

# HOUSE BILL 1281

R1, P3

8lr2961

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By: **Delegate Korman**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Project Planning Documents – Public Access**

3 FOR the purpose of requiring the State Highway Administration to make available to the  
4 public any reports, studies, or other documents produced by the Administration or  
5 by any consultant or contractor for the Administration during the initial project  
6 planning phase or final project planning phase; authorizing the Administration to  
7 redact traffic accident data from any report, study, or other document but prohibiting  
8 the Administration from withholding the report, study, or other document in its  
9 entirety; and generally relating to public access to State Highway Administration  
10 project planning documents.

11 BY repealing and reenacting, without amendments,  
12 Article – Transportation  
13 Section 8–610(a), (c), and (e)  
14 Annotated Code of Maryland  
15 (2015 Replacement Volume and 2017 Supplement)

16 BY adding to  
17 Article – Transportation  
18 Section 8–612.1  
19 Annotated Code of Maryland  
20 (2015 Replacement Volume and 2017 Supplement)

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

### Article – Transportation

24 8–610.

25 (a) In this part the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) "Final project planning phase" means that portion of the project planning  
2 phase which follows the initial project planning phase. The final project planning phase  
3 includes:

- 4 (1) Detailed review of alternatives;
- 5 (2) Selection of final alignment and scope;
- 6 (3) Preparation of final environmental impact documents;
- 7 (4) Detailed design and engineering studies;
- 8 (5) Any formal federal approval of design and location;
- 9 (6) Full participation of the public; and
- 10 (7) Full participation of local, State, and federal agencies.

11 (e) "Initial project planning phase" means that portion of the project planning  
12 phase which includes:

- 13 (1) Notification of local, State, and federal officials;
- 14 (2) Initial interagency review;
- 15 (3) Initial systems planning;
- 16 (4) Identification of alternatives, as set forth in § 8-102 of this title, for the  
17 scope and the location of the project;
- 18 (5) Estimates of right-of-way requirements, including available detail  
19 with respect to specific properties affected, and of cost;
- 20 (6) Public meetings for discussion of the foregoing; and
- 21 (7) Reports of consultants, if any have been retained for the analysis of  
22 preliminary alternatives.

23 **8-612.1.**

24 **(A) NOTWITHSTANDING ANY OTHER LAW AND SUBJECT TO SUBSECTION (B)**  
25 **OF THIS SECTION, THE ADMINISTRATION SHALL MAKE AVAILABLE TO THE PUBLIC**  
26 **ANY REPORTS, STUDIES, OR OTHER DOCUMENTS PRODUCED BY THE**  
27 **ADMINISTRATION OR BY ANY CONSULTANT OR CONTRACTOR FOR THE**

1 **ADMINISTRATION DURING THE INITIAL PROJECT PLANNING PHASE OR THE FINAL**  
2 **PROJECT PLANNING PHASE.**

3 **(B) THE ADMINISTRATION MAY REDACT TRAFFIC ACCIDENT DATA FROM**  
4 **ANY REPORT, STUDY, OR OTHER DOCUMENT SUBJECT TO DISCLOSURE UNDER THIS**  
5 **SECTION AS REQUIRED BY FEDERAL LAW, BUT MAY NOT WITHHOLD THE REPORT,**  
6 **STUDY, OR OTHER DOCUMENT IN ITS ENTIRETY.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2018.