HOUSE BILL 84

R1, M3 5lr1602

(PRE–FILED)

By: **Delegate Edelson**
Requested: November 1, 2024
Introduced and read first time: January 8, 2025
Assigned to: Appropriations and Environment and Transportation

A BILL ENTITLED

AN ACT concerning

Transportation – Major Highway Capacity Expansion Projects and Impact Assessments
(Transportation and Climate Alignment Act of 2025)

FOR the purpose of requiring the Department of Transportation, as part of the planning and implementation of certain major highway expansion projects to develop and implement a corresponding multimodal transportation program; requiring the Department beginning with the Consolidated Transportation Program to evaluate certain major capital projects for their impact on greenhouse gas emissions and vehicle miles traveled; requiring, under certain circumstances, the Department to fund offsetting activities to reduce certain project or program impacts on greenhouse gas emissions and vehicle miles traveled; requiring the Secretary of Transportation to perform certain capacity expansion impact assessments; requiring the Department and the State Highway Administration to issue a certain report before proceeding to the final project planning phase for certain projects; and generally relating to the planning and development of certain transportation projects.

BY adding to
Article – Transportation
Section 2–901 through 2–905 to be under the new subtitle "Subtitle 9. Major Highway Capacity Expansion Projects"
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–102
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

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

Article – Transportation

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 AN ASSESSMENT OF A PROJECT'S OR PROGRAM'S IMPACT ON GREENHOUSE GAS EMISSIONS AND VEHICLE MILES TRAVELED.

(F) "INDUCED DEMAND" MEANS THE VOLUME OF TRAFFIC THAT IS DRAWN TO A NEW OR EXPANDED ROAD BY PROVIDING ADDITIONAL CAPACITY, INCLUDING FROM:

(1) TRIPS DIVERTED FROM OTHER ROUTES;

(2) DISCRETIONARY TRIPS THAT MAY NOT HAVE BEEN MADE WITHOUT IMPROVEMENT; AND

(3) IMPROVED ACCESS TO EMPLOYMENT AND OTHER ACTIVITY LOCATION CHOICES.

(G) "MAJOR CAPITAL PROJECT" HAS THE MEANING STATED IN § 2–103.1 OF THIS TITLE.

(H) "MAJOR HIGHWAY CAPACITY EXPANSION PROJECT" MEANS A MAJOR CAPITAL PROJECT THAT:

(1) THROUGH ALL PHASES INCREASES HIGHWAY CAPACITY THROUGH NEW HIGHWAY LANES OR EXTENDED HIGHWAY LANES; AND

(2) HAS A TOTAL COST FOR ALL PHASES THAT EXCEEDS $5,000,000.

(I) "OVERBURDENED COMMUNITY" HAS THE MEANING STATED IN § 1–701 OF THE ENVIRONMENT ARTICLE.

(J) "UNDERSERVED COMMUNITY" HAS THE MEANING STATED IN § 1–701 OF THE ENVIRONMENT ARTICLE.

(K) "VEHICLE MILES TRAVELED PER CAPITA" MEANS THE TOTAL NUMBER OF ON–ROAD MILES TRAVELED BY VEHICLES IN A GEOGRAPHIC REGION OVER A 1–YEAR PERIOD DIVIDED BY THE POPULATION IN THAT REGION.

2–902.

THIS SUBTITLE DOES NOT APPLY TO A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT THAT ON OR BEFORE JUNE 30, 2025, WAS:

(1) A PART OF THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM; OR

(2) FUNDED FOR CONSTRUCTION IN THE CONSOLIDATED TRANSPORTATION PROGRAM.

2–903.

(A) AS PART OF THE PLANNING AND IMPLEMENTATION OF A MAJOR HIGHWAY EXPANSION PROJECT, THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A CORRESPONDING MULTIMODAL TRANSPORTATION PROGRAM FOR THE PROPOSED HIGHWAY CORRIDOR EXPANSION.

(B) (1) DURING DEVELOPMENT OF THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT, THE MULTIMODAL TRANSPORTATION PROGRAM REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL IDENTIFY INVESTMENTS IN TRANSIT, TRANSIT–ORIENTED DEVELOPMENT, TRANSPORTATION DEMAND MANAGEMENT, PEDESTRIAN AND BICYCLE FACILITIES, LAND USE CHANGES, AND OTHER MEASURES TO OFFSET THE INCREASE IN VEHICLE MILES TRAVELED ASSOCIATED WITH THE PROJECT.

(2) THE PROGRAM SHALL FOCUS ON AREAS IN THE FOLLOWING ORDER OF PRIORITY:

(I) OVERBURDENED COMMUNITIES AND UNDERSERVED COMMUNITIES IMPACTED BY THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT;

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

(III) OVERBURDENED COMMUNITIES AND UNDERSERVED COMMUNITIES ACROSS THE STATE;

(IV) OVERBURDENED COMMUNITIES AND UNDERSERVED COMMUNITIES IN THE REGION IN WHICH THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT IS LOCATED; AND

(V) BENEFITS TO THE ENTIRE STATE.

(C) (1) THE MULTIMODAL TRANSPORTATION PROGRAM SHALL OFFSET THE VEHICLE MILES TRAVELED ASSOCIATED WITH THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT.

(2) THE NET VEHICLE MILES TRAVELED FROM THE PROJECT AND ITS ASSOCIATED MULTIMODAL TRANSPORTATION PROGRAM SHALL EQUAL ZERO OR A NUMBER LESS THAN ZERO.

(D) THE DEPARTMENT SHALL CONSIDER BOTH THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT AND THE MULTIMODAL TRANSPORTATION OFFSET PROGRAM AS PART OF ITS EVALUATION OF THE PROJECT UNDER § 2–103.7 OF THIS TITLE.

(E) THE DEPARTMENT SHALL FUND ELEMENTS OF THE MULTIMODAL TRANSPORTATION PROGRAM CONCURRENTLY WITH FUNDING FOR THE CONSTRUCTION OF THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT.

2–904.

(A) (1) BEGINNING WITH THE CONSOLIDATED TRANSPORTATION PROGRAM FOR FISCAL YEAR 2027 THROUGH FISCAL YEAR 2032 AND IN EACH ANNUAL RELEASE THEREAFTER, THE DEPARTMENT SHALL EVALUATE MAJOR CAPITAL PROJECTS INCLUDED IN THE CONSOLIDATED TRANSPORTATION PROGRAM FOR THEIR IMPACT ON:

(I) GREENHOUSE GAS EMISSIONS; AND

(II) VEHICLE MILES TRAVELED PER CAPITA.

(2) IF THE NET IMPACT OF A MAJOR CAPITAL PROJECT IS AN INCREASE IN GREENHOUSE GAS EMISSIONS, THE STATE SHALL FUND OFFSETTING ACTIVITIES TO REDUCE THE NET GREENHOUSE GAS EMISSIONS TO ZERO OR A NUMBER LESS THAN ZERO.

(3) THE EVALUATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PUBLISHED FOR THE DRAFT CONSOLIDATED TRANSPORTATION PROGRAM BY OCTOBER 1 EACH YEAR, AND WITH THE FINAL CONSOLIDATED TRANSPORTATION PROGRAM EACH YEAR.

(B) (1) BEGINNING WITH THE CONSOLIDATED TRANSPORTATION PROGRAM FOR FISCAL YEAR 2027 THROUGH FISCAL YEAR 2032 AND IN EACH ANNUAL RELEASE THEREAFTER, THE DEPARTMENT SHALL ACHIEVE, TO THE MAXIMUM EXTENT PRACTICABLE AND SUBJECT TO THE STATE BUDGET, A PROGRAM WHOSE IMPACT ON GREENHOUSE GAS EMISSIONS IS CONSISTENT WITH, AND MAKES PROGRESS TOWARD ACHIEVING GREENHOUSE GAS REDUCTION TARGETS CONSISTENT WITH THE STATE'S CARBON POLLUTION REDUCTION PLAN OVER THE CONSOLIDATED TRANSPORTATION PROGRAM PERIOD.

(2) THE DEPARTMENT MAY FUND OFFSETTING ACTIVITIES TO MAKE THE CONSOLIDATED TRANSPORTATION PROGRAM MORE CONSISTENT WITH THE GREENHOUSE GAS EMISSION REDUCTION GOALS UNDER THE STATE'S CARBON POLLUTION REDUCTION PLAN OR TO INCREASE PROGRESS TOWARD THOSE GOALS.

(C) THE OFFSETTING ACTIVITIES REQUIRED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION ARE ACTIVITIES THAT:

(1) DEMONSTRABLY CREATE CONSISTENT, LONG–TERM REDUCTIONS IN GREENHOUSE GAS EMISSIONS OR VEHICLE MILES TRAVELED;

(2) PRIORITIZE OVERBURDENED AND UNDERSERVED COMMUNITIES; AND

(3) INCLUDE:

(I) PARKING REDUCTION INITIATIVES;

(II) ACTIVE TRANSPORTATION;

(III) TRANSPORTATION DEMAND MANAGEMENT STRATEGIES;

(IV) LOW–TRAVEL–DEMAND COMMERCIAL AND RESIDENTIAL DEVELOPMENT AND OTHER LAND USE CHANGES;

(V) ROADWAY PRICING;

(VI) TELECOMMUTING;

(VII) PUBLIC TRANSIT SERVICE IMPROVEMENTS AND EXPANSION;

(VIII) MICRO–MOBILITY;

(IX) ACCESSIBLE TRANSPORTATION IMPROVEMENTS THAT COMPLY WITH THE AMERICANS WITH DISABILITIES ACT;

(X) ALTERNATIVE ENERGY GENERATION; AND

(XI) OTHER ACTIVITIES IDENTIFIED BY THE DEPARTMENT OR THE U.S. DEPARTMENT OF TRANSPORTATION TO REDUCE TRANSPORTATION EMISSIONS.

(D) TO ACHIEVE THE REQUIREMENTS UNDER THIS SECTION, THE DEPARTMENT SHALL SET ANNUAL DECLINING GREENHOUSE GAS EMISSION REDUCTION TARGETS THAT INCORPORATE ASSUMPTIONS ABOUT THE USE OF ELECTRIC VEHICLES IN THE STATE.

(E) IN EVALUATING THE CONSOLIDATED TRANSPORTATION PROGRAM'S IMPACT ON GREENHOUSE GAS EMISSIONS AND VEHICLE MILES TRAVELED, THE DEPARTMENT SHALL:

(1) ESTABLISH THE BASELINE TOTAL GREENHOUSE GAS EMISSIONS ATTRIBUTABLE TO SURFACE TRANSPORTATION IN THE STATE FOR THE CONSOLIDATED TRANSPORTATION PROGRAM PERIOD;

(2) CONSIDER THE DIRECT AND INDUCED DEMAND IMPACTS OF HIGHWAY CAPACITY EXPANSION PROJECTS AND TRANSIT CAPITAL PROJECTS ON VEHICLE MILES TRAVELED PER CAPITA AND GREENHOUSE GAS EMISSIONS;

(3) CONSIDER THE DIRECT BENEFITS OF INVESTMENTS IN:

(I) TRANSIT OPERATIONS, INCLUDING LOCALLY OPERATED TRANSIT SYSTEMS;

(II) TRANSIT–ORIENTED DEVELOPMENT AND TRANSPORTATION DEMAND MANAGEMENT, INCLUDING LAND DEVELOPMENT DESIGNED TO REDUCED TRAVEL DEMAND;

(III) PEDESTRIAN AND BICYCLE INFRASTRUCTURE;

(IV) ELECTRIFICATION OF STATE VEHICLES;

(V) VEHICLE CHARGING INFRASTRUCTURE; AND

(VI) ALTERNATIVE ENERGY GENERATION; AND

(4) COMPARE THE PROJECTED GREENHOUSE GAS EMISSIONS TO THE TARGET EMISSIONS ESTABLISHED IN SUBSECTION (C) OF THIS SECTION TO DETERMINE WHETHER THE CONSOLIDATED TRANSPORTATION PROGRAM ACHIEVES THE EMISSIONS TARGETS.

(F) IN EVALUATING WHETHER THE CONSOLIDATED TRANSPORTATION PROGRAM MEETS GREENHOUSE GAS EMISSION GOALS, THE DEPARTMENT MAY NOT CONSIDER STATE OF GOOD REPAIR ACTIVITIES AND ACTIVITIES THAT ARE SOLELY FOR SYSTEM PRESERVATION.

2–905.

(A) THE SECRETARY SHALL:

(1) ESTABLISH A PROCESS TO PERFORM CAPACITY EXPANSION IMPACT ASSESSMENTS;

(2) REQUIRE THE USE OF AN IMPACT ASSESSMENT IN THE DETERMINATIONS REQUIRED UNDER §§ 2–903 AND 2–904 OF THIS SUBTITLE; AND

(3) IMPLEMENT THE REQUIREMENTS UNDER THIS SECTION, INCLUDING BY ESTABLISHING:

(I) ANY NECESSARY POLICIES, PROCEDURES, MANUALS, AND TECHNICAL SPECIFICATIONS;

(II) PROCEDURES TO PERFORM AN IMPACT ASSESSMENT THAT PROVIDES FOR THE DETERMINATIONS REQUIRED UNDER §§ 2–902 AND 2–903 OF THIS SUBTITLE;

(III) CRITERIA FOR IDENTIFICATION OF A CAPACITY EXPANSION PROJECT; AND

(IV) RELATED DATA REPORTING FROM LOCAL UNITS OF GOVERNMENT ON LOCAL MULTIMODAL TRANSPORTATION SYSTEMS AND LOCAL PROJECT IMPACTS ON GREENHOUSE GAS EMISSIONS AND VEHICLE MILES TRAVELED.

(B) AN ANALYSIS UNDER A CAPACITY EXPANSION IMPACT ASSESSMENT SHALL INCLUDE ESTIMATES RESULTING FROM A PROJECT OR PORTFOLIO OF PROJECTS FOR THE FOLLOWING:

(1) GREENHOUSE GAS EMISSIONS OVER A PERIOD OF 20 YEARS;

(2) A NET CHANGE IN VEHICLE MILES TRAVELED FOR THE AFFECTED NETWORK; AND

(3) IMPACTS TO STATE HIGHWAYS AND RELATED IMPACTS TO LOCAL ROAD SYSTEMS, ON A LOCAL, REGIONAL, OR STATEWIDE BASIS AS APPROPRIATE.

(C) THE ANALYSIS AND ESTIMATES SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE DETERMINED USING THE BEST AVAILABLE DATA AND MODELING TOOLS, SUCH AS:

(1) THE NATIONAL CENTER FOR SUSTAINABLE TRANSPORTATION'S INDUCED TRAVEL CALCULATOR;

(2) THE STATE HIGHWAY INDUCED FREQUENCY OF TRAVEL CALCULATOR;

(3) THE CAMBRIDGE SYSTEMATICS TRANSPORTATION EFFICIENCY AND CARBON REDUCTION TOOL; OR

(4) ANY OTHER IMPACT ASSESSMENT TOOL USED FOR MEASURING INDUCED DEMAND FOR GRADE SEPARATION PROJECTS.

(D) IN FISCAL YEAR 2025, THE DEPARTMENT SHALL ALLOCATE FUNDING FOR THE IMPLEMENTATION AND DEVELOPMENT OF STATEWIDE AND REGIONAL TRAVEL DEMAND MODELING RELATED TO THE REQUIREMENTS OF THIS SECTION,

INCLUDING INDUCED DEMAND AND LAND USE EFFECTS FROM TRANSPORTATION INVESTMENTS.

8–102.

(a) It is the policy of this title to promote an efficient and economical transportation system.

(b) The Department **[**of Transportation**]** and the **[**State Highway**]** Administration may not proceed to the final project planning phase unless it has been determined that the objective of the proposed project cannot be reasonably achieved through:

(1) Improvements in highway maintenance and safety;

(2) Projects that modify existing highways but provide for minimal relocation or new highway construction; and

(3) Improvements in, or adoption of, transit alternatives, including mass transit alternatives.

(C) THE DEPARTMENT AND THE ADMINISTRATION SHALL ISSUE A REPORT PRIOR TO PROCEEDING TO THE FINAL PROJECT PLANNING PHASE THAT DOCUMENTS:

(1) THE EVALUATION OF THE ALTERNATIVES IDENTIFIED IN SUBSECTION (B) OF THIS SECTION; OR

(2) A DETERMINATION THROUGH OTHER REQUIRED PLANNING DOCUMENTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025.