

SENATE BILL 395

R1, M3

5lr2572
CF HB 84

By: **Senators Hettleman and Gile**

Introduced and read first time: January 17, 2025

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

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

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

17 BY adding to
18 Article – Transportation
19 Section 2–901 through 2–905 to be under the new subtitle “Subtitle 9. Major
20 Highway Capacity Expansion Projects”
21 Annotated Code of Maryland
22 (2020 Replacement Volume and 2024 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Transportation
25 Section 8–102
26 Annotated Code of Maryland
27 (2020 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Transportation**

4 **SUBTITLE 9. MAJOR HIGHWAY CAPACITY EXPANSION PROJECTS.**

5 **2-901.**

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

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

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

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

18 (E) “IMPACT ASSESSMENT” MEANS AN ASSESSMENT OF A PROJECT’S OR
19 PROGRAM’S IMPACT ON GREENHOUSE GAS EMISSIONS AND VEHICLE MILES
20 TRAVELED.

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

24 (1) TRIPS DIVERTED FROM OTHER ROUTES;

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

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

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

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

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

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

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

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

10 (K) "VEHICLE MILES TRAVELED PER CAPITA" MEANS THE TOTAL NUMBER
11 OF ON-ROAD MILES TRAVELED BY VEHICLES IN A GEOGRAPHIC REGION OVER A
12 1-YEAR PERIOD DIVIDED BY THE POPULATION IN THAT REGION.

13 2-902.

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

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

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

20 2-903.

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

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

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

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

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

7 **(III) OVERBURDENED COMMUNITIES AND UNDERSERVED**
8 **COMMUNITIES ACROSS THE STATE;**

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

12 **(V) BENEFITS TO THE ENTIRE STATE.**

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

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

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

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

26 **2-904.**

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

1 (I) GREENHOUSE GAS EMISSIONS; AND

2 (II) VEHICLE MILES TRAVELED PER CAPITA.

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

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

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

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

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

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

27 (2) PRIORITIZE OVERBURDENED AND UNDERSERVED COMMUNITIES;
28 AND

29 (3) INCLUDE:

30 (I) PARKING REDUCTION INITIATIVES;

31 (II) ACTIVE TRANSPORTATION;

1 (III) TRANSPORTATION DEMAND MANAGEMENT STRATEGIES;

2 (IV) LOW-TRAVEL-DEMAND COMMERCIAL AND RESIDENTIAL
3 DEVELOPMENT AND OTHER LAND USE CHANGES;

4 (V) ROADWAY PRICING;

5 (VI) TELECOMMUTING;

6 (VII) PUBLIC TRANSIT SERVICE IMPROVEMENTS AND
7 EXPANSION;

8 (VIII) MICRO-MOBILITY;

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

11 (X) ALTERNATIVE ENERGY GENERATION; AND

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

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

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

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

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

28 (3) CONSIDER THE DIRECT BENEFITS OF INVESTMENTS IN:

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

3 (II) TRANSIT-ORIENTED DEVELOPMENT AND
4 TRANSPORTATION DEMAND MANAGEMENT, INCLUDING LAND DEVELOPMENT
5 DESIGNED TO REDUCED TRAVEL DEMAND;

6 (III) PEDESTRIAN AND BICYCLE INFRASTRUCTURE;

7 (IV) ELECTRIFICATION OF STATE VEHICLES;

8 (V) VEHICLE CHARGING INFRASTRUCTURE; AND

9 (VI) ALTERNATIVE ENERGY GENERATION; AND

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

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

18 **2-905.**

19 (A) THE SECRETARY SHALL:

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

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

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

26 (1) ANY NECESSARY POLICIES, PROCEDURES, MANUALS, AND
27 TECHNICAL SPECIFICATIONS;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 INCLUDING INDUCED DEMAND AND LAND USE EFFECTS FROM TRANSPORTATION
2 INVESTMENTS.

3 8–102.

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

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

9 (1) Improvements in highway maintenance and safety;

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

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

14 (c) **THE DEPARTMENT AND THE ADMINISTRATION SHALL ISSUE A REPORT**
15 **PRIOR TO PROCEEDING TO THE FINAL PROJECT PLANNING PHASE THAT**
16 **DOCUMENTS:**

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

19 (2) **A DETERMINATION THROUGH OTHER REQUIRED PLANNING**
20 **DOCUMENTS.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2025.