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March 2, 2021

The Honorable Kumar Barve  
Chairman, House Environment and Transportation Committee  
251 House Office Building  
Annapolis MD 21401

***Re: Letter of Opposition – House Bill 464 – Maryland-National Capital Park and Planning Commission – Mandatory Referral Review MC/PG 101-21***

Dear Chairman Barve and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully opposes House Bill 464 as it would unnecessarily delay projects by subjecting approvals to a unique and subjective set of processes not followed in other parts of the State.

House Bill 464 would require Maryland-National Capital Parks and Planning Commission (M-NCPPC) to approve public sector development projects only when there is a “complete submission” of engineering or architectural drawings. If the submission is rejected as “incomplete,” a proposing entity would have to submit an amended submission at least three times before notifying M-NCPPC that it is unable to provide additional information.

The definitions for a “complete submission,” including what is meant by “location, character, grade and extent” in the context of engineering or architectural drawings, are unclear. As a project moves through the development process, the level of engineering or architectural planning ranges significantly. Under House Bill 464, it is unclear what level of completion the M-NCPPC would accept and consider drawings as “complete” before reviewing and approving a submission for any of the activities set forth in § 20-301 of the Land Use Article. Additionally, based on the proposed timeline of the M-NCPPC review in the legislation, engineering and/or architectural drawings may not yet exist for the projects under scrutiny. In these situations, only until a submission has been reviewed and rejected three times would the M-NCPPC consider and review an “incomplete” submission on the basis that there is no additional information to provide. This process would unnecessarily delay projects based on subjective procedural grounds.

These changes would not only impact the American Legion Bridge/I-270 P3 Project but would significantly impact all projects in Montgomery and Prince Georges Counties. Examples of projects that would be subject to these provisions include developments around Washington Metropolitan Area Transit Authority (WMATA) stations and other transit-oriented development, new/proposed federal office buildings, and highway and transit projects. Projects that include public safety or park development may need to submit preliminary conceptual plans that do not include final engineering or architectural designs.

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Further, many of these projects require review under the National Environmental Policy Act (NEPA), where M-NCPPC is a cooperating or participating agency for the NEPA study. This lack of flexibility to adapt to projects in different stages of development, such as planning or final design, makes it challenging, if not impossible, for M-NCPPC to fully participate in NEPA planning studies.

For these reasons, the Maryland Department of Transportation respectfully requests the Committee grant House Bill 464 an unfavorable report.

Respectfully submitted,

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