



Committee: Finance
Testimony on: SB0681 - Transportation and Climate Alignment Act
Organization: Maryland Legislative Coalition Climate Justice Wing
Submitting: Laurie McGilvray, Co-Chair
Position: Favorable
Hearing Date: February 28, 2024

Dear Chair and Committee Members:

Thank you for allowing our testimony today in support of SB0681. The Maryland Legislative Coalition (MLC) Climate Justice Wing, a statewide coalition of nearly 30 grassroots and professional organizations, urges you to vote favorably on SB0681.

The bill would require the Maryland Department of Transportation (MDOT) and Metropolitan Planning Organizations (MPOs) to calculate and mitigate any increases in greenhouse gases (GHGs) and Vehicle Miles Traveled (VMT) caused by planned road expansion projects over \$10 million. Mitigation actions include a variety of projects, including those that benefit biking, public transit, walking, and telework.

The general thrust of this bill is quite important, and we believe it is the basis for what is needed to meet the net-zero emissions goals put forward by the legislature in the Climate Solutions Now Act of 2022. Vehicles make up the largest source of climate pollution from the state's transportation sector, and a critical way to reduce that pollution is for our cars to spend less time on the road (i.e., reduce total VMT). We are supportive of the direction this bill takes.

Furthermore, this bill doesn't just look at electric vehicles as a panacea but aims to tackle the issue of VMT. While electric vehicles emit no tailpipe GHG emissions, they have been found to produce equivalent or greater levels of particulate matter, thus continuing highly harmful air pollutant emissions.¹² Also, even with the current phaseout of gasoline vehicle sales by 2035 in Maryland, it will take time for existing gasoline vehicles to turn over, augmenting the need to tackle VMT. Reducing VMT not only lowers GHG emissions but also reduces harmful air pollutants, and this bill will accomplish both of these important goals.

Unfortunately, the MDOT and the MPOs are well known for finding loopholes in environmental regulations in order to achieve the goal of building more highways and thereby adding more vehicles to the road. We do think there may be some tweaks that could be made to the bill to make it stronger as listed below.

¹ Woo., et al. "Comparison of total PM emissions emitted from electric and internal combustion engine vehicles: An experimental analysis." 2022. <https://www.sciencedirect.com/science/article/pii/S004896972204058X>

² Trimmers., et. Al. "Chapter 12 - Non-Exhaust PM Emissions From Battery Electric Vehicles." 2018. <https://www.sciencedirect.com/science/article/abs/pii/B9780128117705000121>

- § 2–903 (B) should include a requirement that all VMT estimates be calculated using worse case-scenario induced demand. While the tools listed § 2–903 (B)(2) do include specific tools that rely on induced demand, having an option § 2–903 (B)(2)(iii) to let MDOT choose a different tool may lead to choosing one that looks at induced demand in the rosier light. The new language could read **"THE ANALYSIS AND ESTIMATES SPECIFIED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE DETERMINED USING THE BEST AVAILABLE DATA, WORST CASE PLANNING ASSUMPTIONS, AND MODELING TOOLS, SUCH AS"**
- MDE should play a role in developing the methodology for calculating GHGs in § 2–903 (B). This would ensure consistency with the approach they develop for calculating GHGs from mitigation plans in § 2–905 and ensure that MDOT would not choose rosy projections for GHG emissions for their projects. We would recommend adding § 2–903 (B)(3) that could say that **"THE DEPARTMENT OF THE ENVIRONMENT SHALL DEVELOP A METHODOLOGY FOR THE DEPARTMENT TO CALCULATE GREENHOUSE GAS EMISSIONS FROM MAJOR HIGHWAY CAPACITY EXPANSION PROJECT"**
- There may have been a drafting error since § 2–905 does not tie the mitigation plans to reducing emissions in line with the goals in §2-1205. It would improve clarity in the legislation if this is corrected and avoid a situation where MDOT tries to always get projects into mitigation pathway § 2–905, since they only have to offset and not reduce emissions when building new projects. We would recommend § 2–905(A) to read as **"ORGANIZATION SHALL DEVELOP AND IMPLEMENT A MITIGATION PLAN TO ELIMINATE THE NET INCREASE IN ~~GREENHOUSE GAS EMISSIONS OR~~ VEHICLE MILES TRAVELED AND REDUCE GREENHOUSE GAS EMISSIONS TO CONFORM WITH THE TARGETS SPECIFIED IN § 2–1205.**
- There also needs to be a clause included in the legislation that requires any projects that are contiguous to each other to be aggregated together when determining whether a project meets the \$10,000,000 threshold to avoid road projects being divided into multiple smaller projects to avoid the requirements of a “Major Highway Capacity Expansion Project.” This could be part of the definition of “MAJOR HIGHWAY CAPACITY EXPANSION PROJECT” and requires that any highway capacity expansion project that is contiguous to another should not be considered separate projects under the definition.
- There is a concern about the additionality of projects used in mitigation plans. To avoid this, we would recommend adding § 2–905 (C) that says something along the lines of **"A MITIGATION ACTION MAY NOT BE AN ACTION THAT WAS (I) INCLUDED IN ANOTHER MITIGATION PLAN OR (II) PLANNED PRIOR TO THE INITIATION OF PLANNING OF THE MAJOR HIGHWAY CAPACITY EXPANSION PROJECT."**

As an example of the need for vigilance, when submitting road projects for Visualize 2050, the Washington, DC area transportation plan, several counties in the DC area, including Maryland counties, stated that highway expansions would decrease emissions, when common sense would show that is contrary to what happens.³ This is exactly why this bill is needed.

³ <https://ggwash.org/view/88842/regional-bodies-may-face-climate-reality-check-on-highway-widening-claims>

We appreciate that the Transportation and Climate Alignment Act provides the right path forward, but recommend strengthening amendments to hold MDOT accountable for ensuring VMT and climate pollution reductions. We understand that federal guidance encourages road construction, but Maryland must change the direction of transportation planning to meet our state climate goals, and we need strong legislation that gives MDOT crystal clear, enforceable requirements.

We recommend a **FAVORABLE** report, in committee for SB0681.

350MoCo

Adat Shalom Climate Action

Cedar Lane Unitarian Universalist Church Environmental Justice Ministry

Chesapeake Earth Holders

Chesapeake Physicians for Social Responsibility

Climate Parents of Prince George's

Climate Reality Project

ClimateXChange – Rebuild Maryland Coalition

Coming Clean Network, Union of Concerned Scientists

DoTheMostGood Montgomery County

Echotopia

Elders Climate Action

Fix Maryland Rail

Glen Echo Heights Mobilization

Greenbelt Climate Action Network

HoCoClimateAction

IndivisibleHoCoMD

Maryland Legislative Coalition

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Montgomery Countryside Alliance

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