



## **Senate Bill 307**

*Maryland Open Transportation Investment  
Decision Act - Application and Evaluation*

MACo Position: **SUPPORT**

To: Appropriations and Environment and  
Transportation Committees

Date: March 23, 2017

From: Michael Sanderson and Barbara Zektick

The Maryland Association of Counties (MACo) **SUPPORTS** SB 307. This amended bill substantially reframes the 2016 legislation creating a “scorecard” for major transportation projects. The amended bill clarifies that the use of scoring from the statutory system will be purely advisory for a two-year period, while a designated work group convenes to consider refinements to its elements and effects. **By eliminating the uncertainty regarding the potential immediate effect on project funding, SB 307 addresses the chief county concerns with the current law. Counties welcome an opportunity to help inform the ongoing work group efforts proposed in the amended bill.**

During the 2016 legislative session, MACo raised concerns with HB 1013, the legislation targeted by this year’s SB 307. In testimony, MACo raised concerns about respecting county input into project selection, overburdening county public works departments, and the potential for unfairness in the legislated scoring system. Many of these points were addressed, in whole or in part, through both House and Senate amendments. During the interim, MACo was again alarmed by exchanges with the Maryland Department of Transportation, suggesting that a failure of counties to rapidly provide dramatically expanded information to defend proposed projects would result in them being “de-funded.” And finally, after the implementation of last year’s act was delayed pending regulations being adopted, MACo again expressed concern with the proposed Departmental regulations that failed to implement flexibility that we believe the legislation afforded. Taken together, counties fear the law and regulations’ scoring system will prove counterproductive and cumbersome.

Imperfect scores undermine the entire system. An ideal scorecard system could advance the public’s ability to understand the State’s project selection process. Counties fear that the status quo, as a combined result of legislation and regulations, will substantially miss this mark. The Maryland public would not be well served if the Department were obliged to routinely offer a

multitude of “rational basis” letters to assert an exception for a wide range of projects in order to retain funding, despite their project scores. Even though this process is spelled out in the law, a system that creates an unreasonable number of exceptions loses its utility.

For these reasons, MACo **supports** SB 307, as a means to remedy the confusing and cumbersome scorecard process currently in law. As the work group envisioned under the amended bill convenes, MACo and county professionals would be pleased to help inform and support that effort, to better reach the program’s intended goals.