

# SENATE BILL 131

R2, R1

4lr1113

(PRE-FILED)

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By: **Senator Ellis**

Requested: October 23, 2023

Introduced and read first time: January 10, 2024

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Consolidated Transportation Program – Categorization and**  
3 **Equitable Distribution of Projects**

4 FOR the purpose of requiring the Department of Transportation to categorize the major  
5 transportation projects being considered for inclusion in the Consolidated  
6 Transportation Program into certain project categories; requiring the Department to  
7 rank each project under the appropriate category using the project-based scoring  
8 system; requiring the Department to increase the weighting metric by a certain  
9 percentage for a project located in a minority, rural, or underserved community to  
10 address critical equity challenges and ensure equitable distribution of projects  
11 throughout the State; and generally relating to the categorization and equitable  
12 distribution of projects in the Consolidated Transportation Program.

13 BY repealing and reenacting, with amendments,  
14 Article – Transportation  
15 Section 2–103.7(a), (b), and (c)  
16 Annotated Code of Maryland  
17 (2020 Replacement Volume and 2023 Supplement)

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

20 **Article – Transportation**

21 2–103.7.

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

23 (2) “Major capital project” has the meaning stated in § 2–103.1 of this  
24 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                   **(4)   “UNDERSERVED COMMUNITY” HAS THE MEANING STATED IN §**  
24 **1–701 OF THE ENVIRONMENT ARTICLE.**

25                   (b)   The Department shall:

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

1           (2)    Develop the weighting metrics for each goal and measure established  
2 under subsection (c) of this section;

3           (3)    On or before January 1, 2018, develop a model consistent with this  
4 section that uses the project-based scoring system developed under this subsection to rank  
5 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)    CATEGORIZE EACH MAJOR TRANSPORTATION PROJECT BEING**  
11 **CONSIDERED FOR INCLUSION IN A DRAFT OR FINAL CONSOLIDATED**  
12 **TRANSPORTATION PROGRAM INTO ONE OF THE FOLLOWING PROJECT CATEGORIES:**

13                   **(I)    HIGHWAY AND ROAD PROJECTS;**

14                   **(II)   TRANSIT PROJECTS, INCLUDING LIGHT RAIL, BUS, AND**  
15 **RAIL;**

16                   **(III)   BRIDGE PROJECTS; AND**

17                   **(IV)   MISCELLANEOUS FACILITY OR INFRASTRUCTURE**  
18 **PROJECTS, INCLUDING PARKING GARAGES, FACILITIES, AND STRUCTURES;**

19           **(6)    RANK EACH PROJECT USING THE PROJECT-BASED SCORING**  
20 **SYSTEM ESTABLISHED IN THIS SUBSECTION WITHIN EACH PROJECT CATEGORY**  
21 **LISTED IN ITEM (5) OF THIS SUBSECTION TO PROVIDE EQUITY IN THE RANKING**  
22 **SYSTEM; AND**

23           **[(5)] (7)    Make the model developed under item (3) of this subsection, THE**  
24 **CATEGORIZATIONS UNDER ITEM (5) OF THIS SUBSECTION, and any ranking under**  
25 **[item] ITEMS (4) AND (6) of this subsection available to the public:**

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

28                   (ii)   On the Department's website.

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

30                   (i)    Safety and security;

31                   (ii)   System preservation;

1 (iii) Reducing congestion and improving commute times;

2 (iv) Environmental stewardship;

3 (v) Community vitality;

4 (vi) Economic prosperity;

5 (vii) Equitable access to transportation;

6 (viii) Cost effectiveness and return on investment; and

7 (ix) Local priorities.

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

12 (i) For safety and security:

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

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

17 (ii) For system preservation:

18 1. The degree to which the project increases the lifespan of  
19 the affected facility;

20 2. The degree to which the project increases the functionality  
21 of the facility; and

22 3. The degree to which the project renders the facility more  
23 resilient.

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

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

27 2. The degree to which the project has a positive impact on  
28 travel time reliability and congestion; and

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

3                                   (iv)   For environmental stewardship:

4                                   1.     The potential of the project to limit or reduce harmful  
5 emissions;

6                                   2.     The degree to which the project avoids impacts on State  
7 resources in the project area and adjacent areas; and

8                                   3.     The degree to which the project advances the State  
9 environmental goals.

10                                  (v)   For community vitality:

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

13                                  2.     The degree to which the project enhances existing  
14 community assets; and

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

17                                  (vi)   For economic prosperity:

18                                  1.     The projected increase in the cumulative job accessibility  
19 within an approximately 60-minute commute for projects;

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

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

24                                  (vii)   For equitable access to transportation:

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

27                                  2.     The projected economic development impact on  
28 low-income communities.

29                                  (viii)   For cost effectiveness and return on investment:

- 1                                   1.     The estimated travel time savings divided by the project  
2 cost;
- 3                                   2.     The degree to which the project leverages additional  
4 federal, State, local, and private sector transportation investment; and
- 5                                   3.     The degree to which the project will increase  
6 transportation alternatives and redundancy.
- 7                                   (ix)   For local priorities, the degree to which the project supports local  
8 government transportation priorities, as specified in local government priority letters.

9                                   **(3)   THE DEPARTMENT SHALL INCREASE THE WEIGHTING METRIC**  
10 **FOR EQUITABLE ACCESS TO TRANSPORTATION FOR A PROJECT LOCATED IN A**  
11 **MINORITY, RURAL, OR UNDERSERVED COMMUNITY BY 45% TO ADDRESS CRITICAL**  
12 **EQUITY CHALLENGES AND ENSURE EQUITABLE DISTRIBUTION OF PROJECTS**  
13 **THROUGHOUT THE STATE.**

14                                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2024.