

Testimony of Edgar Gonzalez, Executive Director, Suburban Maryland Transportation Alliance Before the Senate Education, Health and Environmental Affairs Committee, April 6, 2021

RE: HB 464 – **OPPOSE**

Mr. Chairman and honorable members of the Committee.

My name is Edgar Gonzalez, Executive Director of the Suburban Maryland Transportation Alliance. Formerly, I was the Chief Transportation Engineer in Montgomery County for eleven years and for 14 years I was the Deputy Director of the Montgomery County Department of Transportation. I interacted with the Montgomery County Planning Board for more than 25 years in matters of Mandatory Referral and I appeared in front of the Commission several times each year. During my career with the County I was involved in at least 300 different projects that were the subject of Mandatory Referral.

I cannot remember one of those 300 projects that was approved by the Commission without some comment or suggestion for modifications. All of those projects were implemented as a result of negotiations or acceptance of the conditions placed on the projects, and occasionally we just chose to differ with the Board's recommendations, in which case we would send them a letter explaining why some condition would not be implemented.

The current process is onerous and typically results in delays in the implementation of projects, but the process works. The Board typically meets once a week and for the purpose of budget and schedules we could count on an action by the Board within 60 days of our submission.

That reliability and agencies' ability to maintain project schedules will disappear under the proposed legislation.

During 2019 and 2020 the Board met 43 times per year, or an average of every six business days. However, the legislation provides for the Commission to determine if a submission is "COMPLETE" within three days from submission. Therefore, the decision on whether a submission is COMPLETE will be typically made by a member of the staff, not by the Commission.

This is a problem, as projects that may have been approved by the Executive and County Council or by State elected officials can now be delayed by a low-level member of the staff of the Commission. If the individual opposes a project, she/he can delay implementation by simply stating that the submission is not COMPLETE and give whatever reason he/she may come up with to delay the project and require the implementing agency to make another submission. Nothing in the Bill eliminates the possibility of this event happening a second or third time, nor gives any precise guidance as to what constitutes "COMPLETE". Therefore, the legislation could result in delays of as much as 180 days, with the negative effect on schedule implementation and increased cost.

As a former public servant subjected to the Mandatory Referral, I can testify that the current process, although onerous, works. The proposed Bill is unnecessary, creates unreliability, unintentionally gives power and authority to staff members without the approval of the Commission, and will result in

lengthy delays and cost increases to all publicly funded projects at the State and County levels. The fiscal cost could be tremendous.

Planning level projects that fall under Mandatory Referral are often submitted before final design, typically, around 30 percent completion. It would be impractical and extremely costly to require all projects to submit "COMPLETE" construction plans. Unless planning level drawings are considered "COMPLETE", and unless there is a clearly defined minimum level of definition of the term, the bill is, in my opinion, fatally flawed.

In fact, since Mandatory Referral also applies to Federal projects, the legislation gives the possibility of a bi-county agency delaying federal projects in the same manner.

For all these reasons, the legislation should not be approved and I urge an **unfavorable** report.

Thank you.