DECISION.**

1           **(E) THIS SECTION DOES NOT APPLY TO MINOR CAPITAL PROJECTS, AS**  
2 **DEFINED IN § 2-103.1 OF THIS SUBTITLE.**

3           SECTION 2. AND BE IT FURTHER ENACTED, That the Department of  
4 Transportation update the 2014 Maryland Transportation Plan to reflect the goals and  
5 measures established under this Act.

6           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
7 apply only prospectively and may not be applied or interpreted to have any effect on or  
8 application to any major capital project moved to the construction phase before the effective  
9 date of this Act.

10           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2016.