

# HOUSE BILL 1052

R1, R2, M3

3lr2684

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By: **Delegate Ruth**

Introduced and read first time: February 10, 2023

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Consolidated Transportation Program – Scoring**

3 FOR the purpose of requiring that certain goals and measures used to score certain  
4 transportation projects be within certain parameters; altering the goals and  
5 measures of the Consolidated Transportation Program; requiring that certain  
6 calculations used to score transportation projects be posted on the Department’s  
7 website and the appendix of the Consolidated Transportation Program; establishing  
8 the Workgroup on the Maryland Open Transportation Investment Decision Act; and  
9 generally relating to the Consolidated Transportation Program and transportation  
10 scoring.

11 BY repealing and reenacting, with amendments,  
12 Article – Transportation  
13 Section 2–103.7  
14 Annotated Code of Maryland  
15 (2020 Replacement Volume and 2022 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Transportation**

19 2–103.7.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) “Major capital project” has the meaning stated in § 2–103.1 of this  
22 subtitle.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (3)   (i)   “Major transportation project” means a major capital project in  
2 the State Highway Administration or the Maryland Transit Administration whose total  
3 cost for all phases exceeds \$5,000,000 and that:

- 4                               1.   Increases highway or transit capacity;
- 5                               2.   Reduces areas of heavy traffic congestion;
- 6                               3.   Improves commute times in areas of heavy traffic  
7 congestion;
- 8                               4.   Improves transit stations or station areas; or
- 9                               5.   Improves highway capacity through the use of intelligent  
10 transportation systems or congestion management systems.

11                   (ii)   “Major transportation project” does not include:

- 12                               1.   Projects in the Maryland Aviation Administration, the  
13 Maryland Port Administration, or the Maryland Transportation Authority;
- 14                               2.   Maintenance and storage facilities projects;
- 15                               3.   Water quality improvement projects;
- 16                               4.   Projects related to Maryland’s priorities for total  
17 maximum daily load development;
- 18                               5.   Safety-related projects that do not increase highway or  
19 transit capacity;
- 20                               6.   Roads within the Appalachian Development Highway  
21 System; or
- 22                               7.   Projects that are solely for system preservation.

23           (b)   The Department shall:

24                   (1)   In accordance with federal transportation requirements, develop a  
25 project-based scoring system for major transportation projects using the goals and  
26 measures established under subsection (c) of this section;

27                   (2)   Develop the weighting metrics for each goal and measure established  
28 under subsection (c) of this section, **ENSURING THAT:**

29                               **(I)   NO GOAL RECEIVES A WEIGHT THAT IS 5% HIGHER THAN**  
30 **THE LOWEST WEIGHTED GOAL; AND**

1                   **(II) NO MEASURE RECEIVES A WEIGHT THAT IS 10% HIGHER**  
2 **THAN THE LOWEST WEIGHTED MEASURE FOR THE SAME GOAL;**

3                   (3) On or before January 1, [2018] **2024**, develop a model consistent with  
4 this section that uses the project-based scoring system developed under this subsection to  
5 rank major transportation projects being considered for inclusion in the draft and final  
6 Consolidated Transportation Program;

7                   (4) Use the model developed under this subsection to rank major  
8 transportation projects being considered for inclusion in the draft and final Consolidated  
9 Transportation Program; and

10                  (5) Make the model developed under item (3) of this subsection and any  
11 ranking under item (4) of this subsection available to the public:

12                   (i) As an appendix to the Consolidated Transportation Program;  
13 and

14                   (ii) On the Department's website.

15                  (c) (1) The State transportation goals are:

16                   (i) Safety and security;

17                   (ii) System preservation;

18                   (iii) Reducing congestion and improving commute times;

19                   (iv) Environmental stewardship **AND CLIMATE CHANGE**  
20 **MITIGATION;**

21                   (v) Community vitality;

22                   (vi) Economic prosperity;

23                   (vii) Equitable access to transportation **AND ENVIRONMENTAL**  
24 **JUSTICE;**

25                   (viii) Cost effectiveness and return on investment;

26                   **(IX) ADHERING TO SMART GROWTH DESIGN PRINCIPLES;** and

27                   [[ix] **(X)** Local priorities.

1           (2) In evaluating whether and to what extent a major transportation  
2 project satisfies the goals established under paragraph (1) of this subsection, the  
3 Department shall assign a score for each goal using the weighting metrics developed by the  
4 Department under subsection (b)(2) of this section and the following measures:

5           (i) For safety and security:

6                   1. The expected reduction in total fatalities and severe  
7 injuries in all modes affected by the project; and

8                   2. The extent to which the project implements the Maryland  
9 State Highway Administration's Complete Streets policies.

10          (ii) For system preservation:

11                   1. The degree to which the project increases the lifespan of  
12 the affected facility;

13                   2. The degree to which the project increases the functionality  
14 of the facility; and

15                   3. The degree to which the project renders the facility more  
16 resilient.

17          (iii) For reducing congestion and improving commute times:

18                   1. [The expected change in cumulative job accessibility  
19 within an approximately 60-minute commute for highway projects or transit projects;

20                   2.] The degree to which the project has a positive impact on  
21 travel time reliability [and congestion];

22                   **2. THE DEGREE TO WHICH THE PROJECT INCREASES**  
23 **THE NUMBER OF PEOPLE PASSING THROUGH THE CORRIDOR ACROSS ALL MODES OF**  
24 **TRANSPORTATION; AND**

25                   3. The degree to which the project supports connections  
26 between different modes of transportation and promotes multiple transportation choices.

27          (iv) For environmental stewardship **AND CLIMATE CHANGE**  
28 **MITIGATION:**

29                   1. The potential of the project to [limit or reduce harmful  
30 emissions] **IMPROVE AIR QUALITY;**

1                                   **2. THE POTENTIAL OF THE PROJECT TO LIMIT OR**  
2 **REDUCE GREENHOUSE GAS EMISSIONS;**

3                                   **[2.] 3.**       The degree to which the project avoids impacts on  
4 State resources in the project area and adjacent areas; and

5                                   **[3.] 4.**       The degree to which the project advances the State  
6 environmental goals.

7                                   (v)   For community vitality:

8                                   1.    The degree to which the project is projected to increase the  
9 use of walking, biking, and transit;

10                                  2.    The degree to which the project enhances existing  
11 community assets; and

12                                  3.    The degree to which the project furthers the affected  
13 community's and State's plans for revitalization.

14                                  (vi)   For economic prosperity:

15                                  1.    The projected increase in the cumulative job accessibility  
16 within an approximately 60-minute commute for **HIGHWAY OR TRANSIT** projects;

17                                  2.    The extent to which the project is projected to enhance  
18 access to critical intermodal locations for the movement of goods and services; and

19                                  3.    The projected increase in furthering nonspeculative local  
20 and State economic development strategies in existing communities.

21                                  (vii)   For equitable access to transportation **AND ENVIRONMENTAL**  
22 **JUSTICE:**

23                                  1.    The expected increase in job accessibility for  
24 disadvantaged populations within an approximately 60-minute commute for projects; and

25                                  2.    The projected **POTENTIAL FOR** economic development  
26 **[impact on], INCLUDING REDEVELOPMENT, IN** low-income communities;

27                                  **3. THE POTENTIAL OF THE PROJECT TO IMPROVE AIR**  
28 **QUALITY IN ENVIRONMENTAL JUSTICE COMMUNITIES; AND**

29                                  **4. THE POTENTIAL OF THE PROJECT TO IMPROVE**  
30 **ACCESS TO TRANSPORTATION FOR PERSONS WITH DISABILITIES.**

(viii) For cost effectiveness and return on investment:

1. The estimated travel time savings divided by the project cost;

2. The degree to which the project leverages additional federal, State, local, and private sector transportation investment; and

3. The degree to which the project will increase transportation alternatives and redundancy.

(ix) **FOR ADHERING TO SMART GROWTH DESIGN PRINCIPLES:**

**1. THE POTENTIAL OF THE PROJECT TO ATTRACT MIXED-USE DEVELOPMENT OR REDEVELOPMENT; AND**

**2. THE EXTENT TO WHICH THE PROJECT EMBRACES SMART GROWTH DESIGN.**

**(X)** For local priorities, the degree to which the project supports local government transportation priorities, as specified in local government priority letters.

(d) (1) The score of a major transportation project shall be based solely on the goals and measures established under subsection (c) of this section.

(2) **[The] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE** Department shall make the scores of all projects evaluated for inclusion in the Consolidated Transportation Program and assigned a score under the model available to the public:

(i) As an appendix to the Consolidated Transportation Program; and

(ii) On the Department's website.

**(3) THE SCORES POSTED IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL INCLUDE THE FULL VALUES AND CALCULATIONS USED TO DETERMINE EACH PROJECT'S SCORE.**

(e) Nothing in this section may be construed to impede or alter:

(1) The priority letter process that outlines local transportation priorities for the Department's consideration for inclusion in the Consolidated Transportation Program under § 2-103.1 of this subtitle;

(2) The Department's visit to each county under § 2-103.1(e) of this subtitle; or

1           (3) The inclusion of local transportation priorities in the Consolidated  
2 Transportation Program.

3           SECTION 2. AND BE IT FURTHER ENACTED, That:

4           (a) There is a Workgroup on the Maryland Open Transportation Investment  
5 Decision Act.

6           (b) The Workgroup shall consist of the following members:

7               (1) three members of the Senate, appointed by the President of the Senate;

8               (2) three members of the House, appointed by the Speaker of the House;

9               (3) three members appointed by the Governor; and

10              (4) the Secretary of Transportation, or the Secretary's designee.

11           (c) The Secretary of Transportation shall designate the chair of the Workgroup.

12           (d) The Department of Transportation shall provide staff for the Workgroup.

13           (e) A member of the Workgroup:

14               (1) may not receive compensation as a member of the Workgroup; but

15               (2) is entitled to reimbursement for expenses under the Standard State  
16 Travel Regulations, as provided in the State budget.

17           (f) The Workgroup shall:

18               (1) evaluate the model required under § 2–103.7(b) of the Transportation  
19 Article, as enacted by Section 1 of this Act, and make recommendations on whether there  
20 should be modifications to the model;

21               (2) evaluate how prioritizing major transportation projects with higher  
22 scores for inclusion in the Consolidated Transportation Program over major transportation  
23 projects with lower scores impacts the Program;

24               (3) evaluate other prioritization processes in the region and in other states,  
25 including Virginia's SmartScale Program, and the applicability of those processes in  
26 Maryland; and

27               (4) make recommendations on what changes or improvements should be  
28 made to the quantitative methods used by the Department of Transportation to calculate

1 scores for each of the measures listed in § 2–103.7(c)(2) of the Transportation Article, as  
2 enacted by Section 1 of this Act.

3 (g) The Workgroup may evaluate and test alternative models for prioritizing  
4 major transportation projects.

5 (h) In the process of conducting the evaluations under subsections (f) and (g) of  
6 this section, the Workgroup shall solicit input from:

7 (1) local governments;

8 (2) transportation planning organizations;

9 (3) the Maryland Transit Administration;

10 (4) the Maryland Transportation Authority; and

11 (5) other interested parties, including nonprofit organizations and  
12 institutions of higher education with transportation–related expertise.

13 (i) On or before September 1, 2025, the Workgroup shall report its findings and  
14 recommendations, in accordance with § 2–1257 of the State Government Article, to the  
15 General Assembly.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2023. Section 2 of this Act shall remain effective for a period of 2 years and, at  
18 the end of September 30, 2025, Section 2 of this Act, with no further action required by the  
19 General Assembly, shall be abrogated and of no further force and effect.