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TTY USERS CALL VIA MD RELAY

April 1, 2016

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, Maryland 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1013 – *Maryland Open Transportation Investment Decision Act of 2016.*

This regrettable legislation exemplifies the worst kind of policymaking and it is not in the best interest of Maryland taxpayers. House Bill 1013 represents the beginning of what could be a long term fundamental shift in how transportation decisions are made, with political forces and unaccountable special interests manipulating the legislative process to dictate what projects get built.

I have said repeatedly that every decision I make will be put to a simple test: Will this law or action make it easier for families and small businesses to stay in Maryland, and will it make more families and businesses want to come to Maryland? This bill miserably fails the simple test.

By establishing arbitrary new criteria to guide transportation decisions in Maryland, the bill may harm our State's competitiveness and could degrade the quality of life for Marylanders for decades to come. In a worrying preview of what could happen in future years, this bill was constructed in a secretive and haphazard manner with enormous input from political pressure groups but with no real thought and no meaningful input from the Department of Transportation.

The obvious intent of the legislation is to severely limit the decision making of local governments, to strip the Executive Branch of its authority over transportation decisions and to create new mechanisms to divert taxpayer dollars away from highway infrastructure. Vague and imprecise language as well as multiple technical problems associated with the implementation of this bill only further diminish the quality of what was already poorly conceived legislation. For these reasons, I cannot support the enactment of House Bill 1013.

My Administration has taken a balanced approach to transportation that includes an appropriate mix of major highway projects across Maryland, as well as important transit project like the Purple Line and Baltimore Link in densely populated regions. Conversely, by reshaping our

State's transportation priorities and decision making processes, House Bill 1013 potentially puts at risk major road, bridge and transit investments in every Maryland county as well as in Baltimore City.

Under this bill, certain capital projects of the State Highway Administration or Maryland Transit Administration will be subjected to a new scoring and ranking system composed of nine specified goals of 100 points each (900 point scale). The Department must develop and adopt regulations on how to score each measure within each goal before January 1, 2017.

In the context of numerous bills considered this session to erode the long-established powers of Maryland's Executive Branch, House Bill 1013 infringes upon the Maryland Department of Transportation authority for identifying priorities in local jurisdictions throughout the State. The existing Consolidated Transportation Program is a well-established process for identifying transportation needs based upon extensive input from local stakeholders. The Department of Transportation opposed this bill during the hearings in the Senate and House of Delegates because the bill complicates the existing system which has been praised by State and local officials with new language that would impose a contrived ranking process that was created by outside, unknown bill drafters without the inclusion of the expertise of the Department.

Put simply, this bill is just bad public policy. For example, safety is the most important consideration in all Maryland Department of Transportation's current review of transportation projects. Under House Bill 1013, however, safety scoring at 100 points caps the consideration of safety at 11% of the total. Thus the bill language equates a safety factor such as reduction in fatalities at the same level with the degree to which a project is projected to increase the use of walking, biking, and transit.

This bill also requires that all major capital projects be scored and ranked for inclusion in the draft and final Consolidated Transportation Program. This creates a practice by which local governments are incentivized to submit as many priorities as possible. For example, if Montgomery County had 50 transportation priorities, they would submit everything project (local prioritization would account for only 11% of the points) and most of these projects (transit and urban focused) would generally score higher than projects in other parts of the State because of the population multiplier required under the bill.

Lastly, the bill emasculates the Maryland Transportation Plan Advisory Committee, an inclusive and comprehensive committee that has been in place since 1971. This Committee is charged with setting the State's transportation goals and is left intact but the authority of this Committee is usurped by prescribing nine transportation goals for Maryland, each with an equal weight. It is unclear how the Committee and scoring system will function together or what role the Committee will play moving forward.

I was an outspoken critic of the transportation decisions made under the previous administration, including the wide scale cuts to local road funding and the syphoning of a billion dollars from the Transportation Trust Fund, which the legislature later put under lock and key to prevent future raids.

The previous Governor acknowledged that our highways were deteriorating and our bridges were crumbling but House Bill 1013 has the potential to once again put Maryland roads and highways on a path of neglect and underinvestment. I would be defaulting on my vow to Marylanders if I did not make every effort to resist the passage of this bill.

For these reasons, I have vetoed House Bill 1013.

Sincerely,

Lawrence J. Hogan, Jr
Governor