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February 21, 2023

The Honorable Ben Barnes  
Chair, House Appropriations Committee  
Room 121, House Office Building  
Annapolis MD 21401

***RE: Letter of Information – House Bill 341 – Transportation - Statewide Transportation Improvement Programs and Transportation Improvement Programs - Equity Impacts***

Dear Chair Barnes and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 341 but offers the following information for the Committee’s consideration.

House Bill 341 requires MDOT and the Metropolitan Planning Organizations (MPOs) to conduct equity analyses on all projects in the Statewide Transportation Improvement Program (STIP) and the Transportation Improvement Programs (TIP), respectively, and an analysis of how these Programs may impact low-income and minority communities.

The MDOT would like to note for the Committee that it has engaged in conversations with the bill sponsor about areas of concern in the bill, as drafted, as well as common goals. The MDOT looks forward to continuing its working relationship with the bill sponsor in the hope of reaching a consensus.

Every State is federally required to complete and submit a STIP, which is a combination of the MPO TIPs adopted without change, and the federally funded projects in the non-urbanized areas of the State. The STIP, on average, contains approximately 200 major surface federally funded transportation projects and 1,000 federally funded transportation minor projects. This is a staged, multi-year, statewide intermodal program of transportation projects, and is a prescriptive document necessary to access federal funding.

Equity analyses vary in scope and complexity and are not defined in House Bill 341, making it difficult to determine the bill’s impact. House Bill 341 requires an equity analysis to be completed for each transportation project listed, this includes minor system preservation projects, such as roadway resurfacing, to major projects such as an interchange reconstruction – it is estimated that over 1,200 individual analyses would need to be completed to comply with this legislation.

House Bill 341 requires the MPOs and MDOT to each evaluate projects in the seven MPO TIPs, resulting in a duplication of efforts and resources. Additionally, the State and Counties are the owners of transportation projects, not the MPOs; the owners are responsible for submitting each project individually to the MPO for inclusion in the federally mandated TIPs. There is no universal

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methodology for MPOs, counties, municipalities, and the State for the completion of an equity analysis, which may result in incongruent analyses and results. to agree to a consistent methodology, or results will not be compatible.

Based on the requirement that MDOT complete an analysis for each individual project, it is estimated that \$23 million would be needed for Fiscal Year (FY) 2024 to support additional staffing and resources. Further, many projects in the STIP are either at the beginning or the end of the development process, which makes it difficult to complete the required analysis.

Lastly, MDOT requests the Committee amend the definitions in House Bill 341 to reflect the current federal authorization transportation law, the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Bill (BIL); as drafted, the legislation reflects the FAST Act, which is a prior authorization. Additionally, MPOs are federally designated based on urbanized areas with populations over 50,000 with the agreement of the affected governors and local governments; they are not solely created and designated by the State.

The Maryland Department of Transportation respectfully requests that the Committee consider this information when deliberating House Bill 341.

Respectfully submitted,

Heather Murphy  
Director of Planning and Capital Programming  
Maryland Department of Transportation  
410-865-1275

Pilar Helm  
Director of Government Affairs  
Maryland Department of Transportation  
410-865-1090