

SENATE BILL 59

R1, M3
SB 395/25 – B&T

(PRE-FILED)

6lr1547
CF 6lr1424

By: **Senator Hettleman**

Requested: October 31, 2025

Introduced and read first time: January 14, 2026

Assigned to: Budget and Taxation

A BILL ENTITLED

AN ACT concerning

Transportation – Major Highway Capacity Expansion Projects and Impact Assessments (Transportation and Climate Alignment Act of 2026)

FOR the purpose of requiring the Department of Transportation, as part of the planning and implementation of certain major highway expansion projects, to perform an impact assessment of the project and develop and implement a corresponding multimodal transportation program; requiring the Department, beginning with a certain 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; requiring the Secretary of Transportation to establish certain processes and post certain information on the Department's website; 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 2025 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 8–102

Annotated Code of Maryland

(2020 Replacement Volume and 2025 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 OPERATIONAL IMPACT ON GREENHOUSE GAS EMISSIONS AND VEHICLE MILES TRAVELED.

(F) “INDUCED DEMAND” MEANS AN INCREASE IN THE DEMAND FOR MOTOR VEHICLE TRAVEL THAT IS DEMONSTRATED BY AN INCREASE IN VEHICLE MILES TRAVELED DUE TO AN INCREASE IN ROADWAY SUPPLY, SUCH AS NEW OR EXPANDED ROADS, ADDITIONAL CAPACITY, OR ADDITIONAL LANE MILES.

(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, GRADE SEPARATIONS INCLUDING INTERCHANGES, OR EXTENDED HIGHWAY LANES; AND

(2) HAS A TOTAL COST THAT EXCEEDS \$100,000,000.

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

(J) “SYSTEM PRESERVATION ACTIVITY” MEANS AN ACTIVITY FOCUSED ON MAINTAINING AND REHABILITATING EXISTING TRANSPORTATION INFRASTRUCTURE TO ENSURE THE INFRASTRUCTURE REMAINS SAFE, RELIABLE, AND FUNCTIONAL.

(K) “UNDERSERVED COMMUNITY” HAS THE MEANING STATED IN § 1-701 OF THE ENVIRONMENT ARTICLE.

(L) “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, 2026:

(1) WAS A PART OF THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM THAT RECEIVED FUNDING FOR CONSTRUCTION;

(2) WAS FUNDED FOR CONSTRUCTION IN THE CONSOLIDATED TRANSPORTATION PROGRAM; OR

(3) COMPLETED THE ENVIRONMENTAL REVIEW PROCESS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT.

2-903.

(A) AS PART OF THE PLANNING AND IMPLEMENTATION OF A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT, THE DEPARTMENT SHALL PERFORM AN IMPACT ASSESSMENT OF THE PROJECT AND DEVELOP AND IMPLEMENT A CORRESPONDING MULTIMODAL TRANSPORTATION PROGRAM.

(B) (1) DURING PROJECT DEVELOPMENT, 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 ACTIVITIES SPECIFIED IN § 2-904(C) OF THIS

SUBTITLE TO OFFSET THE INCREASE IN GREENHOUSE GAS EMISSIONS ASSOCIATED WITH THE PROJECT.

(2) THE MULTIMODAL TRANSPORTATION 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) THE REGION IN WHICH THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT IS LOCATED; AND

(V) THE STATE AT LARGE.

(C) (1) THE MULTIMODAL TRANSPORTATION PROGRAM SHALL OFFSET THE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT.

(2) THE NET GREENHOUSE GAS EMISSIONS FROM THE PROJECT AND ITS ASSOCIATED MULTIMODAL TRANSPORTATION PROGRAM SHALL BE ZERO OR A NEGATIVE NUMBER.

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

(E) THE DEPARTMENT SHALL:

(1) FUND ELEMENTS OF THE MULTIMODAL TRANSPORTATION PROGRAM CONCURRENTLY WITH FUNDING FOR THE CONSTRUCTION OF THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT; OR

(2) DEFER THE MAJOR HIGHWAY EXPANSION CAPACITY PROJECT UNTIL THE PROJECT MEETS THE OFFSETTING REQUIREMENTS FOR A MULTIMODAL TRANSPORTATION PROGRAM UNDER THIS SUBTITLE.

(A) (1) BEGINNING WITH THE CONSOLIDATED TRANSPORTATION PROGRAM FOR FISCAL YEAR 2028 THROUGH FISCAL YEAR 2033 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) 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 2028 THROUGH FISCAL YEAR 2033 AND IN EACH ANNUAL RELEASE THEREAFTER, THE DEPARTMENT SHALL ACHIEVE, TO THE MAXIMUM EXTENT PRACTICABLE AND SUBJECT TO STATE APPROPRIATIONS, A PROGRAM WHOSE IMPACT ON GREENHOUSE GAS EMISSIONS AND PROGRESS TOWARD ACHIEVING GREENHOUSE GAS REDUCTION TARGETS ARE, OVER THE CONSOLIDATED TRANSPORTATION PROGRAM PERIOD, CONSISTENT WITH THE PROJECTED GREENHOUSE GAS EMISSION REDUCTIONS MODELED FOR ROADS IN MARYLAND'S CLIMATE POLLUTION REDUCTION PLAN: MODELING APPENDIX.

(2) THE DEPARTMENT SHALL FUND OFFSETTING ACTIVITIES TO MAKE THE CONSOLIDATED TRANSPORTATION PROGRAM MORE CONSISTENT WITH THE GREENHOUSE GAS EMISSION REDUCTION GOALS UNDER THE DEPARTMENT'S 2023 CLIMATE POLLUTION REDUCTION PLAN AND THE TARGETS ESTABLISHED IN SUBSECTION (D) OF THIS SECTION.

(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;**
- (3) ARE ELIGIBLE FOR FUNDING UNDER SUBSECTION (A) OR (B) OF THIS SECTION; AND**
- (4) INCLUDE:**

- (I) PARKING REDUCTION INITIATIVES;
- (II) ACTIVE TRANSPORTATION;
- (III) TRANSIT-ORIENTED DEVELOPMENT AND 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, INCLUDING THROUGH THE USE OF ADAPTIVE AND INCLUSIVE LOW SPEED VEHICLES FOR PEOPLE WITH DISABILITIES;
- (IX) ACCESSIBLE TRANSPORTATION AND PEDESTRIAN IMPROVEMENTS FOR PEOPLE WITH DISABILITIES;
- (X) SOLAR ENERGY GENERATION ON PROPERTY CONTROLLED BY THE DEPARTMENT; AND
- (XI) OTHER ACTIVITIES IDENTIFIED BY THE DEPARTMENT TO REDUCE VEHICLE MILES TRAVELED.

(D) TO ACHIEVE THE REQUIREMENTS UNDER THIS SECTION, THE DEPARTMENT SHALL SET:

(1) ANNUAL STATEWIDE DECLINING GREENHOUSE GAS EMISSION REDUCTION TARGETS THAT INCORPORATE ASSUMPTIONS ABOUT THE USE OF ELECTRIC VEHICLES IN THE STATE; AND

(2) ANNUAL REGIONAL DECLINING GREENHOUSE GAS EMISSION REDUCTION TARGETS THAT:

(I) ARE SET AT AN AMOUNT THAT WHEN MET AND TAKEN COLLECTIVELY FOR ALL REGIONS WOULD ACHIEVE THE REQUIREMENTS SPECIFIED IN § 2-903(C)(2) OF THIS SUBTITLE AND THE STATEWIDE TARGETS SET UNDER ITEM (1) OF THIS ITEM; AND

(II) 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 MAJOR CAPITAL PROJECTS ON VEHICLE MILES TRAVELED PER CAPITA AND GREENHOUSE GAS EMISSIONS;

(3) CONSIDER THE DIRECT CLIMATE 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 REDUCE TRAVEL DEMAND;

(III) PEDESTRIAN AND BICYCLE INFRASTRUCTURE;

(IV) ELECTRIFICATION OF STATE VEHICLES;

(V) VEHICLE CHARGING INFRASTRUCTURE; AND

(VI) SOLAR ENERGY GENERATION ON PROPERTY CONTROLLED BY THE DEPARTMENT; AND

(4) COMPARE THE PROJECTED GREENHOUSE GAS EMISSIONS TO THE TARGET EMISSIONS ESTABLISHED IN SUBSECTION (D) 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 SYSTEM PRESERVATION ACTIVITIES.

(A) THE SECRETARY SHALL:

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

(2) ESTABLISH A PROCESS FOR CONSIDERING PROGRESS MADE TOWARD MEETING THE TARGETS SPECIFIED IN § 2-904(D) OF THIS SUBTITLE;

(3) ESTABLISH A PROCESS FOR DEVELOPING A MULTIMODAL TRANSPORTATION PROGRAM UNDER § 2-903 OF THIS SUBTITLE, INCLUDING A METHOD FOR CONSIDERING THE DIRECT AND INDUCED DEMAND IMPACTS OF A MAJOR HIGHWAY CAPACITY EXPANSION PROJECT; AND

(4) PUBLISH ON THE DEPARTMENT'S WEBSITE:

(I) THE PROCESSES ESTABLISHED UNDER ITEMS (2) AND (3) OF THIS SUBSECTION; AND

(II) ANY MULTIMODAL TRANSPORTATION PROGRAM DEVELOPED UNDER § 2-903 OF THIS SUBTITLE.

(B) IN FISCAL YEAR 2028, 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, 2026.