

# SENATE BILL 204

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By: **The President (By Request – Administration) and Senators Pugh and Garagiola**

Introduced and read first time: January 18, 2008

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transit Administration – Transit–Oriented Development**

3 FOR the purpose of establishing that the realization of certain transit–oriented  
4 development of certain property located near transit stations is a transportation  
5 purpose that is essential for the attainment of certain objectives; defining  
6 certain terms; and generally relating to transit oriented development.

7 BY repealing and reenacting, with amendments,  
8 Article – Transportation  
9 Section 7–101 and 7–102  
10 Annotated Code of Maryland  
11 (2001 Replacement Volume and 2007 Supplement)

12 Preamble

13 WHEREAS, In recognition of the role transit plays in reducing highway  
14 congestion and greenhouse gas emissions, it is the intent of the General Assembly that  
15 land uses surrounding transit stations throughout the State be developed in a manner  
16 that is conducive to greater transit ridership and designed to promote transit, walking,  
17 and bicycling in addition to the automobile as means of transportation; and

18 WHEREAS, Households within one–half of a mile of transit service own fewer  
19 automobiles than households where transit is not available and people who live near  
20 transit are more likely to use transit to commute; and

21 WHEREAS, Transit–oriented development includes a mix of uses built in a  
22 compact form that is oriented to the transit station, streets designed to be safe and  
23 pleasant for pedestrians, buildings oriented to the streets, sufficient parking to  
24 support transit ridership and commercial land uses, and public open spaces; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The State has made a substantial investment in transit that can be  
2 leveraged to achieve smart growth outcomes; and

3 WHEREAS, The support and promotion of transit-oriented development  
4 throughout the State is in the interest of the citizens of the State and is a critical  
5 component of a high functioning transportation system; now, therefore,

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

### 8 Article - Transportation

9 7-101.

- 10 (a) In this title the following words have the meanings indicated.
- 11 (b) "Administration" means the Maryland Transit Administration.
- 12 (c) "Administrator" means the Maryland Transit Administrator.
- 13 (d) "District" means:
- 14 (1) The Metropolitan Transit District, consisting of Baltimore City,  
15 Baltimore County, Anne Arundel County, and other areas as designated by the  
16 Secretary after consultation and coordination with the affected jurisdiction and subject  
17 to the provisions of the Washington Metropolitan Transit Authority Compact; and
- 18 (2) Any area in which railroad service is performed under contract  
19 with the Administration or in which railroad facilities are owned by the  
20 Administration.
- 21 (e) "Excursion train" means any special event train sponsored or contracted  
22 for in connection with the promotion of a public event benefiting the State and its  
23 citizens.
- 24 (f) "Light rail transit" means rail transit which is electrically powered and  
25 can operate in mixed traffic with automobiles.
- 26 (g) "Private carrier" means any person that renders transit service within  
27 the District under an operating permit or license issued by an agency of this State  
28 exercising regulatory jurisdiction over transportation of passengers within this State  
29 and over persons engaged in that business.
- 30 (h) "Proof of fare payment" means evidence of fare prepayment authorized by  
31 the Administration for the use of transit service.
- 32 (i) "Railroad company" means any entity engaged in the providing of  
33 railroad service under this title.

1 (j) (1) "Railroad facility" means any facility used in providing railroad  
2 services, and includes any one or more or combination of:

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

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

9 (2) "Railroad facility" does not include any transit facility.

10 (k) "Railroad service" means any service utilizing rail or railroad facilities  
11 performed by any common carrier operating under the jurisdiction of the State or  
12 federal government as a common carrier and includes any such service performed by  
13 the National Railroad Passenger Corporation.

14 (l) "Transit facility" includes any one or more or combination of tracks,  
15 rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports,  
16 parking areas, equipment, fixtures, buildings, structures, other real or personal  
17 property, and services incidental to or useful or designed for use in connection with the  
18 rendering of transit service by any means, including rail, bus, motor vehicle, or other  
19 mode of transportation, but does not include any railroad facility.

20 (M) **"TRANSIT-ORIENTED DEVELOPMENT" MEANS A MIX OF PRIVATE OR**  
21 **PUBLIC PARKING FACILITIES, COMMERCIAL AND RESIDENTIAL STRUCTURES,**  
22 **AND USES, IMPROVEMENTS, AND FACILITIES CUSTOMARILY APPURTENANT TO**  
23 **SUCH FACILITIES AND USES, THAT:**

24 (1) **IS PART OF A DELIBERATE DEVELOPMENT PLAN OR**  
25 **STRATEGY INVOLVING:**

26 (I) **PROPERTY THAT IS ADJACENT TO THE PASSENGER**  
27 **BOARDING AND ALIGHTING LOCATION OF A PLANNED OR EXISTING TRANSIT**  
28 **STATION; OR**

29 (II) **PROPERTY, ANY PART OF WHICH IS LOCATED WITHIN**  
30 **ONE-HALF MILE OF THE PASSENGER BOARDING AND ALIGHTING LOCATION OF A**  
31 **PLANNED OR EXISTING TRANSIT STATION;**

32 (2) **IS PLANNED TO MAXIMIZE THE USE OF TRANSIT, WALKING,**  
33 **AND BICYCLING BY RESIDENTS AND EMPLOYEES; AND**

1           **(3) IS DESIGNATED AS A TRANSIT-ORIENTED DEVELOPMENT BY**  
 2 **THE SECRETARY IN CONSULTATION WITH THE SECRETARIES OF BUSINESS AND**  
 3 **ECONOMIC DEVELOPMENT, GENERAL SERVICES, HOUSING AND COMMUNITY**  
 4 **DEVELOPMENT, THE ENVIRONMENT, AND PLANNING.**

5           [(m)] (N) (1) “Transit service” means the transportation of persons and  
 6 their packages and baggage and of newspapers, express, and mail in regular route,  
 7 special, or charter service by means of transit facilities between points within the  
 8 District.

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

10           (i) Taxicab service;

11           (ii) Vanpool operation; or

12           (iii) Railroad service.

13           [(n)] (O) (1) **“TRANSIT STATION” MEANS ANY FACILITY, THE**  
 14 **PRIMARY FUNCTION OF WHICH RELATES TO THE BOARDING AND ALIGHTING OF**  
 15 **PASSENGERS FROM TRANSIT VEHICLES.**

16           (2) **“TRANSIT STATION” INCLUDES PLATFORMS, SHELTERS,**  
 17 **PASSENGER WAITING FACILITIES, PARKING AREAS, ACCESS ROADWAYS, AND**  
 18 **OTHER REAL PROPERTY USED TO FACILITATE PASSENGER ACCESS TO TRANSIT**  
 19 **SERVICE OR RAILROAD SERVICE.**

20           (P) “Transit vehicle” means a mobile device used in rendering transit service.

21 7-102.

22           (a) The development of improved and expanded railroad facilities, railroad  
 23 services, transit facilities, and transit services operating as a unified and coordinated  
 24 regional transportation system, [is] **AND THE REALIZATION OF TRANSIT-ORIENTED**  
 25 **DEVELOPMENT THROUGHOUT THE STATE, REPRESENT TRANSPORTATION**  
 26 **PURPOSES THAT ARE** essential for the satisfactory movement of people and goods,  
 27 the alleviation of present and future traffic congestion, the economic welfare and  
 28 vitality, and the development of the metropolitan area of Baltimore and other political  
 29 subdivisions of the State.

30           (b) It is the policy of this title to create a regional transportation system in  
 31 the District that will provide compatibility with other contiguous or neighboring  
 32 systems.

33           (c) The desired regional transportation system cannot be achieved by the  
 34 unilateral action of any one political subdivision, but requires action by this State

1 through a State agency that is politically responsive to local needs and will assure that  
2 the development of the regional transportation system fosters general development  
3 plans for this State, the region, and the local development plans of the participating  
4 political subdivisions.

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2008.