

SENATE BILL 198

R1

(PRE-FILED)

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CF HB 20

By: **Chair, Budget and Taxation Committee (By Request – Departmental – Transportation)**

Requested: October 9, 2024

Introduced and read first time: January 8, 2025

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Consolidated Transportation Program – Prioritization**
3 **(Transportation Investment Priorities Act of 2025)**

4 FOR the purpose of altering the required elements of the Consolidated Transportation
5 Program and Maryland Transportation Plan; requiring a certain advisory committee
6 to advise the Department of Transportation on the Maryland Transportation Plan;
7 requiring the Department to develop a certain project-based scoring system, identify
8 certain funds available for certain purposes, and solicit requests from certain entities
9 for major surface transportation projects; requiring the Department to evaluate and
10 score certain major surface transportation projects; requiring the Department to
11 make public the scores of certain projects and list of projects recommended for
12 inclusion in the Consolidated Transportation Program; requiring the State Highway
13 Administration and Maryland Transit Administration to evaluate certain projects
14 using a certain methodology; providing that certain major surface transportation
15 projects may be included in the Consolidated Transportation Program only if the
16 project has been evaluated using a certain project-based scoring program; altering
17 the makeup, chair, frequency of meetings, and responsibilities of the Maryland
18 Transportation Commission; requiring the State Highway Administration to develop
19 certain asset management practices, including a state of good repair program; and
20 generally relating to transportation planning and project prioritization.

21 BY repealing and reenacting, with amendments,

22 Article – Transportation

23 Section 2–103.1, 2–103.7, 2–203, 2–204(a) and (b), 2–205, 7–309(b), and 8–502

24 Annotated Code of Maryland

25 (2020 Replacement Volume and 2024 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 2–202
2 Annotated Code of Maryland
3 (2020 Replacement Volume and 2024 Supplement)

4 BY adding to
5 Article – Transportation
6 Section 7–309(e); and 8–1101 through 8–1103 to be under the new subtitle “Subtitle
7 11. Asset Management Practices”
8 Annotated Code of Maryland
9 (2020 Replacement Volume and 2024 Supplement)

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

12 **Article – Transportation**

13 2–103.1.

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

15 (2) **“CAPACITY ENHANCING PROJECT” MEANS ANY PROJECT THAT**
16 **MODIFIES THE TRANSPORTATION SYSTEM TO IMPROVE THE ABILITY OF THE**
17 **TRANSPORTATION SYSTEM TO MOVE PEOPLE AND GOODS.**

18 (3) “Capital project” means:

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

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

23 [(3)] (4) “Construction phase” means the phase of a capital project in
24 which the project is committed and advanced from the project development phase to
25 completion.

26 [(4)] (5) “Major capital project” means any new, expanded, or
27 significantly improved facility or service that involves planning, environmental studies,
28 design, right-of-way, construction, or purchase of essential equipment related to the
29 facility or service.

30 [(5)] (6) “Major SURFACE transportation project” has the meaning stated
31 in § 2–103.7 of this subtitle.

32 [(6)] (7) “Minor capital project” means any project for the preservation or
33 rehabilitation of an existing facility or service, including the planning, design,

1 right-of-way, construction, or purchase of equipment essential to the facility or service,
2 and generally not requiring the preparation of an environmental impact assessment.

3 **[(7)] (8)** “Project development phase” means the phase of a capital project
4 in which planning, engineering, and environmental studies and analyses are conducted
5 with full participation by the public, prior to commitment to construction.

6 **[(8)] (9)** (i) “Proposing entity” means a government agency or political
7 subdivision that requests that a transportation project be included in the Consolidated
8 Transportation Program.

9 (ii) “Proposing entity” includes a county, a municipality, a
10 metropolitan planning organization, **A TRANSIT AGENCY**, and a modal administration or
11 any other agency of the Department.

12 **[(9)] (10)** “Purpose and need summary statement” means a brief statement
13 that specifies the underlying purpose and need for a project.

14 **[(10)] (11)** “Significant change” means any change that affects the size or
15 character of a project to the extent that the change:

16 (i) Substantially modifies the capacity[,] **OR** level of service[, or
17 cost] of the project;

18 (ii) **AFFECTS THE DEPARTMENT’S ABILITY TO DELIVER THE**
19 **PROJECT ON TIME AND ON BUDGET;**

20 **(III)** Alters the function, **SCOPE**, or purpose of the project; or

21 **[(iii)] (IV)** Impacts the ability of a modal administration to
22 accomplish the program priorities established by the Secretary in the State Report on
23 Transportation.

24 **(12) “STATE OF GOOD REPAIR” MEANS A PROJECT ELIGIBLE UNDER**
25 **THE TRANSIT STATE OF GOOD REPAIR PROGRAM IN § 7-309 OF THIS ARTICLE OR**
26 **UNDER THE HIGHWAY STATE OF GOOD REPAIR PROGRAM ESTABLISHED UNDER §**
27 **8-1103 OF THIS ARTICLE.**

28 **[(11)] (13)** “State transportation goals” means the goals described in §
29 2-103.7 of this subtitle.

30 **(14) “TRANSIT AGENCY” MEANS THE MARYLAND TRANSIT**
31 **ADMINISTRATION, THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY,**
32 **OR AN AGENCY THAT OPERATES A LOCALLY OPERATED TRANSIT SYSTEM.**

1 [(12)] **(15)** “Transportation facilities project” has the meaning stated in §
2 4–101(i) of this article.

3 [(13)] **(16)** “Transportation facility” has the meaning stated in § 3–101(l) of
4 this article.

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

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

8 (i) Be revised annually; and

9 (ii) Include:

10 1. A list of:

11 A. The State transportation goals;

12 B. Program priorities;

13 C. For projects in the construction phase, the criteria used to
14 select **DIFFERENT TYPES OF** major capital projects for inclusion in the capital program;
15 and

16 D. The [manner in which each major transportation project
17 was evaluated and ranked] **RESULTS OF THE EVALUATION OF MAJOR SURFACE**
18 **TRANSPORTATION PROJECTS SELECTED FOR FUNDING** under § 2–103.7 of this
19 subtitle;

20 2. A statement of the Department’s projected annual
21 operating costs, set forth separately for the Office of the Secretary and for each modal
22 administration;

23 3. Expanded descriptions of major capital projects **THAT**
24 **INCLUDE:**

25 A. **THE NAME OF THE PROJECT;**

26 B. **THE SCOPE OF WORK AND SCHEDULE ANTICIPATED**
27 **FOR THE PROJECT;**

28 C. **A PURPOSE AND NEED SUMMARY STATEMENT;**

29 D. **A DELINEATION OF THE STATE OF GOOD REPAIR**
30 **PORTION OF THE PROJECT FROM ANY CAPACITY ENHANCING ELEMENTS;**

1 **E. THE TRANSPORTATION NEED IDENTIFIED IN THE**
2 **MARYLAND TRANSPORTATION PLAN;**

3 **F. THE LOCATION OF THE PROJECT, INCLUDING A MAP**
4 **OF THE PROJECT LIMITS, PROJECT AREA, OR TRANSPORTATION CORRIDOR;**

5 **G. THE ESTIMATED COST BY PHASE OF THE PROJECT;**

6 **H. THE AMOUNT OF FUNDING ALLOCATED TO THE**
7 **PROJECT BY PHASE AND BY FUNDING SOURCE, INCLUDING FEDERAL, SPECIAL, OR**
8 **OTHER FUNDING; AND**

9 **I. ANY MAJOR MODIFICATIONS TO THE DESCRIPTIONS**
10 **REQUIRED UNDER ITEM B, C, OR G OF THIS ITEM;**

11 4. A list of major capital projects for the current year, the
12 budget request year, and the 4 successive planning years;

13 5. A list of [anticipated] **ALL IDENTIFIED** minor capital
14 projects[, including a specific list of anticipated special projects] for the current year and
15 the budget request year and an estimate of the Program level for each of the 4 successive
16 planning years;

17 6. A list of major bridge work projects;

18 7. A summary of the capital and operating programs, as
19 defined by the Secretary, for the Maryland Transportation Authority;

20 8. [For each listed major capital project, an indication
21 whether the revenue source anticipated to support that project consists of federal, special,
22 general, or other funds;

23 9.] The Department's estimates of the levels and sources of
24 revenues to be used to fund the projects in the Program, **INCLUDING AVAILABLE TOLL**
25 **CREDITS;**

26 [10.] **9.** A glossary of terms; and

27 [11.] **10.** A cross-reference table for the information
28 contained in the various parts of the State Report on Transportation.

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

1 (i) A summary of current efforts and future plans, prepared after
2 consultation with the Director of Bicycle and Pedestrian Access and the Bicycle and
3 Pedestrian Advisory Committee established under § 2–606 of this title:

4 1. To develop and promote bicycle and pedestrian
5 transportation; and

6 2. Working together with local jurisdictions, to accommodate
7 in a safe and effective manner pedestrians and bicycles within a reasonable distance for
8 walking and bicycling to rail stops, light rail stops, and subway stations;

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

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

14 (3) In addition to the items listed in paragraph (1) of this subsection, the
15 Consolidated Transportation Program shall include a summary of current efforts and
16 future plans to increase commuter access between the campuses of the University of
17 Maryland, including:

18 (i) Easing traffic congestion; and

19 (ii) Use of mass transit.

20 (4) Annually, the Consolidated Transportation Program shall include a
21 report that:

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

25 (ii) With respect to each major capital project for which funds are
26 requested in the budget request year, states:

27 1. The amount of the funds requested; and

28 2. The total estimated cost of the project;

29 (iii) Identifies significant changes in the cost, scope, design, or
30 scheduling of major capital projects for each completed fiscal year;

31 (iv) When there is a significant change in cost, states the amount by
32 which the expenditures that have been authorized exceed the original project estimate;

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

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

4 2. The total amount that has been expended for a major
5 capital project;

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

7 1. A general description and summary that describes why
8 the project is necessary and satisfies State transportation goals, including Climate Action
9 Plan goals required [by the Greenhouse Gas Emissions Reduction Act of 2009] under §
10 2–1205(b) of the Environment Article;

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

13 3. A summary of how the project meets the selection criteria
14 for inclusion in the capital program;

15 (vii) Provides the Maryland Transit Administration state of good
16 repair budget for the current fiscal year and projections for the subsequent fiscal year; and

17 (viii) Includes any other information that the Secretary believes would
18 be useful to the members of the General Assembly, the general public, or other recipients
19 of the Consolidated Transportation Program.

20 (5) The total operating and capital expenditures for the Department or for
21 the Office of the Secretary or any modal administration projected in the Consolidated
22 Transportation Program for the budget request year may not exceed the budget request for
23 the Department, Office, or modal administration for that year.

24 [(6) For a major capital project to be considered for inclusion in the
25 construction program of the Consolidated Transportation Program, a request must be
26 submitted to the Secretary by the proposing entity along with a purpose and need summary
27 statement justifying the project that includes:

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

30 (ii) The need for the project;

31 (iii) A discussion of how the project:

32 1. Addresses State transportation goals; and

1 2. Supports local government land use plans and goals; and

2 (iv) A certification that all members of the legislative delegation of
3 the county in which the project is located have been notified.

4 (7) (i) The Department shall evaluate requests for major capital
5 projects based on the State's transportation goals and, if applicable, using the measures
6 established under § 2-103.7 of this subtitle, and, as appropriate, criteria as determined by
7 the information submitted by the proposing entity and the availability of funding.

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

10 **(6) (I) THE DEPARTMENT SHALL CONSIDER REQUESTS FOR**
11 **PROJECTS FOR THE DEVELOPMENT AND EVALUATION PROGRAM, STATE OF GOOD**
12 **REPAIR PROGRAMS, AND THE PRIORITIZATION PROGRAM.**

13 **(II) AS PART OF ITS CONSIDERATION OF PROJECTS REQUESTED**
14 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEPARTMENT SHALL:**

15 1. **ESTABLISH AND PUBLISH CLEAR GUIDELINES FOR A**
16 **PROPOSING ENTITY TO MAKE A REQUEST FOR EACH PROGRAM, INCLUDING THE**
17 **FORM OF PRIORITY LETTERS AND PROCESSES AND CRITERIA THAT THE**
18 **DEPARTMENT WILL USE TO EVALUATE EACH REQUEST;**

19 2. **ESTABLISH A WEB-BASED SYSTEM FOR SUBMISSION**
20 **OF PROJECTS TO BE CONSIDERED FOR INCLUSION IN THE CONSOLIDATED**
21 **TRANSPORTATION PROGRAM; AND**

22 3. **PROVIDE RESPONSES TO EACH REQUEST RECEIVED**
23 **FOR THE PRIORITIZATION PROGRAM UNDER § 2-103.7 OF THIS SUBTITLE PRIOR TO**
24 **SEPTEMBER 15 EVERY OTHER YEAR, INCLUDING INFORMATION PERTAINING TO THE**
25 **DEPARTMENT'S EVALUATION OF THE REQUESTED PROJECT.**

26 **[(8) (7)** (i) The Department, in developing a construction or
27 improvement project involving a bridge or other transportation facility that is adjacent to
28 or crosses a waterway for inclusion in the Consolidated Transportation Program, shall
29 consider any reasonable and appropriate measures to provide or improve in the vicinity of
30 the bridge or other transportation facility water access for fishing, canoeing, kayaking, or
31 any other nonmotorized water dependent recreational activity.

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

34 1. Standards and guidelines for identifying appropriate

1 bridges and other transportation facilities to be considered for the provision or
2 improvement of water access under this paragraph; and

3 2. Best practices and cost effective strategies for
4 accommodating water access under this paragraph.

5 **[(9)] (8)** Except as authorized by law, the Consolidated Transportation
6 Program may not include capital transportation grants for roads and highways to counties
7 or municipal corporations for any period beyond the budget request year.

8 **[(10)] (9)** (i) In addition to the items listed in paragraph (1) of this
9 subsection, the Consolidated Transportation Program shall include:

10 1. A table that identifies each project receiving construction
11 funds:

12 A. For the first time in the budget request year; and

13 B. For the first time in the current year if the construction
14 funds were not identified in the budget year in the Consolidated Transportation Program
15 released the previous January; and

16 2. A table that identifies each project receiving planning
17 funds:

18 A. For the first time in the budget request year; and

19 B. For the first time in the current year if the planning funds
20 were not shown in the budget request year in the Consolidated Transportation Program
21 released the previous January.

22 (ii) For each project included in a table required under subparagraph
23 (i) of this paragraph, the table shall identify:

24 1. Where the project is listed in the Consolidated
25 Transportation Program; and

26 2. By fund, the amount included in the current year budget
27 and the budget request year budget for the project.

28 (c-1) If a new approved pedestrian or bicycle safety construction or improvement
29 project is projected to take more than 12 months to complete, the Department shall
30 implement all possible incremental, near-term safety improvements as soon as practicable
31 while maintaining each project's priority ranking.

32 (d) (1) The Maryland Transportation Plan shall:

1 (i) Except as otherwise provided, be revised every 5 years through
2 an inclusive public participation process;

3 (ii) Include [a]:

4 1. A 10- AND 20-year forecast of State transportation needs,
5 based on the financial resources anticipated to be available to the Department during [that
6 20-year period] **THE RESPECTIVE 10- AND 20-YEAR PERIODS; AND**

7 2. **STATE OF GOOD REPAIR AND CAPACITY EXPANSION**
8 **NEEDS;**

9 (iii) Be expressed in terms of the State transportation goals and
10 measures; and

11 (iv) Include a summary of the types of projects and programs that are
12 proposed to accomplish the State transportation goals [and measures,] using a
13 multi-modal approach [when feasible].

14 (2) Beginning with the 2045 Maryland Transportation Plan, the
15 Department shall consider ways to achieve equity in the transportation sector when
16 developing the State transportation goals.

17 **(3) SUBJECT TO THE REPORTING REQUIREMENTS IN SUBSECTION (G)**
18 **OF THIS SECTION, THE DEPARTMENT SHALL ESTABLISH PERFORMANCE MEASURES**
19 **FOR THE IMPLEMENTATION OF THE MARYLAND TRANSPORTATION PLAN AS PART**
20 **OF ITS DEVELOPMENT.**

21 (e) On or before November 15 of each year, the Department shall visit each county
22 to give local governments and local legislative delegations information about and an
23 opportunity to comment on the [proposed Consolidated Transportation Program and the
24 proposed Maryland Transportation Plan] **FOLLOWING:**

25 **(1) THE PROPOSED CONSOLIDATED TRANSPORTATION PROGRAM;**

26 **(2) TRANSPORTATION PERFORMANCE AND THE MARYLAND**
27 **TRANSPORTATION PLAN IN PLAN DEVELOPMENT YEARS;**

28 **(3) IN EVEN-NUMBERED FISCAL YEARS, THE RESULTS OF THE**
29 **PROJECT-BASED SCORING SYSTEM DESCRIBED IN § 2-103.7 OF THIS SUBTITLE; AND**

30 **(4) IN ODD-NUMBERED FISCAL YEARS:**

31 **(I) METHODOLOGY AND PROGRAM COMMENTS RELATED TO**
32 **THE PROJECT-BASED SCORING SYSTEM; AND**

1 **(II) LOCAL PRIORITIES FOR TRANSPORTATION STATE OF GOOD**
2 **REPAIR, ASSET MANAGEMENT, AND DEVELOPMENT AND EVALUATION INITIATIVES.**

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

10 (g) Beginning with the year 2002 State Report on Transportation and continuing
11 thereafter, before the General Assembly considers the proposed Maryland Transportation
12 Plan and the proposed Consolidated Transportation Program, the Department shall submit
13 an annual report on the attainment of State transportation goals and benchmarks for the
14 approved and proposed Maryland Transportation Plan and the approved and proposed
15 Consolidated Transportation Program to the Governor and, subject to § 2–1257 of the State
16 Government Article, to the General Assembly.

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

18 (i) The establishment of certain measurable performance indicators
19 [or], benchmarks, [in priority funding areas at a minimum,] **AND TARGETS** designed to
20 quantify the State transportation goals and measures specified in the Maryland
21 Transportation Plan [and § 2–103.7 of this subtitle]; and

22 (ii) The degree to which the projects and programs contained in the
23 approved Maryland Transportation Plan and Consolidated Transportation Program attain
24 those goals and benchmarks as measured by the [performance indicators or benchmarks]
25 **PROGRESS TOWARD THE PERFORMANCE TARGETS ESTABLISHED IN ITEM (I) OF THIS**
26 **PARAGRAPH.**

27 (2) The Department shall include in its report measurable long-term
28 [goals] **TARGETS**, and intermediate benchmarks of progress toward the attainment of the
29 long-term goals, for the following measurable transportation indicators:

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

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

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

1 (3) (i) Beginning with the 2024 attainment report on transportation
2 system performance, the advisory committee advising the Department on State
3 transportation goals, benchmarks, and indicators shall recommend measurable
4 transportation indicators that can be evaluated for racial, disability, ethnic, and
5 low-income disparities based on available sources or information.

6 (ii) The Department shall evaluate the indicators recommended
7 under subparagraph (i) of this paragraph to identify any racial, disability, ethnic, or
8 low-income disparities.

9 (4) The performance indicators [or], benchmarks, **OR TARGETS** described
10 in this subsection shall acknowledge the difference between urban and rural transportation
11 needs.

12 (i) The [Smart] **SUSTAINABLE** Growth Subcabinet, established under Title 9,
13 Subtitle 14 of the State Government Article, shall conduct an annual review of the State
14 transportation goals, benchmarks, and indicators.

15 (j) (1) An advisory committee shall be assembled to advise the Department on
16 the **MARYLAND TRANSPORTATION PLAN AND THE** State transportation goals,
17 **INDICATORS**, benchmarks, [and indicators] **AND TARGETS** under subsection (h) of this
18 section.

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

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

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

23 (iii) A representative of rural interests;

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

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

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

27 (vii) A nationally recognized expert on transportation demand
28 management;

29 (viii) A nationally recognized expert on pedestrian and bicycle
30 transportation;

31 (ix) A nationally recognized expert on transportation performance
32 measurement;

- 1 (x) A representative of an environmental advocacy organization;
- 2 (xi) A representative from the Maryland Department of Planning;
- 3 (xii) A representative of the Maryland Association of Counties;
- 4 (xiii) A representative of the Maryland Municipal League;
- 5 (xiv) A representative of the Maryland State Conference of the
6 National Association for the Advancement of Colored People;
- 7 (xv) A representative of a transportation labor organization,
8 designated by the Maryland State and District of Columbia AFL–CIO; and
- 9 (xvi) A representative of the transportation construction industry.
- 10 (3) The Governor shall appoint the chairman of the advisory committee.
- 11 (4) The advisory committee shall meet at least four times during the
12 process of developing the Maryland Transportation Plan to provide advice to the
13 Department on meeting the requirements of this subsection.
- 14 (5) The Department and the advisory committee shall consider the
15 following:
- 16 (i) Transportation and population trends and their impact on the
17 State’s transportation system and priority funding areas;
- 18 (ii) Past and present State funding devoted to the various
19 transportation modes and demand management;
- 20 (iii) The full range of unmet transportation needs in priority funding
21 areas;
- 22 (iv) The full range of transportation measures and facilities
23 available, and their role, effectiveness, and cost effectiveness in providing travel choices
24 and reducing congestion;
- 25 (v) A review of transportation performance indicators and their use
26 in other states;
- 27 (vi) A review of the coordination of State transportation investments
28 with local growth plans for priority funding areas;
- 29 (vii) The types of investments needed and their levels of funding for
30 supporting the [State] STATE’S transportation goals [and measures established under §
31 2–103.7 of this subtitle];

1 (viii) The impact of transportation investment on:

2 1. The environment;

3 2. Environmental justice as defined in § 1–701 of the
4 Environment Article;

5 3. Communities;

6 4. Economic development;

7 5. Racial equity; and

8 6. Persons with disabilities, including service accessibility;
9 and

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

12 (k) [The Department may:

13 (1) Conduct its analysis of planned transportation investments in priority
14 funding areas on a statewide basis or in groupings of priority funding areas centered on
15 regions, metropolitan areas, cities, or other groupings suitable for transportation modeling;
16 and

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

20 (l)] In the report required under subsection (g) of this section, the Department
21 shall:

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

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

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

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

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

4 (i) Any projected decreases or increases in indicators of traffic
5 congestion and accessibility as defined by the Department; and

6 (ii) The cost per passenger mile and other indicators of cost
7 effectiveness as defined by the Department, including the estimated annual cost of
8 maintenance and operations.

9 [(m)] (L) (1) (i) Subject to § 2–1257 of the State Government Article:

10 1. On or before September 1 of each year, the Department
11 shall submit copies of the proposed Consolidated Transportation Program and the
12 supporting financial forecast to the General Assembly; and

13 2. On submission of the budget bill to the presiding officers
14 of the General Assembly, the Department shall submit copies of the approved Consolidated
15 Transportation Program, including the manner in which each major transportation project
16 was evaluated and ranked under § 2–103.7 of this subtitle, and the supporting financial
17 forecast to the General Assembly.

18 (ii) Notwithstanding § 2–1257(b)(2) of the State Government Article,
19 the Department shall provide to each member of the General Assembly a copy of the
20 proposed Consolidated Transportation Program and the approved Consolidated
21 Transportation Program.

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

25 1. A schedule of operating expenses for each specific modal
26 administration;

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

31 3. A summary schedule for the Transportation Trust Fund
32 that includes the opening and closing Fund balance, revenues, transfers, bond sales, bond
33 premiums, any other revenues, expenditures for debt service, operating expenses, amounts
34 available for capital expenses, bond interest rates, bond coverage ratios, total bonds
35 outstanding, federal capital aid, and the total amount for the Transportation Capital
36 Program.

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

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

4 2. Forecasts of the information for each of the six subsequent
5 fiscal years, including the current fiscal year, the fiscal year for the proposed budget, and
6 the next four subsequent fiscal years.

7 (iii) 1. For the period beyond the budget request year, the
8 financial forecast:

9 A. Shall maximize the use of funds for the capital program;

10 B. Except as authorized by law, may not withhold or reserve
11 funds for capital transportation grants to counties or municipal corporations; and

12 C. Except as provided in subsubparagraph 2 of this
13 subparagraph, shall increase the operating expenses, net of availability payments paid to
14 public-private partnership concessionaires, each year by at least the 5-year average
15 annual rate of change in the operating expenses of the Department, ending with the most
16 recently completed fiscal year.

17 2. The assumed rate of future operating budget growth
18 under subsubparagraph 1C of this subparagraph may not increase or decrease by more
19 than 0.5 percentage points from the growth rate assumed in the previous forecast.

20 (iv) The Department shall incorporate in the financial forecast the
21 most recent estimates by the Board of Revenue Estimates of the revenues from:

22 1. The corporate income tax and the sales and use tax for
23 each of the six subsequent years, including the current fiscal year and the fiscal year for
24 the proposed budget; and

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

27 2-103.7.

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

29 (2) **“LOCALLY MANAGED CAPITAL PROJECT” MEANS A CAPITAL**
30 **PROJECT PERFORMED BY A POLITICAL SUBDIVISION IN A RIGHT-OF-WAY**
31 **CONTROLLED BY THE STATE HIGHWAY ADMINISTRATION OR THE MARYLAND**
32 **TRANSIT ADMINISTRATION.**

33 (3) “Major capital project” has the meaning stated in § 2-103.1 of this

1 subtitle.

2 **[(3)] (4)** (i) “Major **SURFACE** transportation project” means a major
3 capital project in the State Highway Administration or the Maryland Transit
4 Administration **[whose] OR THAT IS A LOCALLY MANAGED CAPITAL PROJECT:**

5 **1. WHOSE** total cost for all phases exceeds \$5,000,000; and
6 **[that:**

7 1. Increases highway or transit capacity;

8 2. Reduces areas of heavy traffic congestion;

9 3. Improves commute times in areas of heavy traffic
10 congestion;

11 4. Improves transit stations or station areas; or

12 5. Improves highway capacity through the use of intelligent
13 transportation systems or congestion management systems]

14 **2. THAT INCREASES THE CAPACITY OR ABILITY OF THE**
15 **HIGHWAY, TRANSIT, OR RAIL SYSTEM TO MOVE PEOPLE AND GOODS.**

16 (ii) “Major **SURFACE** transportation project” does not include:

17 1. Projects in the Maryland Aviation Administration, the
18 Maryland Port Administration, **THE MOTOR VEHICLE ADMINISTRATION, THE OFFICE**
19 **OF THE SECRETARY,** or the Maryland Transportation Authority;

20 2. Maintenance and storage facilities projects;

21 3. Water quality improvement projects;

22 4. Projects related to Maryland’s priorities for total
23 maximum daily load development;

24 5. Safety-related projects **[that do not increase highway or**
25 **transit capacity] THAT RECEIVE FUNDING UNDER 23 U.S.C. § 148 OR THAT DO NOT**
26 **SIGNIFICANTLY INCREASE TRANSIT CAPACITY;**

27 6. **[Roads within the Appalachian Development Highway**
28 **System; or**

29 **7.] Projects that are solely for system preservation OR STATE**
30 **OF GOOD REPAIR PURPOSES; OR**

1 **7. PROJECTS FUNDED WITH FEDERAL SOURCES EXEMPT**
2 **FROM THE PROJECT-BASED SCORING PROCESS DUE TO EXISTING EVALUATION**
3 **PROCESSES, INCLUDING:**

4 **A. CONGESTION MITIGATION AIR QUALITY FUNDS;**

5 **B. TRANSPORTATION ALTERNATIVES FUNDS;**

6 **C. PROTECT PROGRAM FUNDS;**

7 **D. CARBON REDUCTION PROGRAM FUNDS; AND**

8 **E. FUNDS FROM A FEDERAL PROGRAM ESTABLISHED BY**
9 **THE FEDERAL GOVERNMENT AFTER JANUARY 1, 2024, WITH SPECIFIC RULES THAT**
10 **SIGNIFICANTLY RESTRICT THE TYPES OR LOCATIONS OF PROJECTS THAT MAY BE**
11 **FUNDED.**

12 **(5) (I) “SMALL SURFACE TRANSPORTATION PROJECT” MEANS A**
13 **MAJOR CAPITAL PROJECT IN THE STATE HIGHWAY ADMINISTRATION OR THE**
14 **MARYLAND TRANSIT ADMINISTRATION OR THAT IS A LOCALLY MANAGED CAPITAL**
15 **PROJECT:**

16 **1. WHOSE TOTAL COST FOR ALL PHASES IS LESS THAN**
17 **OR EQUAL TO \$5,000,000; AND**

18 **2. THAT INCREASES THE CAPACITY OR ABILITY OF THE**
19 **HIGHWAY, TRANSIT, OR RAIL SYSTEM TO MOVE PEOPLE AND GOODS.**

20 **(II) “SMALL SURFACE TRANSPORTATION PROJECT” DOES NOT**
21 **INCLUDE:**

22 **1. PROJECTS IN THE MARYLAND AVIATION**
23 **ADMINISTRATION, THE MARYLAND PORT ADMINISTRATION, THE MOTOR VEHICLE**
24 **ADMINISTRATION, THE OFFICE OF THE SECRETARY, OR THE MARYLAND**
25 **TRANSPORTATION AUTHORITY;**

26 **2. MAINTENANCE AND STORAGE FACILITIES PROJECTS;**

27 **3. WATER QUALITY IMPROVEMENT PROJECTS;**

28 **4. PROJECTS RELATED TO MARYLAND’S PRIORITIES**
29 **FOR TOTAL MAXIMUM DAILY LOAD DEVELOPMENT;**

1 **5. SAFETY-RELATED PROJECTS THAT RECEIVE**
2 **FUNDING UNDER 23 U.S.C. § 148 OR THAT DO NOT SIGNIFICANTLY INCREASE**
3 **TRANSIT CAPACITY;**

4 **6. PROJECTS THAT ARE SOLELY FOR SYSTEM**
5 **PRESERVATION OR STATE OF GOOD REPAIR PURPOSES; OR**

6 **7. PROJECTS FUNDED WITH FEDERAL SOURCES EXEMPT**
7 **FROM THE PROJECT-BASED SCORING PROCESS DUE TO EXISTING EVALUATION**
8 **PROCESSES, INCLUDING:**

9 **A. CONGESTION MITIGATION AIR QUALITY FUNDS;**

10 **B. TRANSPORTATION ALTERNATIVES FUNDS;**

11 **C. PROTECT PROGRAM FUNDS;**

12 **D. CARBON REDUCTION PROGRAM FUNDS; AND**

13 **E. FUNDS FROM A FEDERAL PROGRAM ESTABLISHED BY**
14 **THE FEDERAL GOVERNMENT AFTER JANUARY 1, 2024, WITH SPECIFIC RULES THAT**
15 **SIGNIFICANTLY RESTRICT THE TYPES OR LOCATIONS OF PROJECTS THAT MAY BE**
16 **FUNDED.**

17 (b) The Department shall:

18 (1) [In accordance with federal transportation requirements, develop a
19 project-based scoring system for major transportation projects using the goals and
20 measures established under subsection (c) of this section;] **DEVELOP, IN CONSULTATION**
21 **WITH THE APPLICABLE METROPOLITAN PLANNING ORGANIZATIONS, FOR THE**
22 **MARYLAND TRANSPORTATION COMMISSION'S REVIEW A PROJECT-BASED SCORING**
23 **SYSTEM THAT:**

24 **(i) IS CONSISTENT WITH THIS SUBTITLE;**

25 **(ii) IS DEVELOPED IN ACCORDANCE WITH FEDERAL**
26 **TRANSPORTATION REQUIREMENTS; AND**

27 **(iii) EVALUATES MAJOR SURFACE TRANSPORTATION PROJECTS**
28 **USING OBJECTIVE AND QUANTIFIABLE MEASURES FOR THE GOALS ESTABLISHED**
29 **UNDER SUBSECTION (C) OF THIS SECTION THAT CONSIDER THE BENEFITS OF A**
30 **PROJECT RELATIVE TO ITS COST TO THE STATE.**

31 (2) Develop the weighting metrics for each goal and measure established

1 under [subsection (c)] **PARAGRAPH (1)** of this [section] **SUBSECTION**;

2 (3) [On or before January 1, 2018, develop a model consistent with this
3 section that uses the project-based scoring system developed under this subsection to rank
4 major transportation projects being considered for inclusion in the draft and final
5 Consolidated Transportation Program;] **PUBLISH THE GUIDELINES DEVELOPED TO
6 IMPLEMENT THIS SECTION, AS REVIEWED BY THE MARYLAND TRANSPORTATION
7 COMMISSION;**

8 (4) [Use the model developed under this subsection to rank major
9 transportation projects being considered for inclusion in the draft and final Consolidated
10 Transportation Program; and] **AT LEAST EVERY 2 YEARS, IN COORDINATION WITH THE
11 MARYLAND TRANSPORTATION COMMISSION, REVIEW AND UPDATE THE
12 GUIDELINES, AS NECESSARY;**

13 (5) [Make the model developed under item (3) of this subsection and any
14 ranking under item (4) of this subsection available to the public:

15 (i) As an appendix to the Consolidated Transportation Program;
16 and

17 (ii) On the Department's website] **IDENTIFY THE AMOUNT OF
18 FUNDS AVAILABLE FOR EACH 2-YEAR FUNDING CYCLE AFTER NEEDS ASSOCIATED
19 WITH THE FOLLOWING HAVE BEEN CONSIDERED:**

20 (I) **OPERATING, ADMINISTRATION, AND MAINTENANCE COSTS
21 OF THE DEPARTMENT;**

22 (II) **GRANTS TO OTHER ENTITIES, INCLUDING:**

23 1. **DISTRIBUTION OF HIGHWAY USER REVENUES TO
24 LOCAL GOVERNMENTS CONSISTENT WITH TITLE 8, SUBTITLE 4 OF THIS ARTICLE;**

25 2. **DISTRIBUTION OF LOCALLY OPERATED TRANSIT
26 SYSTEM GRANTS; AND**

27 3. **DISTRIBUTION OF FUNDS TO THE WASHINGTON
28 METROPOLITAN AREA TRANSIT AUTHORITY;**

29 (III) **ADMINISTRATIVE COSTS, INCLUDING SALARIES, WAGES,
30 AND FRINGE BENEFITS, RELATED TO OVERSIGHT AND IMPLEMENTATION OF THE
31 DEPARTMENT'S CAPITAL PROGRAM;**

32 (IV) **CAPITAL FUNDING THAT INCLUDES:**

1 **1. FUNDS FOR CAPITAL PROJECTS OF THE MARYLAND**
2 **AVIATION ADMINISTRATION, THE MARYLAND PORT ADMINISTRATION, THE MOTOR**
3 **VEHICLE ADMINISTRATION, AND THE OFFICE OF THE SECRETARY;**

4 **2. FUNDS FOR THE HIGHWAY SYSTEM PRESERVATION**
5 **PURPOSES AND STATE OF GOOD REPAIR; AND**

6 **3. FUNDS FOR THE TRANSIT PROJECTS WHERE THE**
7 **PRIMARY PURPOSE IS STATE OF GOOD REPAIR; AND**

8 **(V) ALL OTHER CAPITAL NEEDS FOR PROJECTS NOT SUBJECT**
9 **TO THE PROJECT-BASED SCORING SYSTEM FOR MAJOR SURFACE TRANSPORTATION**
10 **CAPITAL PROJECTS; AND**

11 **(6) (I) AT LEAST EVERY 2 YEARS, SOLICIT REQUESTS FROM THE**
12 **DEPARTMENT, LOCAL JURISDICTIONS, AND APPROPRIATE METROPOLITAN**
13 **PLANNING ORGANIZATIONS, FOR MAJOR SURFACE TRANSPORTATION PROJECTS TO**
14 **BE EVALUATED; AND**

15 **(II) REQUIRE EACH REQUESTER TO CERTIFY THAT ALL**
16 **MEMBERS OF THE LEGISLATIVE DELEGATION OF THE MARYLAND GENERAL**
17 **ASSEMBLY THAT REPRESENTS THE COUNTY IN WHICH THE PROJECT IS LOCATED**
18 **HAVE BEEN NOTIFIED OF THE REQUEST.**

19 **(c) (1) The [State transportation goals are] DEPARTMENT SHALL**
20 **EVALUATE MAJOR SURFACE TRANSPORTATION PROJECTS BASED ON POLICY GOALS.**

21 **(2) PROJECTS SHALL BE EVALUATED ON HOW EACH PROJECT**
22 **ADDRESSES:**

23 (i) Safety [and security];

24 (ii) [System preservation] **ACCESSIBILITY AND MOBILITY;**

25 (iii) [Reducing congestion and improving commute times] **CLIMATE**
26 **CHANGE AND THE ENVIRONMENT;**

27 (iv) [Environmental stewardship] **SOCIAL EQUITY;**

28 (v) [Community vitality;] **ECONOMIC DEVELOPMENT; AND**

29 (vi) [Economic prosperity;

- 1 (vii) Equitable access to transportation;
- 2 (viii) Cost effectiveness and return on investment; and
- 3 (ix) Local priorities] **LAND USE AND TRANSPORTATION DEMAND**
- 4 **MANAGEMENT.**

5 [(2) In evaluating whether and to what extent a major transportation
6 project satisfies the goals established under paragraph (1) of this subsection, the
7 Department shall assign a score for each goal using the weighting metrics developed by the
8 Department under subsection (b)(2) of this section and the following measures:

9 (i) For safety and security:

- 10 1. The expected reduction in total fatalities and severe
11 injuries in all modes affected by the project; and
- 12 2. The extent to which the project implements the Maryland
13 State Highway Administration's Complete Streets policies.

14 (ii) For system preservation:

- 15 1. The degree to which the project increases the lifespan of
16 the affected facility;
- 17 2. The degree to which the project increases the functionality
18 of the facility; and
- 19 3. The degree to which the project renders the facility more
20 resilient.

21 (iii) For reducing congestion and improving commute times:

- 22 1. The expected change in cumulative job accessibility within
23 an approximately 60-minute commute for highway projects or transit projects;
- 24 2. The degree to which the project has a positive impact on
25 travel time reliability and congestion; and
- 26 3. The degree to which the project supports connections
27 between different modes of transportation and promotes multiple transportation choices.

28 (iv) For environmental stewardship:

- 29 1. The potential of the project to limit or reduce harmful
30 emissions;

1 2. The degree to which the project avoids impacts on State
2 resources in the project area and adjacent areas; and

3 3. The degree to which the project advances the State
4 environmental goals.

5 (v) For community vitality:

6 1. The degree to which the project is projected to increase the
7 use of walking, biking, and transit;

8 2. The degree to which the project enhances existing
9 community assets; and

10 3. The degree to which the project furthers the affected
11 community's and State's plans for revitalization.

12 (vi) For economic prosperity:

13 1. The projected increase in the cumulative job accessibility
14 within an approximately 60-minute commute for projects;

15 2. The extent to which the project is projected to enhance
16 access to critical intermodal locations for the movement of goods and services; and

17 3. The projected increase in furthering nonspeculative local
18 and State economic development strategies in existing communities.

19 (vii) For equitable access to transportation:

20 1. The expected increase in job accessibility for
21 disadvantaged populations within an approximately 60-minute commute for projects; and

22 2. The projected economic development impact on
23 low-income communities.

24 (viii) For cost effectiveness and return on investment:

25 1. The estimated travel time savings divided by the project
26 cost;

27 2. The degree to which the project leverages additional
28 federal, State, local, and private sector transportation investment; and

29 3. The degree to which the project will increase
30 transportation alternatives and redundancy.

1 (ix) For local priorities, the degree to which the project supports local
2 government transportation priorities, as specified in local government priority letters.]

3 (d) (1) The score of a major SURFACE transportation project shall be based
4 solely on the **BENEFITS OF A PROJECT TOWARD THE** goals and measures established
5 under subsection (c) of this section **RELATIVE TO A PROJECT'S COST TO THE STATE**.

6 (2) [The] **BY AUGUST 15 EACH EVEN-NUMBERED FISCAL YEAR, THE**
7 Department shall make the scores of all projects evaluated **AND THE LIST OF ALL**
8 **PROJECTS RECOMMENDED** for inclusion in the Consolidated Transportation Program
9 [and assigned a score under the model] available to the public[:

10 (i) As an appendix to the Consolidated Transportation Program;
11 and

12 (ii) On] **ON** the Department's Web site.

13 **(3) THE RECOMMENDATIONS MADE BY THE DEPARTMENT UNDER**
14 **PARAGRAPH (2) OF THIS SUBSECTION MAY ONLY BE MODIFIED IF THE**
15 **MODIFICATION IS REVIEWED BY THE MARYLAND TRANSPORTATION COMMISSION**
16 **AFTER THE DEPARTMENT HAS COMPLETED ITS EVALUATION UNDER SUBSECTION**
17 **(C) OF THIS SECTION.**

18 **(E) (1) ON THE COMPLETION OF A ROUND OF PROJECT EVALUATIONS,**
19 **THE DEPARTMENT SHALL UNDERTAKE A REVIEW OF THE PROJECT-BASED SCORING**
20 **SYSTEM AND RELATED GUIDELINES TO DETERMINE WHETHER MODIFICATIONS TO**
21 **THE GUIDELINES ARE NECESSARY.**

22 **(2) IN THE EVENT THAT THE DEPARTMENT DETERMINES THAT**
23 **MODIFICATIONS ARE NECESSARY, THE RECOMMENDED MODIFICATIONS SHALL BE**
24 **PRESENTED TO THE MARYLAND TRANSPORTATION COMMISSION FOR REVIEW.**

25 **(F) EACH YEAR, THE STATE HIGHWAY ADMINISTRATION AND MARYLAND**
26 **TRANSIT ADMINISTRATION SHALL EVALUATE SMALL SURFACE TRANSPORTATION**
27 **PROJECTS USING A METHODOLOGY CONSISTENT WITH THE SYSTEM DEVELOPED**
28 **UNDER SUBSECTION (B) OF THIS SECTION, PUBLISH THE RESULTS OF THE**
29 **EVALUATION, AND SELECT PROJECTS BASED ON THE RESULTS OF THE EVALUATION.**

30 **(G) A MAJOR SURFACE TRANSPORTATION PROJECT MAY BE INCLUDED IN**
31 **THE CONSOLIDATED TRANSPORTATION PROGRAM FOR CONSTRUCTION ONLY IF IT**
32 **HAS BEEN EVALUATED BY THE PROJECT-BASED SCORING PROGRAM IN THIS**
33 **SUBTITLE.**

34 **[(e)] (H) Nothing in this section may be construed to impede or alter:**

1 (1) The priority letter process that outlines local transportation priorities
2 for the Department's consideration for inclusion in the Consolidated Transportation
3 Program under § 2-103.1 of this subtitle;

4 (2) The Department's visit to each county under § 2-103.1(e) of this
5 subtitle; or

6 (3) The inclusion of local transportation priorities in the Consolidated
7 Transportation Program.

8 2-202.

9 There is a Maryland Transportation Commission in the Department.

10 2-203.

11 (a) The Commission consists of the following [17] members:

12 (1) [As ex officio members, the seven regional members of the State Roads
13 Commission; and

14 (2) Ten members appointed by the Governor with the advice of the
15 Secretary] **THE SECRETARY, OR THE SECRETARY'S DESIGNEE;**

16 **(2) EIGHT MEMBERS APPOINTED BY THE GOVERNOR, WITH AT LEAST**
17 **FOUR MEMBERS REPRESENTING URBANIZED AREAS AND AT LEAST TWO MEMBERS**
18 **REPRESENTING RURAL AREAS;**

19 **(3) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE; AND**

20 **(4) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE.**

21 (b) An appointed member may not be [an]:

22 **(1) AN officer or employee of the Department;**

23 **(2) A STATE OR LOCAL ELECTED OFFICIAL; OR**

24 **(3) AN APPOINTED OFFICIAL OF THE STATE OR A LOCAL**
25 **GOVERNMENT.**

26 **(C)** Each appointed member shall be a resident of this State and have interest
27 and, preferably, experience in at least one of the fields under the jurisdiction of the
28 Department.

1 ~~[(c)] (D)~~ (1) Each appointed member serves for a term of ~~[3]~~ 4 years and until
2 his successor is appointed and qualifies. ~~[The terms of appointed members shall be~~
3 ~~staggered as required by the original appointments to the Commission, three of which were~~
4 ~~made for a 3-year term, four of which were made for a 2-year term, and three of which~~
5 ~~were made for a 1-year term.]~~

6 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
7 **THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON JULY 1, 2025.**

8 **(3) EACH APPOINTED MEMBER MAY BE REAPPOINTED AT THE**
9 **DISCRETION OF THE APPOINTING AUTHORITY.**

10 ~~[(2)] (4)~~ A member appointed to fill a vacancy in an unexpired term serves
11 only for the remainder of that term.

12 2–204.

13 (a) The ~~[Governor shall designate one of the appointed members of the~~
14 ~~Commission as its Chairman]~~ **SECRETARY IS THE CHAIR OF THE COMMISSION.**

15 (b) The Commission shall meet, at a time and place designated by the
16 Commission or its ~~[Chairman]~~ **CHAIR:**

17 (1) At least once each ~~[month]~~ **QUARTER**; and

18 (2) At any other time that the Secretary requests.

19 2–205.

20 (a) (1) The ~~[Maryland Transportation]~~ Commission shall study the entire
21 transportation system of this State and regularly discuss with the Secretary any matter
22 relating to this State's transportation system.

23 (2) ~~[Each of the seven regional members of the State Roads Commission,~~
24 ~~who serve as ex officio members of the Maryland Transportation Commission, shall:~~

25 (i) Conduct a continuing survey of the secondary highways, as
26 defined in § 8–101 of this article, in that member's region; and

27 (ii) Report on the highway needs and problems of that region to the
28 Maryland Transportation Commission.

29 (3) The ~~[Maryland Transportation]~~ Commission may request of the
30 Secretary any information relating to the Department that is needed for the Commission's
31 studies, surveys, and deliberations.

1 (b) The Commission shall [advise] **HAVE THE FOLLOWING POWERS AND**
2 **DUTIES:**

3 (1) **ADVISE** and make recommendations to the Secretary and the heads of
4 the units in the Department on all matters that concern transportation policy formation
5 and program execution;

6 (2) **REVIEW, ADVISE, AND MAKE RECOMMENDATIONS TO THE**
7 **SECRETARY ON THE DEPARTMENT'S QUARTERLY OPERATING AND CAPITAL**
8 **BUDGET UPDATES;**

9 (3) **REVIEW AND MAKE RECOMMENDATIONS ON A POLICY TO**
10 **IMPLEMENT THE PROJECT-BASED SCORING SYSTEM UNDER § 2-103.7 OF THIS**
11 **TITLE; AND**

12 (4) **REVIEW AND MAKE RECOMMENDATIONS CONCERNING THE**
13 **MARYLAND TRANSPORTATION PLAN.**

14 7-309.

15 (b) In undertaking the assessment required under subsection (a) of this section,
16 the Administration shall:

17 (1) Compile and prioritize capital needs without regard to cost;

18 (2) Identify the backlog of repairs and replacements needed to achieve a
19 state of good repair for all Administration assets, including a separate analysis of these
20 needs over the following 10 years; [and]

21 (3) Identify the needs to be met in order to enhance service and achieve
22 system performance goals; **AND**

23 (4) **DEVELOP ASSET MANAGEMENT PRACTICES IN THE OPERATION**
24 **AND MAINTENANCE OF STATE TRANSIT ASSETS CONSISTENT WITH REQUIREMENTS**
25 **UNDER 49 U.S.C. § 5326.**

26 (E) **ON AN ANNUAL BASIS, THE ADMINISTRATION SHALL PRIORITIZE**
27 **CAPITAL NEEDS BASED ON THE ALLOCATION AVAILABLE FOR TRANSIT STATE OF**
28 **GOOD REPAIR.**

29 8-502.

30 The purpose of this subtitle is to assist the national recovery and promote the general
31 welfare by enabling this State and its political subdivisions to provide matching funds for

1 and secure the benefits of any federal funds available under the federal acts for the
2 [construction and reconstruction of State highways and county roads and for related State
3 or local projects] **DEVELOPMENT AND IMPLEMENTATION OF A MULTIMODAL SURFACE**
4 **TRANSPORTATION NETWORK.**

5 **SUBTITLE 11. ASSET MANAGEMENT PRACTICES.**

6 **8-1101.**

7 (A) (1) **THE ADMINISTRATION SHALL DEVELOP ASSET MANAGEMENT**
8 **PRACTICES IN THE OPERATION AND MAINTENANCE OF THE SYSTEMS OF STATE**
9 **HIGHWAYS.**

10 (2) **THE PRACTICES SHALL INCLUDE A TRANSPARENT**
11 **METHODOLOGY FOR PRIORITIZING THE ALLOCATION OF FUNDS AVAILABLE FOR**
12 **HIGHWAY MAINTENANCE AND OPERATIONS, INCLUDING THE ALLOCATION AMONG**
13 **THE ADMINISTRATION'S DISTRICTS.**

14 (B) **THE ADMINISTRATION SHALL ENSURE THE WORK COMPLIES WITH ANY**
15 **APPLICABLE FEDERAL REQUIREMENTS FOR THE CONDITION OF THE NATIONAL**
16 **HIGHWAY SYSTEM UNDER 23 U.S.C. § 119.**

17 **8-1102.**

18 (A) **ON OR BEFORE JANUARY 1, 2026, THE ADMINISTRATION SHALL**
19 **ESTABLISH PERFORMANCE TARGETS FOR THE CONDITION OF PAVEMENTS AND**
20 **BRIDGES ON STATE HIGHWAYS COVERING A PERIOD OF AT LEAST 20 YEARS.**

21 (B) **ON OR BEFORE JANUARY 1, 2030, THE ADMINISTRATION SHALL**
22 **ESTABLISH PERFORMANCE TARGETS FOR THE CONDITION OF OTHER KEY ASSETS**
23 **COVERING AN APPROPRIATE TIME FRAME FOR THE ASSETS.**

24 (C) (1) **EVERY 4 YEARS THE ADMINISTRATION SHALL UNDERTAKE A**
25 **COMPREHENSIVE REVIEW OF THE CURRENT AND FUTURE CONDITIONS OF**
26 **PAVEMENTS, BRIDGES, AND OTHER KEY ASSETS ON STATE HIGHWAYS.**

27 (2) **THE REVIEW SHALL:**

28 (I) **CONSIDER CURRENT CONDITIONS AND PERFORMANCE**
29 **TARGETS;**

30 (II) **CONSIDER CURRENT INVESTMENT STRATEGIES FOR FUNDS**
31 **ALLOCATED TO THE ADMINISTRATION FOR THE HIGHWAY STATE OF GOOD REPAIR**
32 **PROGRAM UNDER § 8-1103 OF THIS SUBTITLE;**

1 (III) RECOMMEND, IF APPROPRIATE, NEW PERFORMANCE
2 TARGETS FOR ASSETS WITH ESTABLISHED TARGETS WITH SUSTAINABLE
3 PERFORMANCE OVER A 20-YEAR PERIOD; AND

4 (IV) DEVELOP OR UPDATE, AS APPROPRIATE, AN INVESTMENT
5 STRATEGY FOR FUNDS ALLOCATED TO THE ADMINISTRATION FOR THE HIGHWAY
6 STATE OF GOOD REPAIR PROGRAM UNDER § 8-1103 OF THIS SUBTITLE TO ACHIEVE
7 THE SUSTAINABLE PERFORMANCE TARGETS.

8 8-1103.

9 (A) IN THIS SECTION, "PROGRAM" MEANS THE HIGHWAY STATE OF GOOD
10 REPAIR PROGRAM IN THE DEPARTMENT.

11 (B) THERE IS A HIGHWAY STATE OF GOOD REPAIR PROGRAM IN THE
12 DEPARTMENT.

13 (C) THE PURPOSE OF THE PROGRAM IS TO IMPROVE THE CONDITION OF
14 PAVEMENTS, BRIDGES, AND OTHER KEY ASSETS ON STATE HIGHWAYS TO ACHIEVE
15 AND, AS APPROPRIATE, MAINTAIN THE SUSTAINABLE CONDITION TARGETS
16 ESTABLISHED BY THE ADMINISTRATION UNDER § 8-1102 OF THIS SUBTITLE.

17 (D) AN ELIGIBLE PROJECT UNDER THE PROGRAM IS A CAPITAL PROJECT
18 TO REPAIR, REHABILITATE, RECONSTRUCT, OR REPLACE AN ASSET WITH THE
19 INTENT TO IMPROVE THE LONG-TERM CONDITION OF THE ASSET, INCLUDING
20 MINOR UPGRADES AND MODIFICATIONS ANCILLARY AND RELATED TO THE ASSET
21 NECESSARY TO MEET APPLICABLE DESIGN STANDARDS.

22 (E) SUBJECT TO APPROPRIATION AND AVAILABILITY, FUNDS FOR THE
23 PROGRAM SHALL BE PROVIDED BY THE DEPARTMENT.

24 (F) THE ADMINISTRATION SHALL DEVELOP A PRIORITY RANKING SYSTEM
25 FOR PAVEMENTS, BRIDGES, AND OTHER KEY ASSETS THAT TAKES INTO
26 CONSIDERATION USEFUL LIFE, AGE, CONDITION, AND OTHER FACTORS
27 DETERMINED TO BE APPROPRIATE BY THE ADMINISTRATION.

28 (G) THE ADMINISTRATION SHALL ALLOCATE FUNDS IN THE PROGRAM
29 BASED ON A PRIORITY RANKING SYSTEM.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members of
31 the Maryland Transportation Commission appointed in accordance with this Act shall
32 expire as follows:

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- 1 (1) of the members appointed by the Governor:
- 2 (i) two members in 2026;
- 3 (ii) two members in 2027;
- 4 (iii) two members in 2028; and
- 5 (iv) two members in 2029;
- 6 (2) of the members appointed by the Speaker of the House:
- 7 (i) one member in 2027; and
- 8 (ii) one member in 2028; and
- 9 (3) of the members appointed by the President of the Senate:
- 10 (i) one member in 2026; and
- 11 (ii) one member in 2029.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2025.