

HOUSE BILL 9

R2
HB 141/22 – ENT

(PRE-FILED)

3lr0393
CF SB 19

By: **Delegates Ruth, Bagnall, Cardin, Chang, Charkoudian, Ebersole, Foley, Fraser-Hidalgo, Henson, Hill, Kerr, Lehman, Love, Patterson, Qi, Terrasa, and Watson**

Requested: September 13, 2022

Introduced and read first time: January 11, 2023

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2023

CHAPTER _____

1 AN ACT concerning

2 **Equity in Transportation Sector – Guidelines and Analyses**

3 FOR the purpose of requiring that equity be considered when certain State transportation
4 plans, reports, and goals are developed; altering the membership of the advisory
5 committee on State transportation goals, benchmarks, and indicators; requiring the
6 Department of Transportation, in collaboration with the Maryland Transit
7 Administration, to conduct certain analyses and consult with certain communities
8 before announcing or proposing certain service changes; requiring the
9 Administration to take certain actions to avoid or minimize certain disparate
10 impacts or disproportionate burdens; requiring the Administration to compile a
11 report on the impacts of a proposed service change after holding a public hearing on
12 the proposed service change; requiring the Department, in collaboration with the
13 Administration, to conduct certain analyses and consult with certain communities
14 before announcing any reduction or cancellation of a capital expansion project in the
15 construction program of the Consolidated Transportation Program; requiring the
16 Administration to compile a report on the impacts of a proposed reduction or
17 cancellation of a capital expansion project in the construction program of the
18 Consolidated Transportation Program; and generally relating to equity in
19 transportation.

20 BY repealing and reenacting, with amendments,
21 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 2–103.1(d), (h), and (j) and 7–101
2 Annotated Code of Maryland
3 (2020 Replacement Volume and 2022 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article – Transportation
6 Section 2–103.1(g) and (i)
7 Annotated Code of Maryland
8 (2020 Replacement Volume and 2022 Supplement)

9 BY adding to
10 Article – Transportation
11 Section 7–714 through 7–716
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2022 Supplement)

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

16 **Article – Transportation**

17 2–103.1.

18 (d) **(1)** The Maryland Transportation Plan shall:

19 **[(1)] (I)** Except as otherwise provided, be revised every 5 years through
20 an inclusive public participation process;

21 **[(2)] (II)** Include a 20–year forecast of State transportation needs, based
22 on the financial resources anticipated to be available to the Department during that
23 20–year period;

24 **[(3)] (III)** Be expressed in terms of the State transportation goals and
25 measures; and

26 **[(4)] (IV)** Include a summary of the types of projects and programs that are
27 proposed to accomplish the State transportation goals and measures, using a multi–modal
28 approach when feasible.

29 **(2) BEGINNING WITH THE 2045 MARYLAND TRANSPORTATION PLAN,**
30 **THE DEPARTMENT SHALL CONSIDER WAYS TO ACHIEVE EQUITY IN THE**
31 **TRANSPORTATION SECTOR WHEN DEVELOPING THE STATE TRANSPORTATION**
32 **GOALS.**

33 (g) Beginning with the year 2002 State Report on Transportation and continuing
34 thereafter, before the General Assembly considers the proposed Maryland Transportation

1 Plan and the proposed Consolidated Transportation Program, the Department shall submit
 2 an annual report on the attainment of State transportation goals and benchmarks for the
 3 approved and proposed Maryland Transportation Plan and the approved and proposed
 4 Consolidated Transportation Program to the Governor and, subject to § 2-1257 of the State
 5 Government Article, to the General Assembly.

6 (h) (1) The report required under subsection (g) of this section shall include:

7 (i) The establishment of certain measurable performance indicators
 8 or benchmarks, in priority funding areas at a minimum, designed to quantify the State
 9 transportation goals and measures specified in the Maryland Transportation Plan and §
 10 2-103.7 of this subtitle; and

11 (ii) The degree to which the projects and programs contained in the
 12 approved Maryland Transportation Plan and Consolidated Transportation Program attain
 13 those goals and benchmarks as measured by the performance indicators or benchmarks.

14 (2) The Department shall include in its report measurable long-term goals,
 15 and intermediate benchmarks of progress toward the attainment of the long-term goals,
 16 for the following measurable transportation indicators:

17 (i) An increase in the share of total person trips for each of transit,
 18 high occupancy auto, pedestrian, and bicycle modes of travel;

19 (ii) A decrease in indicators of traffic congestion as determined by
 20 the Department; and

21 (iii) Any other performance goals established by the Department for
 22 reducing automobile traffic and increasing the use of nonautomobile traffic.

23 **(3) (I) BEGINNING WITH THE 2024 ATTAINMENT REPORT ON**
 24 **TRANSPORTATION SYSTEM PERFORMANCE, THE ADVISORY COMMITTEE ADVISING**
 25 **THE DEPARTMENT ON STATE TRANSPORTATION GOALS, BENCHMARKS, AND**
 26 **INDICATORS SHALL RECOMMEND MEASURABLE TRANSPORTATION INDICATORS**
 27 **THAT CAN BE EVALUATED FOR:**

28 ~~1. RACIAL AND ETHNIC DISPARITIES; AND~~

29 ~~2. TO THE EXTENT DATA IS AVAILABLE, IMPACTS ON~~
 30 ~~PERSONS WITH DISABILITIES RACIAL, DISABILITY, ETHNIC, AND LOW-INCOME~~
 31 ~~DISPARITIES BASED ON AVAILABLE SOURCES OR INFORMATION.~~

32 **(II) THE DEPARTMENT SHALL EVALUATE THE INDICATORS**
 33 **RECOMMENDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO IDENTIFY ANY:**

34 ~~1. RACIAL AND ETHNIC DISPARITIES; AND~~

1 ~~2. TO THE EXTENT DATA IS AVAILABLE, IMPACTS ON~~
 2 ~~PERSONS WITH DISABILITIES RACIAL, DISABILITY, ETHNIC, OR LOW-INCOME~~
 3 ~~DISPARITIES.~~

4 [(3)] (4) The performance indicators or benchmarks described in this
 5 subsection shall acknowledge the difference between urban and rural transportation needs.

6 (i) The Smart Growth Subcabinet, established under Title 9, Subtitle 14 of the
 7 State Government Article, shall conduct an annual review of the State transportation goals,
 8 benchmarks, and indicators.

9 (j) (1) An advisory committee shall be assembled to advise the Department on
 10 the State transportation goals, benchmarks, and indicators under subsection (h) of this
 11 section.

12 (2) Membership of the advisory committee shall include but is not limited
 13 to the following members appointed by the Governor:

14 (i) A representative of the Maryland business community;

15 (ii) A representative of the disabled citizens community;

16 (iii) A representative of rural interests;

17 (iv) A representative of an auto users group;

18 (v) A representative of a transit users group;

19 (vi) A representative of the goods movement industry;

20 (vii) A nationally recognized expert on transportation demand
 21 management;

22 (viii) A nationally recognized expert on pedestrian and bicycle
 23 transportation;

24 (ix) A nationally recognized expert on transportation performance
 25 measurement;

26 (x) A representative of an environmental advocacy organization;

27 (xi) A representative from the Maryland Department of Planning;

28 (xii) A representative of the Maryland Association of Counties; [and]

1 (xiii) A representative of the Maryland Municipal League;

2 (XIV) A REPRESENTATIVE OF THE MARYLAND STATE
3 CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
4 COLORED PEOPLE; ~~AND~~

5 (XV) A REPRESENTATIVE OF A TRANSPORTATION LABOR
6 ORGANIZATION, DESIGNATED BY THE MARYLAND STATE AND DISTRICT OF
7 COLUMBIA AFL-CIO; AND

8 (XVI) A REPRESENTATIVE OF THE TRANSPORTATION
9 CONSTRUCTION INDUSTRY.

10 (3) The Governor shall appoint the chairman of the advisory committee.

11 (4) The advisory committee shall meet at least four times during the
12 process of developing the Maryland Transportation Plan to provide advice to the
13 Department on meeting the requirements of this subsection.

14 (5) The Department and the advisory committee shall consider the
15 following:

16 (i) Transportation and population trends and their impact on the
17 State's transportation system and priority funding areas;

18 (ii) Past and present State funding devoted to the various
19 transportation modes and demand management;

20 (iii) The full range of unmet transportation needs in priority funding
21 areas;

22 (iv) The full range of transportation measures and facilities
23 available, and their role, effectiveness, and cost effectiveness in providing travel choices
24 and reducing congestion;

25 (v) A review of transportation performance indicators and their use
26 in other states;

27 (vi) A review of the coordination of State transportation investments
28 with local growth plans for priority funding areas;

29 (vii) The types of investments needed and their levels of funding for
30 supporting the State transportation goals and measures established under § 2-103.7 of this
31 subtitle;

32 (viii) The impact of transportation investment on:

- 1 1. The environment;
- 2 2. Environmental justice as defined in § 1-701 of the
3 Environment Article;
- 4 3. Communities; [and]
- 5 4. Economic development; [and]
- 6 5. **RACIAL EQUITY; AND**
- 7 6. ~~TO THE EXTENT DATA IS AVAILABLE, PERSONS~~
8 **PERSONS WITH DISABILITIES, INCLUDING SERVICE ACCESSIBILITY; AND**

9 (ix) The Climate Action Plan goals required by the Greenhouse Gas
10 Emissions Reduction Act of 2009 under § 2-1205(b) of the Environment Article.
11 7-101.

12 (a) In this title the following words have the meanings indicated.

13 (b) “Administration” means the Maryland Transit Administration.

14 (c) “Administrator” means the Maryland Transit Administrator.

15 (D) **“DISPARATE IMPACT” MEANS A FACIALLY NEUTRAL POLICY OR**
16 **PRACTICE THAT DISPROPORTIONATELY AFFECTS MEMBERS OF A GROUP**
17 **IDENTIFIED BY RACE, COLOR, DISABILITY, OR NATIONAL ORIGIN, WHERE THE**
18 **RECIPIENT’S POLICY OR PRACTICE LACKS A SUBSTANTIAL LEGITIMATE**
19 **JUSTIFICATION AND WHERE THERE EXIST ONE OR MORE ALTERNATIVES THAT**
20 **WOULD SERVE THE SAME LEGITIMATE OBJECTIVES BUT WITH LESS**
21 **DISPROPORTIONATE EFFECT ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN.**

22 (E) **“DISPROPORTIONATE BURDEN” MEANS A FACIALLY NEUTRAL POLICY**
23 **OR PRACTICE THAT DISPROPORTIONATELY AFFECTS LOW-INCOME POPULATIONS**
24 **MORE THAN NON-LOW-INCOME POPULATIONS AND, ON A FINDING OF**
25 **DISPROPORTIONATE BURDEN, REQUIRES THE RECIPIENT TO EVALUATE**
26 **ALTERNATIVES AND MITIGATE BURDENS WHERE PRACTICABLE.**

27 [(d)] (F) “District” means:

28 (1) The Metropolitan Transit District, consisting of Baltimore City,
29 Baltimore County, Anne Arundel County, and other areas as designated by the Secretary

1 after consultation and coordination with the affected jurisdiction and subject to the
2 provisions of the Washington Metropolitan Transit Authority Compact; and

3 (2) Any area in which railroad service is performed under contract with the
4 Administration or in which railroad facilities are owned by the Administration.

5 ~~[(e)]~~ (G) “Excursion train” means any special event train sponsored or
6 contracted for in connection with the promotion of a public event benefiting the State and
7 its citizens.

8 ~~[(f)]~~ (H) “Light rail transit” means rail transit which is electrically powered and
9 can operate in mixed traffic with automobiles.

10 ~~[(g)]~~ (I) “Private carrier” means any person that renders transit service within
11 the District under an operating permit or license issued by an agency of this State
12 exercising regulatory jurisdiction over transportation of passengers within this State and
13 over persons engaged in that business.

14 ~~[(h)]~~ (J) “Proof of fare payment” means evidence of fare prepayment authorized
15 by the Administration for the use of transit service.

16 ~~[(i)]~~ (K) “Railroad company” means any entity engaged in the providing of
17 railroad service under this title.

18 ~~[(j)]~~ (L) (1) “Railroad facility” means any facility used in providing railroad
19 services, and includes any one or more or combination of:

20 (i) Switches, spurs, tracks, structures, terminals, yards, real
21 property, and other facilities useful or designed for use in connection with the
22 transportation of persons or goods by rail; and

23 (ii) All other appurtenances, including locomotives, cars, vehicles,
24 and other instrumentalities of shipment or carriage, useful or designed for use in
25 connection with the transportation of persons or goods by rail.

26 (2) “Railroad facility” does not include any transit facility.

27 ~~[(k)]~~ (M) “Railroad service” means any service utilizing rail or railroad facilities
28 performed by any common carrier operating under the jurisdiction of the State or federal
29 government as a common carrier and includes any such service performed by the National
30 Railroad Passenger Corporation.

31 ~~[(l)]~~ (N) “Transit facility” includes any one or more or combination of tracks,
32 rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking
33 areas, equipment, fixtures, buildings, structures, other real or personal property, and
34 services incidental to or useful or designed for use in connection with the rendering of

1 transit service by any means, including rail, bus, motor vehicle, or other mode of
2 transportation, but does not include any railroad facility.

3 ~~[(m)]~~ **(O)** “Transit-oriented development” means a mix of private or public
4 parking facilities, commercial and residential structures, and uses, improvements, and
5 facilities customarily appurtenant to such facilities and uses, that:

6 (1) Is part of a deliberate development plan or strategy involving:

7 (i) Property that is adjacent to the passenger boarding and alighting
8 location of a planned or existing transit station; or

9 (ii) Property, any part of which is located within one-half mile of the
10 passenger boarding and alighting location of a planned or existing transit station;

11 (2) Is planned to maximize the use of transit, walking, and bicycling by
12 residents and employees; and

13 (3) Is designated as a transit-oriented development by:

14 (i) The Secretary, after considering a recommendation of the Smart
15 Growth Subcabinet established under § 9-1406 of the State Government Article; and

16 (ii) The local government or multicounty agency with land use and
17 planning responsibility for the relevant area.

18 ~~[(n)]~~ **(P)** (1) “Transit service” means the transportation of persons and their
19 packages and baggage and of newspapers, express, and mail in regular route, special, or
20 charter service by means of transit facilities between points within the District.

21 (2) “Transit service” does not include any:

22 (i) Vanpool operation; or

23 (ii) Railroad service.

24 ~~[(o)]~~ **(Q)** (1) “Transit station” means any facility, the primary function of
25 which relates to the boarding and alighting of passengers from transit vehicles.

26 (2) “Transit station” includes platforms, shelters, passenger waiting
27 facilities, parking areas, access roadways, and other real property used to facilitate
28 passenger access to transit service or railroad service.

29 ~~[(p)]~~ **(R)** “Transit vehicle” means a mobile device used in rendering transit
30 service.

1 THE ADMINISTRATION SHALL DEVELOP TRANSIT EQUITY ANALYSIS POLICIES
2 AND GUIDELINES, INCLUDING THRESHOLDS FOR WHEN A REDUCTION OR
3 CANCELLATION OF A CAPITAL EXPANSION PROJECT IN THE CONSTRUCTION
4 PROGRAM OF THE CONSOLIDATED TRANSPORTATION PROGRAM REQUIRES
5 ANALYSIS.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
7 as follows:

8 Article – Transportation

9 7-715.

10 (A) BEFORE ANNOUNCING ANY SERVICE CHANGE THAT WOULD
11 CONSTITUTE A MAJOR SERVICE CHANGE UNDER THE FEDERAL TRANSIT
12 ADMINISTRATION’S TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL
13 TRANSIT ADMINISTRATION RECIPIENTS, THE DEPARTMENT, IN COLLABORATION
14 WITH THE ADMINISTRATION, SHALL:

15 (1) CONDUCT A TRANSIT EQUITY ANALYSIS IN ACCORDANCE WITH
16 THE FEDERAL AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT AND THE
17 FEDERAL REHABILITATION ACT OF 1973 AS AMENDED TO DETERMINE WHETHER
18 THE CHANGE WILL CREATE A DISPARATE IMPACT ON PERSONS WITH DISABILITIES;

19 (2) CONDUCT A TRANSIT EQUITY ANALYSIS IN ACCORDANCE WITH
20 THE TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT
21 ADMINISTRATION RECIPIENTS TO DETERMINE WHETHER THE CHANGE WILL
22 CREATE A DISPARATE IMPACT OR A DISPROPORTIONATE BURDEN;

23 ~~(2)~~ (3) PERFORM A COST-BENEFIT ANALYSIS, INCLUDING AN
24 ANALYSIS OF IMPACTS ON:

- 25 (I) ECONOMIC DEVELOPMENT;
- 26 (II) EMPLOYMENT;
- 27 (III) EDUCATION;
- 28 (IV) HEALTH; AND
- 29 (V) ENVIRONMENTAL JUSTICE; AND

30 ~~(3)~~ (4) CONSULT WITH MEMBERS AND LEADERS OF AFFECTED
31 COMMUNITIES, INCLUDING THROUGH COMMUNITY OUTREACH TO:

- 1 **(I) RACIAL MINORITY COMMUNITIES;**
2 **(II) LOW-INCOME COMMUNITIES;**
3 **(III) DISABLED RIDERS;**
4 **(IV) RIDERS WITH LIMITED ENGLISH PROFICIENCY;**
5 **(V) TRANSIT-RELIANT RIDERS; AND**
6 **(VI) SENIOR RIDERS.**

7 **(B) (1) IF A TRANSIT EQUITY ANALYSIS REVEALS DISPARATE IMPACT OR**
8 **DISPROPORTIONATE BURDEN, THE ADMINISTRATION SHALL:**

9 **(I) DEVELOP ALTERNATIVES THAT WOULD MEET THE GOALS**
10 **OF THE PROPOSED SERVICE CHANGE; AND**

11 **(II) CONDUCT A TRANSIT EQUITY ANALYSIS ON THE**
12 **ALTERNATIVES.**

13 **(2) IF A DISPARATE IMPACT CAN BE AVOIDED THROUGH USE OF ONE**
14 **OF THE ALTERNATIVES ANALYZED, THE ADMINISTRATION SHALL PROCEED WITH**
15 **THAT ALTERNATIVE AS THE PRIMARY PROPOSED SERVICE CHANGE.**

16 **(3) IF THERE IS NO ALTERNATIVE THAT WOULD AVOID A DISPARATE**
17 **IMPACT OR DISPROPORTIONATE BURDEN, THE ADMINISTRATION:**

18 **(I) MAY NOT IMPLEMENT THE PROPOSED SERVICE CHANGE**
19 **UNLESS A SUBSTANTIAL JUSTIFICATION EXISTS THAT NECESSITATES THE CHANGE;**
20 **AND**

21 **(II) SHALL IMPLEMENT THE ALTERNATIVE THAT CAUSES THE**
22 **LEAST DISPARATE IMPACT OR DISPROPORTIONATE BURDEN.**

23 **(C) BEFORE HOLDING A PUBLIC HEARING ON A PROPOSED SERVICE**
24 **CHANGE, THE ADMINISTRATION SHALL PUBLISH ON THE ADMINISTRATION'S**
25 **WEBSITE, FOR THE ROUTES OR LINES IMPACTED BY THE SERVICE CHANGE, AN**
26 **EVALUATION ON THE DEMOGRAPHICS OF:**

27 **(1) THE RIDERS OF THE ROUTES OR LINES; AND**

28 **(2) THE SERVICE AREA.**

1 (D) (1) AFTER COMPLETING THE PUBLIC HEARINGS, THE
2 ADMINISTRATION SHALL:

3 (I) PUBLISH THE TRANSIT EQUITY ANALYSIS AND
4 COST-BENEFIT ANALYSIS ON THE ADMINISTRATION'S WEBSITE; AND

5 (II) COMPILE A REPORT ON THE IMPACTS OF THE PROPOSED
6 SERVICE CHANGE.

7 (2) THE REPORT SHALL INCLUDE:

8 (I) THE TRANSIT EQUITY ANALYSIS;

9 (II) THE COST-BENEFIT ANALYSIS;

10 (III) A COMMUNITY OUTREACH REPORT;

11 (IV) ANY ALTERNATIVES ANALYZED; AND

12 (V) IF APPLICABLE, THE FINAL ALTERNATIVE SELECTED.

13 (3) IF A DISPARATE IMPACT OR DISPROPORTIONATE BURDEN EXISTS
14 IN THE FINAL ALTERNATIVE SELECTED, THE REPORT SHALL INCLUDE A
15 SUBSTANTIAL JUSTIFICATION STATEMENT.

16 (4) THE REPORT SHALL BE:

17 (I) MADE AVAILABLE TO THE PUBLIC ON THE
18 ADMINISTRATION'S WEBSITE, WITH A VISIBLE LINK FROM THE PRIMARY
19 INFORMATION PAGE RELATING TO THE PROPOSED SERVICE CHANGE; AND

20 (II) DISTRIBUTED TO:

21 1. THE MEMBERS OF THE BOARD OF PUBLIC WORKS;

22 2. THE ATTORNEY GENERAL;

23 3. THE SECRETARY OF TRANSPORTATION;

24 4. ANY ELECTED OFFICIALS WHOSE DISTRICTS WOULD
25 BE IMPACTED BY THE PROPOSED SERVICE CHANGE;

26 5. ANY COMMUNITY LEADERS CONSULTED DURING THE
27 COMMUNITY OUTREACH PROCESS; AND

1 **4. ANY ELECTED OFFICIALS WHOSE DISTRICTS WOULD**
2 **BE IMPACTED BY THE PROPOSED SERVICE CHANGE;**

3 **5. ANY COMMUNITY LEADERS CONSULTED DURING THE**
4 **COMMUNITY OUTREACH PROCESS; AND**

5 **6. IN ACCORDANCE WITH § 2-1257 OF THE STATE**
6 **GOVERNMENT ARTICLE:**

7 **A. THE PRESIDENT OF THE SENATE;**

8 **B. THE SPEAKER OF THE HOUSE;**

9 **C. THE SENATE FINANCE COMMITTEE; AND**

10 **D. THE HOUSE ENVIRONMENT AND TRANSPORTATION**
11 **COMMITTEE.**

12 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
13 effect July 1, 2024.

14 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
15 3 of this Act, this Act shall take effect June 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.