

**Department of Legislative Services**  
Maryland General Assembly  
2019 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 212 (Delegate Malone)  
Environment and Transportation

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**Anne Arundel County - Toll Roads, Highways, and Bridges and Chesapeake Bay Crossing - Consent Requirement**

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This bill prohibits a State agency, including the Maryland Transit Authority (MDTA), from constructing a road, highway, or bridge that crosses the Chesapeake Bay and affects Anne Arundel County unless it has the express consent of the Anne Arundel County government. The bill also adds Anne Arundel County to the existing list of counties that must approve the construction of a toll facility by a State agency if they are affected by the toll facility.

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**Fiscal Summary**

**State Effect:** To the extent the bill results in a delay or cancellation of transportation projects that otherwise would occur, State operations and finances may be significantly affected, as discussed below.

**Local Effect:** Anne Arundel County can approve any road, highway, bridge, or toll facility in the manner required by the bill using existing resources. Revenues are not directly affected.

**Small Business Effect:** Minimal or no direct effect. However, to the extent the bill results in a delay or cancellation of transportation projects that otherwise would occur, small business contractors may be significantly affected.

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## Analysis

**Bill Summary:** A State agency, including MDTA, must have the approval of the *majority* of affected governments to construct a toll road, toll highway, or toll bridge in Anne Arundel (which is added by the bill), Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties.

### **Current Law/Background:**

#### *Toll Highways in the State*

Since 1971, MDTA has been responsible for constructing, managing, operating, and improving the State's toll facilities and for financing new revenue-producing transportation projects. MDTA has the authority to set tolls on transportation facilities projects under its supervision. MDTA's transportation facilities projects primarily include bridges, tunnels, and toll highways, such as the Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, and the John F. Kennedy Memorial Highway. There are currently two transportation projects in the planning stage that involve tolls: the third span across the Chesapeake Bay Bridge and the Governor's Traffic Relief Plan.

A State agency, including MDTA, must have the approval of the *majority* of affected governments to construct a toll road, toll highway, or toll bridge in Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties.

#### *Chesapeake Bay Bridge*

The Chesapeake Bay Bridge is the only toll bridge in Maryland that currently crosses the Chesapeake Bay. The bridge connects Maryland's Eastern Shore recreational regions with the metropolitan areas of Baltimore, Annapolis, and the District of Columbia. The original two-lane bridge was constructed in 1952, and the second three-lane bridge was constructed in 1973. MDTA, which maintains and operates the bridge, estimates that about 25.6 million vehicles crossed the bridge in fiscal 2014. Traffic congestion on the bridge can be severe.

The 2015 [Bay Bridge Life Cycle Cost Analysis](#) estimates that, by 2040, average traffic on the bridge will increase by at least 31.3% (to 92,800 vehicles per day). Furthermore, on summer Fridays (one of the heaviest traffic days for the bridge), traffic volume is estimated to increase by at least 36.6% by 2040 (to 94,300 vehicles).

The analysis also researched and developed alternatives designed to improve the Bay Bridge and its approaching roadways. The analysis includes a cost estimate of \$3.25 billion to simply repair and maintain the bridge in its existing form through 2065, as well as a range of alternatives that involve building a third bridge across the bay,

demolishing one or both existing bridges to rebuild with additional travel lanes, and widening the U.S. 50/301 main line by one lane. Costs for the alternatives are estimated through 2060 and range from \$7.80 billion (which simply widens and rehabilitates the existing eastbound bridge to three lanes) to \$25.34 billion (which demolishes both existing structures to rebuild a new, single, eight-lane bridge).

### *Third Crossing of the Chesapeake Bay – National Environmental Policy Act Process*

MDTA is currently undertaking a Tier 1 National Environmental Policy Act (NEPA) study for a third crossing of the Chesapeake Bay. One of the issues being explored is the best location for such a bridge.

For major transportation projects, NEPA requires a range of alternatives to be considered and the environmental impacts of each alternative to be analyzed. This type of study is required prior to the commitment of federal funds by the Federal Highway Administration to any major project or prior to any action taken by a federal agency that might cause a significant impact on the environment. Some of the basic steps in this process include a public scoping process, data collection, analysis of policy alternatives, and preparation of draft and final documents. The process involves numerous federal, state, and local partners; can take several years; and costs millions of dollars.

**State Fiscal Effect:** The bill has the potential to affect MDTA's current NEPA study and the resulting project. In addition, the bill could affect toll facility projects proposed in future years if they affect Anne Arundel County.

Any potential impact on the State cannot be reliably estimated at this time because it depends on numerous unknown factors, including (1) how and where a new bridge or bay crossing is proposed and (2) whether Anne Arundel County authorizes any such project under the bill's provisions.

For example, if, under the bill, Anne Arundel County authorizes a proposed bridge, the bill has no direct effect on State finances; however, to the extent that the additional authorization needed causes a delay in project development, total project costs could increase. Conversely, if the county does not explicitly authorize such a bridge, the State's plans may need to be modified or abandoned, which could have significant fiscal effects.

**Small Business Effect:** Although the bill's requirements have minimal or no direct effect on small businesses, to the extent any proposed transportation projects are delayed or cancelled as a result of the bill, any small business contractors involved in the construction of such projects may be meaningfully affected.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 107 (Senator Reilly) - Finance.

**Information Source(s):** Maryland Department of Transportation; Anne Arundel, Baltimore, Kent, Prince George's, Queen Anne's, and Talbot counties; Department of Legislative Services

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