



The Maryland Department of the Environment
Secretary Serena McIlwain

Senate Bill 681

***Major Highway Capacity Expansion Projects - Impact Assessments and Mitigation
Plans (Transportation and Climate Alignment Act of 2024)***

Position: Informational with Amendments
Committee: Finance
Date: February 28, 2024
From: Hadley Anthony

The Maryland Department of the Environment (MDE) is providing **INFORMATIONAL WITH AMENDMENTS** testimony on SB 681.

Bill Summary

Senate Bill 681 proposes to add Subtitle 9 to Title 2 of the Transportation Article to require impact assessment and mitigation plan requirements for the Maryland Department of Transportation's (MDOT) procedures in considering major highway capacity expansion projects for the Statewide Transportation Improvement Program or the Consolidated Transportation Program (collectively, "Statewide Transportation Programs"). These additional procedures contain certain environmental prerequisites to ensure the affected programs comply with Statewide greenhouse gas (GHG) reduction targets. Impact assessments for major highway capacity expansion projects required under the bill must conform with GHG emission reduction targets specified in § 2-1205 of the Environment Article. If these and other requirements are not met, MDOT may change the scope of a project, develop a mitigation plan for the project, or halt project development and decline to include it in a Statewide Transportation Program. SB 681 requires MDOT to implement mitigation plans for major highway capacity expansion projects if it learns through an impact assessment that the project will result in a net increase in GHG emissions or other enumerated environmental impacts. Benefits to overburdened or underserved communities impacted by the major highway expansion project is the primary factor MDOT must consider in assessing a mitigation plan.

Position Rationale

This bill would align with Maryland's ambitious statewide climate goals: to reach 60% GHG reductions, compared to 2006 levels, by 2031 and to reach net-zero emissions by 2045. Under this bill, MDE would be required to adopt a methodology for MDOT to determine if a mitigation plan for a major highway expansion project is sufficient for reducing GHG emissions. The methodology would only be used where MDOT first determines that a plan will result in an increase of GHGs and implements a mitigation plan. While MDE supports the overall policy goals of this legislation, MDE cannot develop the methodology required under this bill with existing resources and would need contractual support to create this methodology. Therefore, MDE asks that the requirement for MDE to develop the methodology be removed from this bill.

Contact: Les Knapp, Government Relations Director
Cell: 410-453-2611, Email: les.knapp@maryland.gov

MDE understands that MDOT will be providing **INFORMATIONAL** testimony on this bill as well. Accordingly, MDE asks for an **INFORMATIONAL WITH AMENDMENTS** report for SB 681.

Bill Amendments

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 13 down through the semicolon in line 15.

AMENDMENT NO. 2

On page 11, in line 7, strike “(I)”; and strike in their entirety lines 10 through 13, inclusive.

On page 12, in line 10, strike “AND METHODOLOGY”.

Amendment Rationale:

For the reasons listed above, MDE asks that the requirement for MDE to develop the methodology be removed from this bill.