

HOUSE BILL 836

R1, M3

4lr1143
CF SB 681

By: **Delegates Edelson, Embry, Foley, Holmes, J. Lewis, J. Long, Love, Palakovich Carr, Ruth, Smith, Solomon, Taveras, Vogel, and Wilkins**

Introduced and read first time: January 31, 2024

Assigned to: Appropriations and Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2024

CHAPTER _____

1 AN ACT concerning

2 **Major Highway Capacity Expansion Projects – Impact Assessments and**
3 **~~Mitigation Plans~~ Workgroup**
4 **(Transportation and Climate Alignment Act of 2024)**

5 FOR the purpose of requiring the Department of Transportation, in consultation with the
6 Department of the Environment, to establish a process for performing major
7 highway capacity expansion project impact assessments; requiring the Department
8 of Transportation ~~and a metropolitan planning organization~~ to perform an impact
9 assessment under certain circumstances; ~~requiring the Department of~~
10 ~~Transportation to use the impact assessment to make a certain determination;~~
11 ~~requiring the Department of Transportation and a metropolitan planning~~
12 ~~organization to develop a certain mitigation plan under certain circumstances;~~
13 ~~requiring the Department of Transportation to review for approval a mitigation~~
14 ~~plan developed by a metropolitan planning organization; requiring the Department~~
15 ~~of the Environment to develop a methodology for making a certain determination;~~
16 ~~authorizing the Department of Transportation to restrict or redirect certain~~
17 ~~funding that would have been allocated to the metropolitan planning organization~~
18 ~~under certain circumstances;~~ requiring the Department of Transportation ~~or a~~
19 ~~metropolitan planning organization~~ to post certain information to its website;
20 establishing the Workgroup to Study Major Highway Capacity Expansion Projects;
21 and generally relating to major highway capacity expansion projects.

22 ~~BY repealing and reenacting, without amendments,~~
23 ~~Article – Environment~~

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 ~~Section 1–701(a)(1), (7), and (8)~~
 2 ~~Annotated Code of Maryland~~
 3 ~~(2013 Replacement Volume and 2023 Supplement)~~

4 BY repealing and reenacting, without amendments,
 5 Article – Transportation
 6 Section 2–103.1(a)(1), (2), and (4)
 7 Annotated Code of Maryland
 8 (2020 Replacement Volume and 2023 Supplement)

9 BY adding to
 10 Article – Transportation
 11 Section 2–901 through ~~2–907~~ 2–906 to be under the new subtitle “Subtitle 9. Major
 12 Highway Capacity Expansion Projects”
 13 Annotated Code of Maryland
 14 (2020 Replacement Volume and 2023 Supplement)

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

17 ~~Article – Environment~~

18 ~~1–701.~~

19 (a) (1) ~~In this section the following words have the meanings indicated:~~

20 (7) ~~“Overburdened community” means any census tract for which three or~~
 21 ~~more of the following environmental health indicators are above the 75th percentile~~
 22 ~~statewide:~~

23 (i) ~~Particulate matter (PM) 2.5;~~

24 (ii) ~~Ozone;~~

25 (iii) ~~National Air Toxics Assessment (NATA) diesel PM;~~

26 (iv) ~~NATA cancer risk;~~

27 (v) ~~NATA respiratory hazard index;~~

28 (vi) ~~Traffic proximity;~~

29 (vii) ~~Lead paint indicator;~~

30 (viii) ~~National Priorities List Superfund site proximity;~~

31 (ix) ~~Risk Management Plan facility proximity;~~

- 1 ~~(x) Hazardous waste proximity;~~
- 2 ~~(xi) Wastewater discharge indicator;~~
- 3 ~~(xii) Proximity to a Concentrated Animal Feeding Operation~~
 4 ~~(CAFO);~~
- 5 ~~(xiii) Percent of the population lacking broadband coverage;~~
- 6 ~~(xiv) Asthma emergency room discharges;~~
- 7 ~~(xv) Myocardial infarction discharges;~~
- 8 ~~(xvi) Low birth weight infants;~~
- 9 ~~(xvii) Proximity to emitting power plants;~~
- 10 ~~(xviii) Proximity to a Toxic Release Inventory (TRI) facility;~~
- 11 ~~(xix) Proximity to a brownfields site;~~
- 12 ~~(xx) Proximity to mining operations; and~~
- 13 ~~(xxi) Proximity to a hazardous waste landfill.~~
- 14 ~~(8) "Underserved community" means any census tract in which, according~~
 15 ~~to the most recent U.S. Census Bureau Survey:~~
- 16 ~~(i) At least 25% of the residents qualify as low income;~~
- 17 ~~(ii) At least 50% of the residents identify as nonwhite; or~~
- 18 ~~(iii) At least 15% of the residents have limited English proficiency.~~

19 Article – Transportation

20 2–103.1.

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

22 (2) "Capital project" means:

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

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

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

SUBTITLE 9. MAJOR HIGHWAY CAPACITY EXPANSION PROJECTS.

2-901.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “CARBON DIOXIDE EQUIVALENT” MEANS THE MEASUREMENT OF A GIVEN WEIGHT OF A GREENHOUSE GAS THAT HAS THE SAME GLOBAL WARMING POTENTIAL, MEASURED OVER A SPECIFIED PERIOD OF TIME, AS 1 METRIC TON OF CARBON DIOXIDE.

(C) “GREENHOUSE GAS” INCLUDES CARBON DIOXIDE, METHANE, NITROUS OXIDE, HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR HEXAFLUORIDE.

(D) “GREENHOUSE GAS EMISSIONS” MEANS EMISSIONS OF GREENHOUSE GASES IN THE STATE, MEASURED IN METRIC TONS OF CARBON DIOXIDE EQUIVALENTS.

(E) “IMPACT ASSESSMENT” MEANS A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT IMPACT ASSESSMENT.

(F) “INDUCED DEMAND” MEANS ~~THE SITUATION THAT ARISES WHEN AN EXPANDED ROAD BECOMES CONGESTED DUE TO ADDITIONAL DRIVERS USING THE ROAD BECAUSE IT WAS EXPANDED~~ ANY INCREASE IN TRAVEL ARISING FROM IMPROVED TRAVEL CONDITIONS.

(G) “MAJOR CAPITAL PROJECT” HAS THE MEANING STATED IN § 2-103.1 OF THIS TITLE.

(H) (1) “MAJOR HIGHWAY CAPACITY EXPANSION PROJECT” MEANS A MAJOR CAPITAL PROJECT:

(I) WHOSE TOTAL COST FOR ALL PHASES EXCEEDS ~~\$10,000,000~~ \$50,000,000; AND

(II) THAT:

1 3. A DEDICATED BUS LANE; OR

2 4. A SIDEWALK.

3 ~~(I) “OVERBURDENED COMMUNITY” HAS THE MEANING STATED IN § 1-701~~
4 ~~OF THE ENVIRONMENT ARTICLE.~~

5 ~~(J) “UNDERSERVED COMMUNITY” HAS THE MEANING STATED IN § 1-701~~
6 ~~OF THE ENVIRONMENT ARTICLE.~~

7 ~~(K)~~ (I) “VEHICLE MILES TRAVELED” MEANS THE TOTAL NUMBER OF
8 ON-ROAD MILES TRAVELED BY VEHICLES IN A GEOGRAPHIC REGION OVER A
9 1-YEAR PERIOD.

10 2-902.

11 (A) THE REQUIREMENTS OF THIS SUBTITLE ARE IN ADDITION TO AND MAY
12 NOT SUPPLANT ANY HEALTH AND SAFETY GOALS ESTABLISHED UNDER STATE OR
13 LOCAL LAWS OR REGULATIONS.

14 (B) THIS SUBTITLE DOES NOT APPLY TO:

15 (1) A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT THAT WAS,
16 BEFORE JULY 1, 2024, SUBMITTED FOR APPROVAL FOR INCLUSION IN, OR FUNDED
17 FOR CONSTRUCTION UNDER:

18 (I) THE STATEWIDE TRANSPORTATION IMPROVEMENT
19 PROGRAM; OR

20 ~~(II) A METROPOLITAN PLANNING ORGANIZATION~~
21 ~~TRANSPORTATION IMPROVEMENT PROGRAM; OR~~

22 ~~(III) THE CONSOLIDATED TRANSPORTATION PROGRAM; OR~~

23 (2) A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT FOR WHICH
24 AN ASSESSMENT COMPARABLE TO THE IMPACT ASSESSMENT REQUIRED UNDER
25 THIS SUBTITLE WAS PERFORMED;

26 (3) A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT THAT,
27 BEFORE JULY 1, 2024, WAS APPROVED BY THE FEDERAL HIGHWAY
28 ADMINISTRATION IN ACCORDANCE WITH THE NATIONAL ENVIRONMENTAL POLICY
29 ACT; OR

1 **(4) A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT THAT WAS**
2 **INCLUDED IN THE FINAL FISCAL YEAR 2024 TO FISCAL YEAR 2029 CONSOLIDATED**
3 **TRANSPORTATION PROGRAM.**

4 **2-903.**

5 **(A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF**
6 **THE ENVIRONMENT,** SHALL ESTABLISH A PROCESS FOR PERFORMING MAJOR
7 HIGHWAY CAPACITY EXPANSION PROJECT IMPACT ASSESSMENTS.

8 **(B) (1) AN IMPACT ASSESSMENT SHALL INCLUDE AN ANALYSIS AND**
9 **ESTIMATES OF A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT'S:**

10 **(I) QUANTITATIVE NET CHANGE IN:**

11 **1. GREENHOUSE GAS EMISSIONS FOR THE ~~SIXTH YEAR~~**
12 **~~AFTER THE PROJECT IS COMPLETE~~ PROJECT AREA; AND**

13 **2. VEHICLE MILES TRAVELED IN THE PROJECT AREA**
14 **~~FOR THE SIXTH YEAR AFTER THE PROJECT IS COMPLETE;~~ AND**

15 **(II) IMPACT ON GREENHOUSE GAS EMISSIONS AND VEHICLE**
16 **MILES TRAVELED CAUSED BY ANY INDUCED DEMAND CREATED BY THE PROJECT.**

17 **(2) THE ANALYSIS AND ESTIMATES SPECIFIED UNDER PARAGRAPH**
18 **(1)(II) OF THIS SUBSECTION SHALL BE DETERMINED USING THE BEST AVAILABLE**
19 **DATA AND MODELING TOOLS, SUCH AS:**

20 **(I) THE STATE HIGHWAY INDUCED FREQUENCY OF TRAVEL**
21 **CALCULATOR;**

22 **(II) THE NATIONAL CENTER FOR SUSTAINABLE**
23 **TRANSPORTATION'S INDUCED TRAVEL CALCULATOR; OR**

24 **(III) ANY OTHER IMPACT ASSESSMENT TOOL USED FOR**
25 **MEASURING INDUCED DEMAND FOR GRADE SEPARATION PROJECTS.**

26 **2-904.**

27 **(A) ~~(1)~~ THE DEPARTMENT SHALL PERFORM AN IMPACT ASSESSMENT**
28 **FOR A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT ~~BEFORE THE PROJECT~~**
29 **~~MAY BE CONSIDERED FOR INCLUSION IN THE STATEWIDE TRANSPORTATION~~**
30 **~~IMPROVEMENT PROGRAM OR THE CONSOLIDATED TRANSPORTATION PROGRAM.~~**

~~(2) A METROPOLITAN PLANNING ORGANIZATION SHALL:~~

~~(i) PERFORM AN IMPACT ASSESSMENT FOR A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT BEFORE THE PROJECT MAY BE CONSIDERED FOR INCLUSION IN A METROPOLITAN PLANNING ORGANIZATION TRANSPORTATION IMPROVEMENT PROGRAM; AND~~

~~(ii) SUBMIT AN IMPACT ASSESSMENT PERFORMED UNDER THIS SECTION TO THE DEPARTMENT FOR REVIEW AND APPROVAL;~~

(1) BEFORE THE COMPLETION OF THE FEDERAL REVIEW PROCESS FOR THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT CONDUCTED IN ACCORDANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT; AND

(2) EARLY ENOUGH IN THE PROJECT PLANNING STAGE TO ALLOW FOR PROJECT ALTERATION.

(B) THE DEPARTMENT SHALL USE THE INFORMATION COLLECTED IN THE IMPACT ASSESSMENT REQUIRED IN SUBSECTION (A) OF THIS SECTION TO DETERMINE WHETHER A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT MEETS THE FOLLOWING REQUIREMENTS:

(1) THE PROJECT WILL NOT INCREASE GREENHOUSE GAS EMISSIONS;

(2) THE PROJECT WILL NOT INCREASE VEHICLE MILES TRAVELED;

(3) THE PROJECT CONFORMS WITH THE GREENHOUSE GAS EMISSIONS REDUCTION TARGETS SPECIFIED IN § 2-1205 OF THE ENVIRONMENT ARTICLE; AND

(4) THE PROJECT CONFORMS WITH THE VEHICLE MILES TRAVELED REDUCTION TARGETS SPECIFIED IN THE 2024 ANNUAL ATTAINMENT REPORT ON TRANSPORTATION SYSTEM PERFORMANCE.

~~(C) (1) IF THE DEPARTMENT DETERMINES THAT A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT DOES NOT SATISFY EACH REQUIREMENT SPECIFIED IN SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT OR, FOR AN IMPACT ASSESSMENT PERFORMED BY A METROPOLITAN PLANNING ORGANIZATION, THE METROPOLITAN PLANNING ORGANIZATION SHALL:~~

~~(i) ALTER THE SCOPE OR DESIGN OF THE PROJECT;~~

1 ~~(H) DEVELOP A MITIGATION PLAN IN ACCORDANCE WITH §~~
2 ~~2-905 OF THIS SUBTITLE; OR~~

3 ~~(H) HALT PROJECT DEVELOPMENT AND OMIT THE PROJECT~~
4 ~~FROM THE RELEVANT TRANSPORTATION IMPROVEMENT PROGRAM OR THE~~
5 ~~CONSOLIDATED TRANSPORTATION PROGRAM.~~

6 ~~(2) THE DEPARTMENT OR A METROPOLITAN PLANNING~~
7 ~~ORGANIZATION SHALL PERFORM SUBSEQUENT IMPACT ASSESSMENTS ON A MAJOR~~
8 ~~HIGHWAY CAPACITY EXPANSION PROJECT ALTERED IN ACCORDANCE WITH~~
9 ~~PARAGRAPH (1) OF THIS SUBSECTION UNTIL THE DEPARTMENT DETERMINES THAT~~
10 ~~THE PROJECT SATISFIES EACH REQUIREMENT SPECIFIED IN SUBSECTION (B) OF~~
11 ~~THIS SECTION.~~

12 ~~2-905.~~

13 ~~(A) IF THE DEPARTMENT DETERMINES THROUGH AN IMPACT ASSESSMENT~~
14 ~~THAT A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT WILL RESULT IN A NET~~
15 ~~INCREASE IN GREENHOUSE GAS EMISSIONS OR VEHICLE MILES TRAVELED AND~~
16 ~~THE PROJECT IS NOT GOING TO BE ALTERED OR HALTED UNDER § 2-904(C) OF~~
17 ~~THIS SUBTITLE, THE DEPARTMENT OR A METROPOLITAN PLANNING~~
18 ~~ORGANIZATION SHALL DEVELOP AND IMPLEMENT A MITIGATION PLAN TO~~
19 ~~ELIMINATE THE NET INCREASE IN GREENHOUSE GAS EMISSIONS OR VEHICLE~~
20 ~~MILES TRAVELED.~~

21 ~~(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A~~
22 ~~MITIGATION PLAN DEVELOPED UNDER THIS SECTION SHALL INCLUDE ONE OR~~
23 ~~MORE OF THE FOLLOWING MITIGATION ACTIONS:~~

24 ~~(I) TRANSIT EXPANSION, INCLUDING:~~

- 25 ~~1. REGULAR FIXED-BUS ROUTES;~~
- 26 ~~2. ARTERIAL BUS RAPID TRANSIT;~~
- 27 ~~3. HIGHWAY BUS RAPID TRANSIT;~~
- 28 ~~4. RAIL TRANSIT; AND~~
- 29 ~~5. INTERCITY PASSENGER RAIL;~~

30 ~~(II) TRANSIT SERVICE IMPROVEMENTS, INCLUDING:~~

- 31 ~~1. INCREASED SERVICE LEVELS;~~

1 ~~2. TRANSIT FARE REDUCTIONS OR INCENTIVES; AND~~

2 ~~3. TRANSIT PRIORITY TREATMENTS;~~

3 ~~(III) ACTIVE TRANSPORTATION INFRASTRUCTURE~~
4 ~~IMPROVEMENTS, INCLUDING PROTECTED BICYCLE LANES OR PATHWAYS;~~

5 ~~(IV) SHARED SERVICES FOR MANUAL OR ELECTRIC LOW SPEED~~
6 ~~VEHICLES, INCLUDING ELECTRIC BICYCLES AND SCOOTERS;~~

7 ~~(V) TRANSPORTATION DEMAND MANAGEMENT, INCLUDING:~~

8 ~~1. VANPOOL AND SHARED VEHICLE PROGRAMS;~~

9 ~~2. TELEWORKING PROGRAMS; AND~~

10 ~~3. EXPANSION OF BROADBAND ACCESS;~~

11 ~~(VI) PARKING MANAGEMENT, INCLUDING:~~

12 ~~1. REDUCTION OR ELIMINATION OF PARKING~~
13 ~~REQUIREMENTS;~~

14 ~~2. PARKING COST ADJUSTMENTS; AND~~

15 ~~3. ELIMINATION OF PARKING SUBSIDIES;~~

16 ~~(VII) LAND USE IMPROVEMENTS, INCLUDING:~~

17 ~~1. RESIDENTIAL AND OTHER DENSITY INCREASES;~~

18 ~~2. INFILL DEVELOPMENT; AND~~

19 ~~3. TRANSIT-ORIENTED DEVELOPMENT; AND~~

20 ~~(VIII) INFRASTRUCTURE IMPROVEMENTS RELATED TO~~
21 ~~PEDESTRIANS OR TRAFFIC OPERATIONS, INCLUDING:~~

22 ~~1. COMPLETE STREETS;~~

23 ~~2. REDUCED CONFLICT INTERSECTIONS;~~

24 ~~3. CROSSWALKS;~~

1 ~~4. MIXED-USE PATHS;~~

2 ~~5. ROADWAY GEOMETRY WITH REDUCED DESIGN~~
3 ~~SPEEDS; AND~~

4 ~~6. BUFFERED AND SHELTERED SIDEWALKS.~~

5 ~~(2) A MITIGATION ACTION MAY BE INCORPORATED IN THE~~
6 ~~MITIGATION PLAN FOR A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT IF:~~

7 ~~(I) THE NECESSARY FUNDING SOURCES ARE IDENTIFIED AND~~
8 ~~SUFFICIENT AMOUNTS ARE COMMITTED;~~

9 ~~(II) THE MITIGATION ACTION IS FOCUSED ON AREAS IN~~
10 ~~ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION; AND~~

11 ~~(III) PROCEDURES ARE ESTABLISHED TO ENSURE THAT THE~~
12 ~~MITIGATION ACTION CONFORMS WITH THE REQUIREMENTS UNDER § 2-904(B) OF~~
13 ~~THIS SUBTITLE.~~

14 ~~(C) (1) THE BENEFITS PROVIDED BY A MITIGATION ACTION SHALL~~
15 ~~FOCUS ON AREAS IN THE FOLLOWING ORDER OF PRIORITY:~~

16 ~~(I) OVERBURDENED COMMUNITIES OR UNDERSERVED~~
17 ~~COMMUNITIES IMPACTED BY THE MAJOR HIGHWAY CAPACITY EXPANSION~~
18 ~~PROJECT;~~

19 ~~(II) AREAS WITHIN OR ASSOCIATED WITH AT LEAST ONE OF~~
20 ~~THE COMMUNITIES IMPACTED BY THE PROJECT;~~

21 ~~(III) OVERBURDENED COMMUNITIES OR UNDERSERVED~~
22 ~~COMMUNITIES;~~

23 ~~(IV) THE REGION IN WHICH THE MAJOR HIGHWAY CAPACITY~~
24 ~~EXPANSION PROJECT IS LOCATED; OR~~

25 ~~(V) BENEFITS TO THE ENTIRE STATE.~~

26 ~~(2) THE DEPARTMENT OR A METROPOLITAN PLANNING~~
27 ~~ORGANIZATION SHALL INCLUDE IN A MITIGATION PLAN AN EXPLANATION ON THE~~
28 ~~FEASIBILITY OF AND RATIONALE FOR SELECTING A MITIGATION ACTION LOCATED~~
29 ~~IN AN AREA SPECIFIED IN PARAGRAPH (1)(II) THROUGH (V) OF THIS SUBSECTION.~~

~~(D) (1) A METROPOLITAN PLANNING ORGANIZATION SHALL SUBMIT A MITIGATION PLAN DEVELOPED UNDER THIS SECTION TO THE DEPARTMENT FOR REVIEW AND APPROVAL.~~

~~(2) (i) THE DEPARTMENT SHALL APPROVE A MITIGATION PLAN IF THE DEPARTMENT DETERMINES THAT THE MITIGATION PLAN COMPLIES WITH THIS SECTION AND THE REQUIREMENTS UNDER § 2-904(B) OF THIS SUBTITLE.~~

~~(ii) THE DEPARTMENT OF THE ENVIRONMENT SHALL DEVELOP A METHODOLOGY FOR THE DEPARTMENT TO DETERMINE IF A MITIGATION PLAN FOR A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT IS SUFFICIENT FOR REDUCING GREENHOUSE GAS EMISSIONS.~~

~~(3) (i) IF THE DEPARTMENT DOES NOT APPROVE A METROPOLITAN PLANNING ORGANIZATION'S MITIGATION PLAN SUBMITTED UNDER THIS SECTION, THE METROPOLITAN PLANNING ORGANIZATION SHALL ADDRESS ANY ISSUES RAISED BY THE DEPARTMENT AND RESUBMIT THE PLAN TO THE DEPARTMENT FOR APPROVAL.~~

~~(ii) IF A METROPOLITAN PLANNING ORGANIZATION'S RESUBMITTED MITIGATION PLAN STILL DOES NOT CONFORM WITH THE REQUIREMENTS OF THIS SECTION AND § 2-904(B) OF THIS SUBTITLE, THE DEPARTMENT MAY RESTRICT AND REDIRECT ANY FUNDING THAT WOULD HAVE BEEN ALLOCATED BY THE DEPARTMENT TO THE METROPOLITAN PLANNING ORGANIZATION, INCLUDING FUNDING FROM:~~

~~1. THE CONGESTION MITIGATION AND AIR QUALITY PROGRAM; AND~~

~~2. SURFACE TRANSPORTATION BLOCK GRANTS.~~

~~2-906.~~

~~THE~~

~~2-905.~~

~~THE DEPARTMENT OR A METROPOLITAN PLANNING ORGANIZATION SHALL PUBLISH ON ITS WEBSITE THE FOLLOWING INFORMATION FOR EACH IMPACT ASSESSMENT THE DEPARTMENT OR METROPOLITAN PLANNING ORGANIZATION PERFORMS:~~

~~(1) A SUMMARY OF THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT AND AN OVERVIEW OF THE IMPACT ASSESSMENT, INCLUDING:~~

1 (I) THE ESTIMATED QUANTITATIVE NET CHANGE IN:

2 1. GREENHOUSE GAS EMISSIONS FOR THE ~~SIXTH YEAR~~
3 ~~AFTER THE PROJECT IS COMPLETE~~ PROJECT AREA; AND

4 2. VEHICLE MILES TRAVELED IN THE PROJECT AREA
5 ~~FOR THE SIXTH YEAR AFTER THE PROJECT IS COMPLETE; AND~~

6 (II) THE STATUS OF THE PROJECT; AND

7 ~~(III) THE AMOUNT OF FUNDING ALLOCATED TO ANY~~
8 ~~MITIGATION ACTIONS RELATED TO THE PROJECT; AND~~

9 (2) ~~THE INDUCED DEMAND~~ TRAFFIC MODEL AND METHODOLOGY
10 THE DEPARTMENT ~~OR METROPOLITAN PLANNING ORGANIZATION~~ USED TO ASSESS
11 A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT'S IMPACT ON GREENHOUSE
12 GAS EMISSIONS AND VEHICLE MILES TRAVELED.

13 ~~2-907. 2-906.~~

14 THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS
15 SUBTITLE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That:

17 (a) There is a Workgroup to Study Major Highway Capacity Expansion Projects.

18 (b) The Workgroup consists of the following members:

19 (1) two members of the Senate of Maryland, appointed by the President of
20 the Senate;

21 (2) two members of the House of Delegates, appointed by the Speaker of
22 the House;

23 (3) the Secretary of Transportation, or the Secretary's designee;

24 (4) the State Highway Administrator, or the Administrator's designee;

25 (5) the Executive Director of the Maryland Transportation Authority, or
26 the Executive Director's designee;

27 (6) the Secretary of the Environment, or the Secretary's designee;

1 (7) one representative of the environmental advocacy community,
2 appointed by the President of the Senate;

3 (8) one representative of the environmental advocacy community,
4 appointed by the Speaker of the House;

5 (9) one representative of a transportation industry organization,
6 appointed by the Governor;

7 (10) one representative of the Baltimore Regional Transportation Board,
8 designated by the Board; and

9 (11) one representative of the Metropolitan Washington Council of
10 Governments, designated by the Executive Director of the Council.

11 (c) The Secretary of Transportation shall designate the chair of the Workgroup.

12 (d) The Department of Transportation shall provide staff for the Workgroup.

13 (e) A member of the Workgroup:

14 (1) may not receive compensation as a member of the Workgroup; but

15 (2) is entitled to reimbursement for expenses under the Standard State
16 Travel Regulations, as provided in the State budget.

17 (f) The Workgroup shall study and make recommendations related to impact
18 assessments and mitigation plans for major highway capacity expansion projects,
19 including:

20 (1) the existing approach for assessing greenhouse gas emissions and
21 vehicle miles traveled for highway projects reviewed in accordance with the National
22 Environmental Policy Act;

23 (2) a definition for “induced demand” and methods for evaluating induced
24 demand in assessments that measure greenhouse gas emissions and vehicle miles
25 traveled;

26 (3) the role of metropolitan planning organizations and transportation
27 management associations in supporting assessments that measure greenhouse gas
28 emissions and vehicle miles traveled for transportation projects;

29 (4) appropriate mitigation strategies and approaches that should be
30 implemented to reduce greenhouse gas emissions and vehicle miles traveled for major
31 highway capacity expansion projects when an impact assessment shows that the project
32 does not meet the emissions requirements under Section 1 of this Act; and

1 (5) how process and regional considerations should factor into the review
2 process of a project, including the role of nonurban projects and the alignment of project
3 requirements with future project prioritization efforts.

4 (g) On or before December 1, 2024, the Workgroup shall report its findings and
5 recommendations to the General Assembly in accordance with § 2–1257 of the State
6 Government Article.

7 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2024. Section 2 of this Act shall remain effective for a period of 1 year and, at the
9 end of June 30, 2025, Section 2 of this Act, with no further action required by the General
10 Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.