

HOUSE BILL 141

R2

(PRE-FILED)

2lr1131
CF SB 23

By: **Delegate Ruth**

Requested: November 1, 2021

Introduced and read first time: January 12, 2022

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2022

CHAPTER _____

1 AN ACT concerning

2 **Equity in Transportation Sector – Guidelines and Analyses**

3 FOR the purpose of requiring that equity be considered when certain State transportation
4 plans, reports, and goals are developed; altering the membership of the advisory
5 committee on State transportation goals, benchmarks, and indicators; ~~establishing~~
6 ~~the Commission on Transportation Equity~~; requiring the Department of
7 Transportation, in collaboration with the Maryland Transit Administration, to
8 conduct certain analyses and consult with certain communities before announcing
9 or proposing certain service changes; requiring the Administration to take certain
10 actions to avoid or minimize certain disparate impacts or disproportionate burdens;
11 requiring the Administration to compile a report on the impacts of a proposed service
12 change after holding a public hearing on the proposed service change; requiring the
13 Department, in collaboration with the Administration, to conduct certain analyses
14 and consult with certain communities before announcing any reduction or
15 cancellation of a capital expansion project in the construction program of the
16 Consolidated Transportation Program; requiring the Administration to compile a
17 report on the impacts of a proposed reduction or cancellation of a capital expansion
18 project in the construction program of the Consolidated Transportation Program;
19 and generally relating to equity in transportation.

20 BY repealing and reenacting, with amendments,
21 Article – Transportation
22 Section 2–103.1(d), (h), and (j) and 7–101
23 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 2–103.1(g) and (i)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY adding to
Article – Transportation
Section ~~7–714 and 7–715~~ through 7–716
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Transportation

2–103.1.

(d) (1) The Maryland Transportation Plan shall:

[(1)] (I) Except as otherwise provided, be revised every 5 years through
an inclusive public participation process;

[(2)] (II) Include a 20–year forecast of State transportation needs, based
on the financial resources anticipated to be available to the Department during that
20–year period;

[(3)] (III) Be expressed in terms of the State transportation goals and
measures; and

[(4)] (IV) Include a summary of the types of projects and programs that are
proposed to accomplish the State transportation goals and measures, using a multi–modal
approach when feasible.

(2) **BEGINNING WITH THE 2045 MARYLAND TRANSPORTATION PLAN,
THE DEPARTMENT SHALL CONSIDER WAYS TO ACHIEVE EQUITY IN THE
TRANSPORTATION SECTOR WHEN DEVELOPING THE STATE TRANSPORTATION
GOALS.**

(g) Beginning with the year 2002 State Report on Transportation and continuing
thereafter, before the General Assembly considers the proposed Maryland Transportation
Plan and the proposed Consolidated Transportation Program, the Department shall submit
an annual report on the attainment of State transportation goals and benchmarks for the

approved and proposed Maryland Transportation Plan and the approved and proposed Consolidated Transportation Program to the Governor and, subject to § 2–1257 of the State Government Article, to the General Assembly.

(h) (1) The report required under subsection (g) of this section shall include:

(i) The establishment of certain measurable performance indicators or benchmarks, in priority funding areas at a minimum, designed to quantify the State transportation goals and measures specified in the Maryland Transportation Plan and § 2–103.7 of this subtitle; and

(ii) The degree to which the projects and programs contained in the approved Maryland Transportation Plan and Consolidated Transportation Program attain those goals and benchmarks as measured by the performance indicators or benchmarks.

(2) The Department shall include in its report measurable long-term goals, and intermediate benchmarks of progress toward the attainment of the long-term goals, for the following measurable transportation indicators:

(i) An increase in the share of total person trips for each of transit, high occupancy auto, pedestrian, and bicycle modes of travel;

(ii) A decrease in indicators of traffic congestion as determined by the Department; and

(iii) Any other performance goals established by the Department for reducing automobile traffic and increasing the use of nonautomobile traffic.

(3) (I) BEGINNING WITH THE ~~2023~~ 2024 ATTAINMENT REPORT ON TRANSPORTATION SYSTEM PERFORMANCE, THE ADVISORY COMMITTEE ADVISING THE DEPARTMENT ON STATE TRANSPORTATION GOALS, BENCHMARKS, AND INDICATORS SHALL ~~CONSULT WITH THE COMMISSION ON TRANSPORTATION EQUITY TO~~ RECOMMEND MEASURABLE TRANSPORTATION INDICATORS THAT CAN BE EVALUATED FOR:

1. RACIAL AND ETHNIC DISPARITIES; AND

2. ~~IMPACTS~~ TO THE EXTENT DATA IS AVAILABLE, IMPACTS ON PERSONS WITH DISABILITIES.

(II) THE DEPARTMENT SHALL EVALUATE THE INDICATORS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO IDENTIFY ANY:

1. RACIAL AND ETHNIC DISPARITIES; AND

1 **2. ~~IMPACTS~~ TO THE EXTENT DATA IS AVAILABLE,**
2 **IMPACTS ON PERSONS WITH DISABILITIES.**

3 **[(3)] (4)** The performance indicators or benchmarks described in this
4 subsection shall acknowledge the difference between urban and rural transportation needs.

5 (i) The Smart Growth Subcabinet, established under Title 9, Subtitle 14 of the
6 State Government Article, shall conduct an annual review of the State transportation goals,
7 benchmarks, and indicators.

8 (j) (1) An advisory committee shall be assembled to advise the Department on
9 the State transportation goals, benchmarks, and indicators under subsection (h) of this
10 section.

11 (2) Membership of the advisory committee shall include but is not limited
12 to the following members appointed by the Governor:

- 13 (i) A representative of the Maryland business community;
- 14 (ii) A representative of the disabled citizens community;
- 15 (iii) A representative of rural interests;
- 16 (iv) A representative of an auto users group;
- 17 (v) A representative of a transit users group;
- 18 (vi) A representative of the goods movement industry;
- 19 (vii) A nationally recognized expert on transportation demand
20 management;
- 21 (viii) A nationally recognized expert on pedestrian and bicycle
22 transportation;
- 23 (ix) A nationally recognized expert on transportation performance
24 measurement;
- 25 (x) A representative of an environmental advocacy organization;
- 26 (xi) A representative from the Maryland Department of Planning;
- 27 (xii) A representative of the Maryland Association of Counties; [and]
- 28 (xiii) A representative of the Maryland Municipal League;

1 **(XIV) A REPRESENTATIVE OF THE MARYLAND STATE**
2 **CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF**
3 **COLORED PEOPLE; AND**

4 **(XV) A REPRESENTATIVE OF A TRANSPORTATION LABOR**
5 **ORGANIZATION, DESIGNATED BY THE MARYLAND STATE AND DISTRICT OF**
6 **COLUMBIA AFL-CIO.**

7 (3) The Governor shall appoint the chairman of the advisory committee.

8 (4) The advisory committee shall meet at least four times during the
9 process of developing the Maryland Transportation Plan to provide advice to the
10 Department on meeting the requirements of this subsection.

11 (5) The Department and the advisory committee shall consider the
12 following:

13 (i) Transportation and population trends and their impact on the
14 State's transportation system and priority funding areas;

15 (ii) Past and present State funding devoted to the various
16 transportation modes and demand management;

17 (iii) The full range of unmet transportation needs in priority funding
18 areas;

19 (iv) The full range of transportation measures and facilities
20 available, and their role, effectiveness, and cost effectiveness in providing travel choices
21 and reducing congestion;

22 (v) A review of transportation performance indicators and their use
23 in other states;

24 (vi) A review of the coordination of State transportation investments
25 with local growth plans for priority funding areas;

26 (vii) The types of investments needed and their levels of funding for
27 supporting the State transportation goals and measures established under § 2-103.7 of this
28 subtitle;

29 (viii) The impact of transportation investment on:

30 1. The environment;

31 2. Environmental justice as defined in § 1-701 of the
32 Environment Article;

3. Communities; [and]

4. Economic development; [and]

5. RACIAL EQUITY; AND

**6. ~~PERSONS~~ TO THE EXTENT DATA IS AVAILABLE,
PERSONS WITH DISABILITIES, INCLUDING SERVICE ACCESSIBILITY; AND**

(ix) The Climate Action Plan goals required by the Greenhouse Gas Emissions Reduction Act of 2009 under § 2–1205(b) of the Environment Article.

7–101.

(a) In this title the following words have the meanings indicated.

(b) “Administration” means the Maryland Transit Administration.

(c) “Administrator” means the Maryland Transit Administrator.

(D) “DISPARATE IMPACT” MEANS A FACIALLY NEUTRAL POLICY OR PRACTICE THAT DISPROPORTIONATELY AFFECTS MEMBERS OF A GROUP IDENTIFIED BY RACE, COLOR, OR NATIONAL ORIGIN, WHERE THE RECIPIENT’S POLICY OR PRACTICE LACKS A SUBSTANTIAL LEGITIMATE JUSTIFICATION AND WHERE THERE EXIST ONE OR MORE ALTERNATIVES THAT WOULD SERVE THE SAME LEGITIMATE OBJECTIVES BUT WITH LESS DISPROPORTIONATE EFFECT ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN.

(E) “DISPROPORTIONATE BURDEN” MEANS A FACIALLY NEUTRAL POLICY OR PRACTICE THAT DISPROPORTIONATELY AFFECTS LOW-INCOME POPULATIONS MORE THAN NON-LOW-INCOME POPULATIONS AND, ON A FINDING OF DISPROPORTIONATE BURDEN, REQUIRES THE RECIPIENT TO EVALUATE ALTERNATIVES AND MITIGATE BURDENS WHERE PRACTICABLE.

[(d)] (F) “District” means:

(1) The Metropolitan Transit District, consisting of Baltimore City, Baltimore County, Anne Arundel County, and other areas as designated by the Secretary after consultation and coordination with the affected jurisdiction and subject to the provisions of the Washington Metropolitan Transit Authority Compact; and

(2) Any area in which railroad service is performed under contract with the Administration or in which railroad facilities are owned by the Administration.

1 [(e)] (G) “Excursion train” means any special event train sponsored or
2 contracted for in connection with the promotion of a public event benefiting the State and
3 its citizens.

4 [(f)] (H) “Light rail transit” means rail transit which is electrically powered and
5 can operate in mixed traffic with automobiles.

6 [(g)] (I) “Private carrier” means any person that renders transit service within
7 the District under an operating permit or license issued by an agency of this State
8 exercising regulatory jurisdiction over transportation of passengers within this State and
9 over persons engaged in that business.

10 [(h)] (J) “Proof of fare payment” means evidence of fare prepayment authorized
11 by the Administration for the use of transit service.

12 [(i)] (K) “Railroad company” means any entity engaged in the providing of
13 railroad service under this title.

14 [(j)] (L) (1) “Railroad facility” means any facility used in providing railroad
15 services, and includes any one or more or combination of:

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

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

22 (2) “Railroad facility” does not include any transit facility.

23 [(k)] (M) “Railroad service” means any service utilizing rail or railroad facilities
24 performed by any common carrier operating under the jurisdiction of the State or federal
25 government as a common carrier and includes any such service performed by the National
26 Railroad Passenger Corporation.

27 [(l)] (N) “Transit facility” includes any one or more or combination of tracks,
28 rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking
29 areas, equipment, fixtures, buildings, structures, other real or personal property, and
30 services incidental to or useful or designed for use in connection with the rendering of
31 transit service by any means, including rail, bus, motor vehicle, or other mode of
32 transportation, but does not include any railroad facility.

33 [(m)] (O) “Transit-oriented development” means a mix of private or public
34 parking facilities, commercial and residential structures, and uses, improvements, and
35 facilities customarily appurtenant to such facilities and uses, that:

(1) Is part of a deliberate development plan or strategy involving:

(i) Property that is adjacent to the passenger boarding and alighting location of a planned or existing transit station; or

(ii) Property, any part of which is located within one-half mile of the passenger boarding and alighting location of a planned or existing transit station;

(2) Is planned to maximize the use of transit, walking, and bicycling by residents and employees; and

(3) Is designated as a transit-oriented development by:

(i) The Secretary, after considering a recommendation of the Smart Growth Subcabinet established under § 9-1406 of the State Government Article; and

(ii) The local government or multicounty agency with land use and planning responsibility for the relevant area.

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

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

(i) Vanpool operation; or

(ii) Railroad service.

[(o)] (Q) (1) “Transit station” means any facility, the primary function of which relates to the boarding and alighting of passengers from transit vehicles.

(2) “Transit station” includes platforms, shelters, passenger waiting facilities, parking areas, access roadways, and other real property used to facilitate passenger access to transit service or railroad service.

[(p)] (R) “Transit vehicle” means a mobile device used in rendering transit service.

7-714.

~~**(A) IN THIS SECTION, “COMMISSION” MEANS THE COMMISSION ON TRANSPORTATION EQUITY.**~~

~~**(B) THERE IS A COMMISSION ON TRANSPORTATION EQUITY.**~~

~~(c) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:~~

~~(1) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S
DESIGNEE, AS AN EX OFFICIO MEMBER;~~

~~(2) THREE MEMBERS APPOINTED BY THE GOVERNOR;~~

~~(3) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE;~~

~~(4) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE;~~

~~(5) ONE REPRESENTATIVE OF A TRANSPORTATION LABOR
ORGANIZATION, DESIGNATED BY THE MARYLAND STATE AND DISTRICT OF
COLUMBIA AFL-CIO; AND~~

~~(6) THE FOLLOWING MEMBERS, APPOINTED JOINTLY BY THE
PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE:~~

~~(i) ONE REPRESENTATIVE OF THE MARYLAND STATE
CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE;~~

~~(ii) ONE REPRESENTATIVE OF DISABILITY RIGHTS MARYLAND;~~

~~(iii) ONE REPRESENTATIVE OF CASA DE MARYLAND;~~

~~(iv) ONE REPRESENTATIVE OF THE BALTIMORE TRANSIT
EQUITY COALITION;~~

~~(v) TWO HIGH SCHOOL STUDENTS, AT LEAST ONE OF WHOM
MUST BE A TRANSIT RIDER RESIDING IN BALTIMORE CITY; AND~~

~~(vi) A REPRESENTATIVE OF THE JOHNS HOPKINS BLOOMBERG
SCHOOL OF PUBLIC HEALTH.~~

~~(d) (1) EACH APPOINTING OFFICIAL SHALL CONSIDER THE EXPERTISE
OF THE OTHER MEMBERS APPOINTED TO THE COMMISSION AND ATTEMPT TO MAKE
APPOINTMENTS THAT REFLECT A DIVERSITY OF EXPERTISE.~~

~~(2) THE COMMISSION SHALL REFLECT THE CULTURAL, ETHNIC, AND
GEOGRAPHIC DIVERSITY OF THE STATE.~~

~~(e) (1) THE COMMISSION SHALL ELECT A CHAIR AND VICE CHAIR FROM
AMONG ITS MEMBERS.~~

~~(2) THE COMMISSION:~~

~~(I) SHALL HOLD REGULAR QUARTERLY MEETINGS; AND~~

~~(II) MAY CONVENE A SPECIAL MEETING IF NECESSARY.~~

~~(F) (1) NINE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM.~~

~~(2) ALL ACTIONS OF THE COMMISSION SHALL REQUIRE THE AFFIRMATIVE VOTE OF AT LEAST NINE MEMBERS.~~

~~(G) A MEMBER OF THE COMMISSION MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION, BUT IS ENTITLED TO:~~

~~(1) A PER DIEM RATE AS PROVIDED IN THE STATE BUDGET FOR ATTENDING SCHEDULED MEETINGS OF THE COMMISSION; AND~~

~~(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(H) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMISSION.~~

~~(I) THE COMMISSION SHALL:~~

~~(1) WORK WITH THE DEPARTMENT TO DEVELOP POLICIES AND PERFORMANCE MEASURES TO ENSURE THAT THE STATE TRANSPORTATION SYSTEM IS EQUITABLE;~~

~~(2) ADVISE THE DEPARTMENT ON HOW THE TRANSPORTATION SYSTEM IN THE STATE CAN ADDRESS RACIAL DISPARITIES IN EMPLOYMENT, EDUCATION, ENVIRONMENT, HOUSING, AND HEALTH;~~

~~(3) ADVISE THE ADMINISTRATION ON METHODOLOGY FOR EVALUATING THE CORRELATION BETWEEN TRANSIT AND FACTORS SUCH AS HEALTH, ENVIRONMENTAL JUSTICE, SOCIOECONOMIC STATUS, AND DISABILITY STATUS;~~

~~(4) CONSIDER AND RECOMMEND HOW TO USE THE "TRANSPORTATION EQUITY AND ENVIRONMENTAL HEALTH IN BALTIMORE CITY" STUDY BY THE JOHNS HOPKINS BLOOMBERG SCHOOL OF PUBLIC HEALTH AND THE BALTIMORE TRANSIT EQUITY COALITION AS A SOURCE OF TRANSIT EQUITY;~~

~~HEALTH, AND POLLUTANTS CONVERGENCE ANALYSIS AND AS AN INSTRUMENT
LEADING TO IMPROVED STATEWIDE TRANSIT EQUITY;~~

~~(5) (i) ADVISE THE ADMINISTRATION ON THE 3-YEAR TITLE VI
IMPLEMENTATION PROGRAM; AND~~

~~(ii) IN ACCORDANCE WITH THE FEDERAL TRANSIT
ADMINISTRATION'S TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL
TRANSIT ADMINISTRATION RECIPIENTS, ADVISE THE ADMINISTRATION ON
DEVELOPING:~~

~~1. A MAJOR SERVICE CHANGE POLICY;~~

~~2. A DISPARATE IMPACT POLICY; AND~~

~~3. A DISPROPORTIONATE BURDEN POLICY;~~

~~(6) ADVISE THE THE ADMINISTRATION ON: SHALL DEVELOP~~

~~(i) TRANSIT TRANSIT EQUITY ANALYSIS POLICIES AND
GUIDELINES, INCLUDING THRESHOLDS FOR WHEN A CHANGE TO SERVICE OR A
REDUCTION OR CANCELLATION OF A CAPITAL EXPANSION PROJECT IN THE
CONSTRUCTION PROGRAM OF THE CONSOLIDATED TRANSPORTATION PROGRAM
REQUIRES ANALYSIS; AND.~~

~~(ii) POLICIES AND GUIDELINES THAT INCLUDE METHODS FOR
INTERMODAL ANALYSIS TO ENSURE THAT A CHANGE DOES NOT
DISPROPORTIONATELY IMPACT MODES WITH MAJORITY MINORITY RIDERSHIP;~~

~~(7) ADVISE AND ASSIST THE DEPARTMENT AND THE
ADMINISTRATION WITH COMMUNITY OUTREACH TO MINORITY COMMUNITIES,
LOW INCOME COMMUNITIES, DISABLED RIDERS, AND RIDERS WITH LIMITED
ENGLISH PROFICIENCY; AND~~

~~(8) (i) HOLD AT LEAST ONE TOWN HALL MEETING ANNUALLY TO
SOLICIT INPUT FROM THE PUBLIC ON ISSUES OF TRANSPORTATION EQUITY;~~

~~(ii) ALLOW THE PUBLIC TO TESTIFY AT TOWN HALL MEETINGS
IN PERSON OR THROUGH ELECTRONIC MEANS; AND~~

~~(iii) TO THE EXTENT POSSIBLE, HOLD TOWN HALL MEETINGS IN
VARIOUS REGIONS OF THE STATE.~~

~~(J) (1) THE COMMISSION SHALL PRODUCE AN ANNUAL REPORT THAT INCLUDES:~~

~~(I) ACTIVITIES OF THE COMMISSION;~~

~~(II) THE DEPARTMENT'S PROGRESS ON ENSURING EQUITABLE TRANSPORTATION SYSTEMS;~~

~~(III) RECOMMENDATIONS FOR THE DEPARTMENT TO IMPROVE EQUITY; AND~~

~~(IV) AN ANALYSIS OF THE TESTIMONY RECEIVED FROM THE PUBLIC DURING ANY TOWN HALL MEETINGS HELD BY THE COMMISSION DURING THE PREVIOUS CALENDAR YEAR.~~

~~(2) THE REPORT SHALL BE:~~

~~(I) POSTED ON THE DEPARTMENT'S WEBSITE; AND~~

~~(II) MADE AVAILABLE TO THE PUBLIC ON REQUEST.~~

~~(K) ON OR BEFORE OCTOBER 1, 2023, AND EACH OCTOBER 1 THEREAFTER, THE COMMISSION SHALL SUBMIT THE ANNUAL REPORT REQUIRED UNDER SUBSECTION (J) OF THIS SECTION TO:~~

~~(1) THE MEMBERS OF THE BOARD OF PUBLIC WORKS;~~

~~(2) THE ATTORNEY GENERAL;~~

~~(3) THE SECRETARY OF TRANSPORTATION; AND~~

~~(4) IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE;~~

~~(I) THE PRESIDENT OF THE SENATE;~~

~~(II) THE SPEAKER OF THE HOUSE;~~

~~(III) THE SENATE FINANCE COMMITTEE; AND~~

~~(IV) THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

7-715.

(A) BEFORE ANNOUNCING ~~OR PROPOSING~~ ANY SERVICE CHANGE THAT WOULD CONSTITUTE A MAJOR SERVICE CHANGE UNDER THE FEDERAL TRANSIT ADMINISTRATION'S TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS, ~~OR ANY REDUCTION OR CANCELLATION OF A CAPITAL PROJECT EXCEEDING THE THRESHOLDS DEVELOPED BY THE ADMINISTRATION IN COORDINATION WITH THE COMMISSION ON TRANSPORTATION EQUITY~~, THE DEPARTMENT, IN COLLABORATION WITH THE ADMINISTRATION, SHALL:

(1) CONDUCT A TRANSIT EQUITY ANALYSIS IN ACCORDANCE WITH THE TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS ~~AND THE GUIDELINES ADVISED BY THE COMMISSION ON TRANSPORTATION EQUITY~~ TO DETERMINE WHETHER THE CHANGE WILL CREATE A DISPARATE IMPACT OR A DISPROPORTIONATE BURDEN;

(2) PERFORM A COST-BENEFIT ANALYSIS, INCLUDING AN ANALYSIS OF IMPACTS ON:

(I) ECONOMIC DEVELOPMENT;

(II) EMPLOYMENT;

(III) EDUCATION; ~~AND~~

(IV) HEALTH; AND

(V) ENVIRONMENTAL JUSTICE; AND

(3) CONSULT WITH MEMBERS AND LEADERS OF AFFECTED COMMUNITIES, INCLUDING THROUGH COMMUNITY OUTREACH TO:

(I) RACIAL MINORITY COMMUNITIES;

(II) LOW-INCOME COMMUNITIES;

(III) DISABLED RIDERS;

(IV) RIDERS WITH LIMITED ENGLISH PROFICIENCY; ~~AND~~

(V) TRANSIT-RELIANT RIDERS; AND

1 **(VI) SENIOR RIDERS.**

2 **(B) (1) ~~IF, ACCORDING TO THE GUIDELINES ADVISED BY THE~~**
3 **~~COMMISSION ON TRANSPORTATION EQUITY,~~ A TRANSIT EQUITY ANALYSIS REVEALS**
4 **DISPARATE IMPACT OR DISPROPORTIONATE BURDEN, THE ADMINISTRATION**
5 **SHALL:**

6 **(I) DEVELOP ALTERNATIVES THAT WOULD MEET THE GOALS**
7 **OF THE PROPOSED SERVICE CHANGE; AND**

8 **(II) CONDUCT A TRANSIT EQUITY ANALYSIS ON THE**
9 **ALTERNATIVES.**

10 **(2) IF A DISPARATE IMPACT CAN BE AVOIDED THROUGH USE OF ONE**
11 **OF THE ALTERNATIVES ANALYZED, THE ADMINISTRATION SHALL PROCEED WITH**
12 **THAT ALTERNATIVE AS THE PRIMARY PROPOSED SERVICE CHANGE.**

13 **(3) IF THERE IS NO ALTERNATIVE THAT WOULD AVOID A DISPARATE**
14 **IMPACT OR DISPROPORTIONATE BURDEN, THE ADMINISTRATION:**

15 **(I) MAY NOT IMPLEMENT THE PROPOSED SERVICE CHANGE**
16 **UNLESS A SUBSTANTIAL JUSTIFICATION EXISTS THAT NECESSITATES THE CHANGE;**
17 **AND**

18 **(II) SHALL IMPLEMENT THE ALTERNATIVE THAT CAUSES THE**
19 **LEAST DISPARATE IMPACT OR DISPROPORTIONATE BURDEN.**

20 **(C) BEFORE HOLDING A PUBLIC HEARING ON A PROPOSED SERVICE**
21 **CHANGE, THE ADMINISTRATION SHALL: PUBLISH ON THE ADMINISTRATION'S**
22 **WEBSITE, FOR THE ROUTES OR LINES IMPACTED BY THE SERVICE CHANGE, AN**
23 **EVALUATION ON THE DEMOGRAPHICS OF:**

24 **(1) THE RIDERS OF THE ROUTES OR LINES; AND**

25 **(2) THE SERVICE AREA.**

26 **~~(I) PUBLISH THE TRANSPORTATION EQUITY ANALYSIS AND~~**
27 **~~COST-BENEFIT ANALYSIS ON THE ADMINISTRATION'S WEBSITE; AND~~**

28 **~~(II) PROVIDE A COPY TO THE COMMISSION ON~~**
29 **~~TRANSPORTATION EQUITY.~~**

(D) (1) AFTER COMPLETING THE PUBLIC HEARINGS, THE
ADMINISTRATION SHALL ~~COMPILE~~:

(I) PUBLISH THE TRANSIT EQUITY ANALYSIS AND
COST-BENEFIT ANALYSIS ON THE ADMINISTRATION'S WEBSITE; AND

(II) COMPILE A REPORT ON THE IMPACTS OF THE PROPOSED
SERVICE CHANGE.

(2) THE REPORT SHALL INCLUDE:

(I) THE TRANSIT EQUITY ANALYSIS;

(II) THE COST-BENEFIT ANALYSIS;

(III) A COMMUNITY OUTREACH REPORT;

(IV) ANY ALTERNATIVES ANALYZED; AND

(V) IF APPLICABLE, THE FINAL ALTERNATIVE SELECTED.

(3) IF A DISPARATE IMPACT OR DISPROPORTIONATE BURDEN EXISTS
IN THE FINAL ALTERNATIVE SELECTED, THE REPORT SHALL INCLUDE A
SUBSTANTIAL JUSTIFICATION STATEMENT.

(4) THE REPORT SHALL BE:

(I) MADE AVAILABLE TO THE PUBLIC ON THE
ADMINISTRATION'S WEBSITE, WITH A VISIBLE LINK FROM THE PRIMARY
INFORMATION PAGE RELATING TO THE PROPOSED SERVICE CHANGE; AND

(II) DISTRIBUTED TO:

1. THE MEMBERS OF THE BOARD OF PUBLIC WORKS;

2. THE ATTORNEY GENERAL;

3. THE SECRETARY OF TRANSPORTATION;

4. ~~THE COMMISSION ON TRANSPORTATION EQUITY;~~

~~5.~~ ANY ELECTED OFFICIALS WHOSE DISTRICTS WOULD
BE IMPACTED BY THE PROPOSED SERVICE CHANGE;

~~6~~ 5. ANY COMMUNITY LEADERS CONSULTED DURING THE
COMMUNITY OUTREACH PROCESS; AND

~~7~~ 6. IN ACCORDANCE WITH § 2-1257 OF THE STATE
GOVERNMENT ARTICLE:

A. THE PRESIDENT OF THE SENATE;

B. THE SPEAKER OF THE HOUSE;

C. THE SENATE FINANCE COMMITTEE; AND

D. THE HOUSE ENVIRONMENT AND TRANSPORTATION
COMMITTEE.

7-716.

(A) BEFORE ANNOUNCING ANY REDUCTION OR CANCELLATION OF A
CAPITAL EXPANSION PROJECT IN THE CONSTRUCTION PROGRAM OF THE
CONSOLIDATED TRANSPORTATION PROGRAM THAT EXCEEDS THE THRESHOLDS
DEVELOPED BY THE ADMINISTRATION, THE DEPARTMENT, IN COLLABORATION
WITH THE ADMINISTRATION, SHALL:

(1) CONDUCT A TRANSIT EQUITY ANALYSIS IN ACCORDANCE WITH
THE TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT
ADMINISTRATION RECIPIENTS AND THE GUIDELINES DEVELOPED BY THE
ADMINISTRATION TO DETERMINE WHETHER THE REDUCTION OR CANCELLATION
WILL CREATE A DISPARATE IMPACT OR A DISPROPORTIONATE BURDEN;

(2) PERFORM A COST-BENEFIT ANALYSIS, INCLUDING AN ANALYSIS
OF IMPACTS ON:

(I) ECONOMIC DEVELOPMENT;

(II) EMPLOYMENT;

(III) EDUCATION; AND

(IV) HEALTH; AND

(3) CONSULT WITH MEMBERS AND LEADERS OF AFFECTED
COMMUNITIES, INCLUDING THROUGH COMMUNITY OUTREACH TO:

(I) RACIAL MINORITY COMMUNITIES;

1 (II) LOW-INCOME COMMUNITIES;

2 (III) DISABLED RIDERS;

3 (IV) RIDERS WITH LIMITED ENGLISH PROFICIENCY;

4 (V) TRANSIT-RELIANT RIDERS; AND

5 (VI) SENIOR RIDERS.

6 (B) (1) AFTER COMPLETING THE REQUIREMENTS UNDER SUBSECTION
7 (A) OF THIS SECTION, THE ADMINISTRATION SHALL COMPILE A REPORT ON THE
8 IMPACTS OF THE PROPOSED REDUCTION OR CANCELLATION OF A CAPITAL
9 EXPANSION PROJECT IN THE CONSTRUCTION PROGRAM OF THE CONSOLIDATED
10 TRANSPORTATION PROGRAM.

11 (2) THE REPORT SHALL INCLUDE:

12 (I) THE TRANSIT EQUITY ANALYSIS;

13 (II) THE COST-BENEFIT ANALYSIS; AND

14 (III) A COMMUNITY OUTREACH REPORT.

15 (3) THE REPORT SHALL BE:

16 (I) MADE AVAILABLE TO THE PUBLIC ON THE
17 ADMINISTRATION'S WEBSITE, WITH A VISIBLE LINK FROM THE PRIMARY
18 INFORMATION PAGE RELATING TO THE PROPOSED REDUCTION OR CANCELLATION;
19 AND

20 (II) DISTRIBUTED TO:

21 1. THE MEMBERS OF THE BOARD OF PUBLIC WORKS;

22 2. THE ATTORNEY GENERAL;

23 3. THE SECRETARY OF TRANSPORTATION;

24 4. ANY ELECTED OFFICIALS WHOSE DISTRICTS WOULD
25 BE IMPACTED BY THE PROPOSED SERVICE CHANGE;

26 5. ANY COMMUNITY LEADERS CONSULTED DURING THE
27 COMMUNITY OUTREACH PROCESS; AND

1 **6. IN ACCORDANCE WITH § 2-1257 OF THE STATE**
2 **GOVERNMENT ARTICLE:**

3 **A. THE PRESIDENT OF THE SENATE;**

4 **B. THE SPEAKER OF THE HOUSE;**

5 **C. THE SENATE FINANCE COMMITTEE; AND**

6 **D. THE HOUSE ENVIRONMENT AND TRANSPORTATION**
7 **COMMITTEE.**

8 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
9 effect July 1, 2023.

10 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
11 3 of this Act, this Act shall take effect October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.