



February 24, 2021

**Testimony on SB 843
Maryland Department of Transportation Promises Act of 2021
Budget and Taxation**

**Position: Favorable
IndivisibleHoCoMD**

Indivisible Howard County - an organization with over 700 members- supports SB 843 as a much-needed means to ensure that the representations that were made by the Maryland Department of Transportation to advance the approval of the I-495/I-270 Public-Private Partnership toll lane project (Project) are fulfilled if the Project proceeds.

As noted in the Preamble to SB 843, The Reason Foundation has found that most Public-Private Partnership (P3) projects require a public subsidy, notwithstanding the fact that eliminating the need for public funding is the primary justification for the use of a P3 approach and such governmental representations were certainly made to advance the Project. Other promises were made to ease concerns about the significant negative environmental effects of the Project. In the case of the I-495/I-270 Project, the projected life of the Project is 50 years and the negative effects on the environment cannot seriously be argued. Clearly, with such a long term project the likelihood is great that promises made to achieve approval will somehow get lost.

SB 843's key provisions will ensure that there will be at least some net positive effect from the Project by precluding Board of Public Works approval of a P3 Agreement for the Project unless the Agreement (1) guarantees at least 10% of net toll revenue be dedicated to public transit and ensures that the county level governing bodies in which the toll facilities are located will have a say in the budgeting of the funds.

SB 843 also (1) guarantees that public transit may use the toll lanes free of charge; (2) addresses labor concerns and requires outreach to small, minority, women and veteran owned businesses; (3) limits Board of Public Works approval to 2021 Consolidated Transportation fund amounts and encourages a limitation on future budgets; (4) prohibits submission of a contract to the Board of Public Works until the Final Environmental Impact Statement is available and (5) requires public hearings on toll adjustments. There are other beneficial provisions, but the forgoing are of key importance to Howard County Indivisible. We would like to see stronger language concerning future budgets, but understand the legal barriers to constraining future legislative bodies.

We encourage a favorable report.

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