THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

POSITION STATEMENT

Bill: SB 389/ HB 894 – Land Use - Transit-Oriented Development - Alterations (Maryland Transit and Housing Opportunity Act)

Position: Support with Amendments **Date:** February 17, 2026

Contact: Debra Borden, General Counsel

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Dear Chair Brian Feldman,

The Maryland-National Capital Park and Planning Commission (M-NCPPC or "the Commission") has not voted on this bill. However, staff have prepared some suggested recommendations for this bill. M-NCPPC offers conditional support for SB 389.

What the Bill Does. This bill provides automatic designation of certain transit-oriented developments as enterprise zones. It requires the Maryland Development Corporation to prioritize certain redevelopment projects when making loans under the Strategic Infrastructure Revolving Loan Program; alters the authority of local legislative bodies to regulate land use planning on land located near certain transit stations; and delays the collection of certain development excise taxes and development impact fees for certain residential real estate projects.

This bill would significantly expand the State's role in transit-oriented development (TOD), automatically grant certain TOD areas enterprise zone status, shift some local land use authority, and delay certain development fees.

1. Definitions of terms are needed to make interpretation and application of the bill easier. Most importantly, "rail transit station" needs to be clearly defined.

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- **Comment:** The bill refers to "a rail transit station" throughout and uses a measure of "hourly service on average from 8:00 a.m. until 6:00 pm Monday through Friday." The Maryland Department of Transportation Maryland Transit Administration (MTA) is currently studying at least two corridors, the Southern Maryland Rapid Transit Corridor in Charles and Prince George's Counties and the Red Line in the City of Baltimore, where bus rapid transit is, which often provides service similar to light rail but with buses.
- **Comment:** The standard based on an "average" hourly service would require calculation of the current timetables for each applicable rail transit station with each new application. This is not practical.
- **Comment:** Consider the phrase "high-capacity transit" or "transit that partially or completely operates in a fixed-guideway" to encompass these potential BRT systems as well as the state's existing BRT system: the Flash in Montgomery County.
- **Comment:** The method of measurement should be defined. Planners and designers need to know exactly where to start the measurement. Do we start at the corner of a rail transit station? At the entrance(s)? Centerpoint?
- **Comment:** For Prince George's County, neither Muirkirk MARC nor Lanham-Seabrook MARC have an average of hourly service 8-6 M-F, so neither location qualifies. These stations should be included in the eligibility, otherwise the bill creates inconsistencies and inequities within the County.

2. This bill carries forward a list of projects that the Maryland Economic Development Corporation should prioritize when issuing loans from the Strategic Infrastructure Revolving Loan Program. Section 10-134(d)(5)(i) through existing (iv) defines types of projects that should be prioritized and proposes a new (ii) that adds "redevelop state-owned land contiguous to rail transit stations." This addition may be limiting and unnecessary:
    - (5)(i) prioritizes "activate underutilized property owned by the government and institutions." State property abutting rail stations is almost always underutilized.
    - Proposed (5)(b) limits prioritization to state-owned land when counties, municipalities, and institutions may also own land contiguous to rail transit stations where such loans would be advantageous to the goals of this legislation.
    - Limiting prioritization to property contiguous to rail transit stations could limit availability of loans to otherwise qualified projects on state-owned property very near, but not contiguous to, a rail transit station. For example, a broader definition could encompass areas of the University of Maryland, College Park campus that are very close, but may not abut, MARC, Metrorail, or Purple Line stations.

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3. The definition of “mixed-use” in Section 7-501(a) would appear to preclude an office use combined with recreational, dining, or retail use. Many mixed-use buildings in the state are exactly this mix of non-residential uses.

4. The text “an area that was zoned for single-family residential use” is vague and subject to different interpretations. Single-family zones? Any zone that allows a single-family detached dwelling or other single-family form like a townhouse? The bill is not clear.

Prince George’s County Comment

- **Page 8, line 3:** Define or clarify “partially located outside.” How would this be applied and quantified? Most of the properties “designated for residential use” are arguably “partially located outside” the ½ mile radius.

Therefore, we urge this committee to vote favorably will amendments on this bill

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