Implementation of the Smart Growth Areas Act, Fiscal Year 2018

Maryland Smart Growth Subcabinet

Implementation of the Smart Growth Areas Act

Fiscal Year 2018

The Smart Growth Subcabinet

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The Maryland Smart Growth Subcabinet's Fiscal Year 2018 report on the **Implementation of the Smart Growth Areas Act** is submitted in accordance with Annotated Code of Maryland, State Government Article § 9-1406(i). The report summarizes the growth-related program commitments of the following state agencies for Fiscal Year 2017 to fulfill the requirements of the Smart Growth Areas Act (Annotated Code of Maryland, State Government Article § 9-1406).

- Maryland Department of Commerce (Commerce)
- Maryland Department of General Services (General Services)
- Maryland Department of Housing and Community Development (Housing)
- Maryland Department of the Environment (Environment)
- Maryland Department of Transportation (Transportation)

The law defines certain capital projects and funding activities of these state agencies as growth related.[1] There is no statutory requirement that funding for the Public School Construction Program (PSCP) or the Maryland Historical Trust (Trust) be used within Priority Funding Areas (PFAs). The PSCP follows COMAR guidelines for PFA spending.[2] The Trust voluntarily seeks to fund projects in PFAs when possible. Expenditures are included separately for informational purposes only.

Introduction

The State of Maryland, through the governor's Smart Growth Subcabinet (the Subcabinet), is committed to making more efficient and effective investments of taxpayer dollars for infrastructure while preserving the state's rural landscape. Subcabinet coordination has reduced development pressures on critical farmland and natural areas and increased the availability of funding to spend on roads, schools and infrastructure to sustain Maryland towns, cities and rural areas.

In Fiscal Year 2018, the statutory framework set out by the Maryland General Assembly in the Smart Growth Areas Act was met by the Subcabinet agencies whose programs are subject to PFA restrictions. The Smart Growth Areas Act allows agencies to seek exceptions to the law for individual projects through one of two avenues: the Board of Public Works[3] (BPW) or the Smart Growth Coordinating Committee[4] (SGCC), and the Subcabinet is required to report annually on those exemptions.[5]

Three new projects were each granted an exception by the Subcabinet in Fiscal Year 2018, in accordance with the procedures prescribed in the Smart Growth Areas Act (see Appendix A, page 13) and did not violate the intent of the law. There were no exceptions sought by agencies from BPW (see Appendix B, page 19). Appendix C notes that no programs and policies were reviewed or revised to ensure compliance with the state's policy. Projects funded under Chapter 759, § 2 of the Acts of 1997 can be found in Appendix D (page 21).

Priority Funding Areas

The 1997 Priority Funding Areas law (the Smart Growth Act) established PFAs to provide geographic focus for state investment in growth, and to strategically direct the use of limited state funding for roads, water and sewer plants, economic development, and other growth-related needs. PFAs are existing communities and places where local governments want state funding for future growth. The criteria for PFAs are defined in the Annotated Code of Maryland, State Finance and Procurement Article, §5-7B-02 and §5-7B-03. PFAs were established to meet three goals:

1) To preserve existing communities;
2) To make the most efficient and effective use of taxpayer dollars for infrastructure by targeting state resources to build on past investments; and
3) To reduce development pressure on critical farmland and natural resource areas by encouraging projects in already developed areas.

The PFAs and Schools regulation was approved in 2011 as an amendment to COMAR 23.03.02, Regulations for the Administration of the Public School Construction Program. Local Educational Agencies (LEAs) seeking state funding to construct new schools and replacement schools that increase capacity outside of a PFA must undergo a PFA review. A waiver option is available to LEAs as part of this review process. The 2011 regulations are restricted to school construction projects seeking school site, planning and funding approvals in the Capital Improvement Program for Fiscal Year 2013 and beyond.

Fiscal Year 2018 Expenditures

Fiscal Year 2018 growth-related spending on PFA restricted projects and programs totaled $1,136,497,417, as reported to the Maryland Department of Planning (Planning) by Housing, General Services, Commerce, Environment, and Transportation.

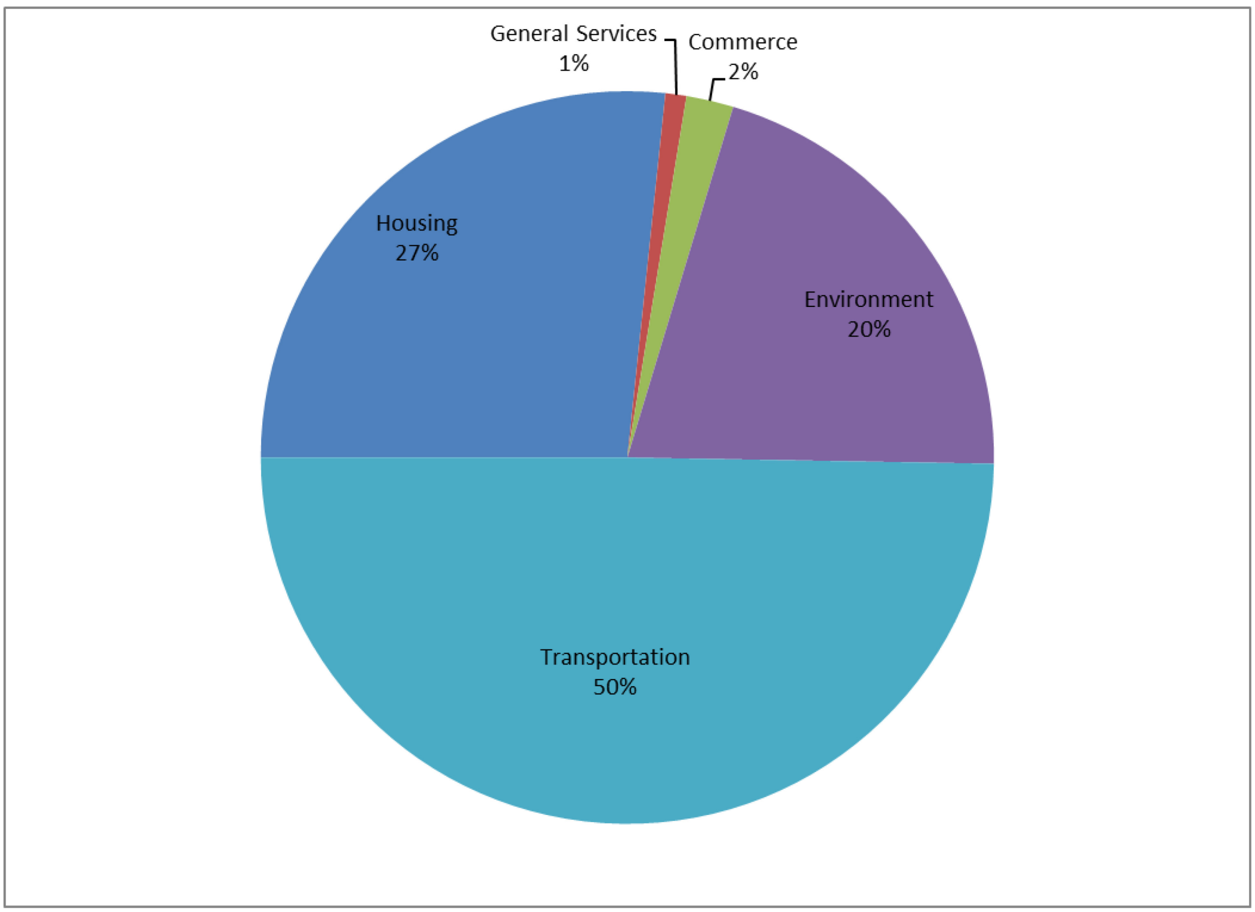
Of that amount, $844,950,013, or 74 percent, of growth-related spending was devoted to projects and programs within PFAs; $52,866,404, or 5 percent, was devoted to projects outside PFAs; and $238,681,000, or 21 percent, was devoted to Transportation and Housing projects that were not place-specific.

It should be noted the $53 million spent outside PFAs was associated with transportation projects that were exempt, or grandfathered, from the PFA requirements or met the criteria for granting exceptions to the law, as reported by Transportation.

Fiscal Year 2018 Expenditures by Agency for Growth-Related Programs

Program	Total Funding	Funding Inside PFA	Funding Outside PFA	Not Place Specific Funding
Housing	$ 302,927,954	$ 302,867,954	$ 0	$ 60,000
General Services	$ 10,569,295	$ 10,569,295	$ 0	$ 0
Commerce	$ 23,661,884	$ 23,661,884	$ 0	$ 0
Environment	$ 234,131,658	$ 234,131,658	$ 0	$ 0
Transportation	$ 565,206,626	$ 273,719,222	$ 52,866,404	$ 238,621,000
Total	**$ 1,136,497,417**	**$ 844,950,013**	**$ 52,866,404**	**$ 238,681,000**
		74%	**5%**	**21%**

Agency Percentage of Total Funding



The Department of Housing and Community Development

The Department of Housing and Community Development (Housing) programs defined as growth-related and thus limited to PFAs are:

- The construction or purchase of newly constructed single-family homes by the Community Development Administration's (CDA) Maryland Mortgage Program (MMP), which provides low interest mortgages to qualified first time homebuyers;
- The acquisition or construction of newly constructed multifamily rental housing (NMRH) by CDA; and
- State funded neighborhood revitalization projects, which include funding from Community Legacy (CL), Community Investment Tax Credit (CITC), Neighborhood Business Works (NBW) and Strategic Demolition and Smart Growth Impact Fund (SGIF).

Housing had three CITC projects in Fiscal Year 2018 that were Not Place-Specific because they (1) may provide services within Priority Funding Areas (PFA), but the services may not be associated with a fixed address; or (2) the location of the service, such as Maryland Therapeutic Riding, may be located outside of the PFA, but the intended service is to people within the PFA.

It should also be noted that, although it is not required by the Smart Growth Areas Act, Housing also requires that Community Development Block Grants be limited to PFAs. The program is not covered by this act because it consists solely of federal funds and the law covers only state-funded projects.

Maryland Department of Housing and Community Development
Fiscal Year 2018 Expenditures by Growth-Related Program

Program	Total Projects	Total Funding	Projects Inside PFA	Funding Inside PFA	Projects Outside PFA	Funding Outside PFA	Not Place Specific Projects	Not Place Specific Funding
MMP	80	$ 24,843,264	80	$ 24,843,264	0	$ 0	0	$ 0
NMRH	9	$ 228,233,621	9	$ 228,233,621	0	$ 0	0	$ 0
CL	61	$ 7,100,000	61	$ 7,100,000	0	$ 0	0	$ 0
CITC	71	$ 2,040,000	68	$ 1,980,000	0	$ 0	3	$ 60,000
NBW	12	$ 14,486,069	12	$ 14,486,069	0	$ 0	0	$ 0
SGIF	42	$ 26,225,000	42	$ 26,225,000	0	$ 0	0	$ 0
Totals	275	$ 302,927,954	272	$ 302,867,954	0	$ 0	3	$ 60,000

The Department of General Services

While it has no capital budget, the Department of General Services (General Services) is responsible for acquiring, leasing and maintaining most of the state's facilities. Thus, it is responsible for ensuring that the state's growth-related funding is limited to PFAs for state leases of property and land acquisition. However, the law explicitly exempts projects for "maintenance, repair, additions, or renovations to existing facilities, acquisition of land for telecommunications towers, parks, conservation and open space, and acquisition of agricultural, conservation, and historic easements."[6]

General Services sends every lease and project to Planning's State Clearinghouse for Intergovernmental Assistance to ensure compliance with the Smart Growth Areas Act.

Maryland Department of General Services
Fiscal Year 2018 Expenditures by Growth-Related Program

Program	Total Projects	Total Funding	Projects Inside PFA	Funding Inside PFA	Projects Outside PFA	Funding Outside PFA
Leases of Property	67	$ 10,569,295	67	$ 10,569,295	0	$ 0
Land Acquisition	0	$ 0	0	$ 0	0	$ 0
Total	67	$ 10,569,295	67	$ 10,569,295	0	$ 0

The Department of Commerce

Department of Commerce (Commerce) programs, defined by the Smart Growth Areas Act as growth-related, have been renamed or consolidated. Programs subject to the law's restrictions include:

- The Maryland Small Business Development Financing Authority (MSBDFA), which provides financing for small businesses that do not qualify for financing from private lending institutions or owned by socially and economically disadvantaged persons;
- The Maryland Economic Development Assistance Authority and Fund (MEDAAF), which provides loans and grants to businesses and local jurisdictions;
- The Economic Development Opportunities Fund (Sunny Day Fund or SDF), which promotes Maryland's participation in extraordinary economic development opportunities that provide significant returns to the state through creating and retaining employment as well as the creation of significant capital investments in PFAs; and
- The Maryland Economic Adjustment Fund (MEAF), which assists businesses with modernization of manufacturing operations, the development of commercial applications for technology and exploring and entering new markets.

Maryland Department of Commerce
Fiscal Year 2018 Expenditures by Growth Related Program

Program	Total Projects	Total Funding	Projects Inside PFA	Funding Inside PFA	Projects Outside PFA	Funding Outside PFA
MSBDFA	26	$ 7,268,075	26	$ 7,268,075	0	$ 0
MEDAAF	18	$ 11,328,000	18	$ 11,328,000	0	$ 0
SDF	1	$ 5,000,000	1	$ 5,000,000	0	$ 0
MEAF	1	$ 65,809	1	$ 65,809	0	$ 0
Total	46	$ 23,661,884	46	$ 23,661,884	0	$ 0

The Maryland Department of the Environment

The following Maryland Department of the Environment (Environment) programs are subject to PFA restrictions:

- The Maryland Water Quality Revolving Loan Fund (MWQRLF), which provides financial assistance to public entities and local governments for wastewater treatment plant upgrades and other water quality and public health improvement projects, and to public or private entities for nonpoint source pollution prevention projects;
- The Water Supply Financial Assistance Program (WSFAP), which provides financial assistance to local government entities for the acquisition, construction, rehabilitation and improvement of publicly owned water supply facilities;
- The Supplemental Assistance Program (SAP), which provides grants to local governments for planning, design and construction of needed wastewater facilities; and
- The Maryland Drinking Water Revolving Loan Fund (MDWRLF), which provides financial assistance to publicly and privately-owned community water systems and nonprofit, non-community water system for projects that address public health, public safety, environmental or regulatory issues.

A PFA exception is required if any part of the project or area served by the project is outside the PFA. The three projects funded outside of the PFA in Fiscal Year 2018 received exceptions based on the public health and safety criteria of the law for drinking water system improvements and wastewater treatment facilities. The $37 million in expenditures outside of the PFA accounted for 24 percent of the total funding.

Maryland Department of the Environment
Fiscal Year 2018 Expenditures by Growth Related Program

Program	Total Projects	Total Funding	Projects Inside PFA	Funding Inside PFA	Projects Outside PFA	Funding Outside PFA
MWQRLF	7	$ 215,739,222	7	$ 215,739,222	0	$ 0
WSFAP	7	$ 2,810,822	7	$ 2,810,822	0	$ 0
SAP	0	$ 0	0	$ 0	0	$ 0
MDWRLF	6	$ 15,581,614	6	$ 15,581,614	0	$ 0
Total	20	$ 234,131,658	20	$ 234,131,658	0	$ 0

The Maryland Department of Transportation

For the Maryland Department of Transportation (Transportation), growth-related projects include all major capital projects defined as "any new, expanded, or significantly improved facility or service that involves planning, environmental studies, design, right-of-way, construction, or purchase of essential equipment related to the facility or service."[7] Transportation lists such projects in its Consolidated Transportation Program as Major Projects and details the PFA status of each project as part of the annual report. The modal administrations of Transportation for which major capital projects are subject to PFA restrictions include:

- The State Highway Administration (Highways)
- The Maryland Transit Administration (Transit)
- The Maryland Aviation Administration (Aviation)
- The Maryland Port Administration (Port Administration)
- The Motor Vehicle Administration (Motor Vehicles)
- The Secretary's Office
- Payments to Washington Metro Area Transit Authority (WMATA)

Transportation projects that are excluded from the Smart Growth Areas Act include those pertaining to existing Maryland Transportation Authority facilities, studies currently in the project planning phase (pre-decisional), and Minor Capital Projects, and projects that preserve or rehabilitate existing facilities or services without increasing capacity.[8] It should also be noted that 31 of Transportation's major capital projects are not location-specific, meaning that they involve system-wide improvements, such as local transit assistance programs and transit vehicle acquisition by Transit, information technology improvements by Motor Vehicles, the dredged material management program by Port Administration, the regional aviation assistance program by Aviation and the capital improvement program of WMATA.

Of the 134 major capital projects in Transportation's capital program for Fiscal Year 2018, 15 were outside the PFA. Of these, six had received final review before the Smart Growth Areas Act was enacted and are thus exempt. These include a Port Administration project for dredge disposal at Hart Miller Island and five highway projects for upgrades/widening in the MD 5, MD 404 (two sections), and US 113 corridors, and for construction of one new interchange at MD 5 and MD 373.

Of the remaining projects outside of the PFA, nine have been granted exceptions in compliance with statute. This category includes MD 200 (InterCounty Connector), a Port Administration project to construct a Pearce Creek Waterline, three projects for the Howard County portion of the MD 32 corridor, the MD 97 (Georgia Avenue) project at Brookeville, a slope failure project along MD 24, and a new interchange project at US 301 and MD 304. This category also includes a bridge replacement on MD 331 over the Choptank River that was evaluated and shown to add no significant highway capacity.

Fiscal Year 2018 Maryland Department of Transportation Major Transportation Projects[9]

Program	Total Projects	Total Funding	Projects Inside PFA	Funding Inside PFA	Projects Outside PFA	Funding Outside PFA	Not Place Specific Projects	Not Place Specific Funding
Highways	62	$ 156,225,626	49	$ 111,391,222	13	$ 44,834,404	0	$ 0
Transit	35	$ 146,403,000	15	$ 82,255,000	0	$ 0	20	$ 64,148,000
Aviation	19	$ 68,389,000	18	$ 63,858,000	0	$ 0	1	$ 4,531,000
Port Admin	10	$ 48,937,000	6	$ 16,215,000	2	$ 8,032,000	2	$ 24,690,000
Motor Vehicles	2	$ 11,073,000	0	$ 0	0	$ 0	2	$ 11,073,000
Secretary's Office	0	$ 0	0	$ 0	0	$ 0	0	$ 0
WMATA	6	$ 134,179,000	0	$ 0	0	$ 0	6	$ 134,179,000
Total[10]	134	$565,206,626	88	$273,719,222	15	$52,866,404	31	$ 238,621,000

Maryland Historical Trust

The Maryland Historical Trust (Trust), a division of Planning, currently gives higher priority, during its review and analysis, to certain programs within PFAs to further the goals of smart growth.

The Trust gives preference to commercial applicants for the Heritage Structure Rehabilitation Tax Credit (Tax Credit), formerly known as Sustainable Communities Tax Credit, whose projects are located within PFAs. The program provides Maryland income tax credits equal to 20 percent of the qualified capital costs expended in the rehabilitation of a certified heritage structure. Beginning in Fiscal Year 2011, projects involving certified historic structures that are high-performance commercial buildings became eligible to receive a 25 percent credit.

Maryland Historical Trust
Fiscal Year 2018 Expenditures

Program[11]	Total Projects	Total Funding	Projects Inside PFA	Funding Inside PFA	Projects Outside PFA	Funding Outside PFA
Residential Tax Credits	165	$ 1,832,394	157	$ 1,758,290	8	$ 74,104
Commercial Tax Credits	8	$ 8,246,621	8	$ 8,246,621	0	$0
Small Commercial Tax Credits	7	$ 169,844	7	$ 169,844	0	$ 0
Total	180	$ 10,248,859	172	$ 10,174,755	8	$ 74,104

The Public School Construction Program

While Maryland public schools are not required to be located within PFAs, PSCP follows COMAR guidelines for PFA spending. Identifying the level of secondary school construction funding occurring inside and outside of PFAs provides information, which can be used for benchmarking progress towards the goals of smart growth.

Established in 1971 as an independent agency, the Public School Construction Program (PSCP) became staff to the new Interagency Commission on School Construction (IAC) as of June 1, 2018. The Commission, under new legislation, replaced the former Interagency Committee on School Construction, although the program remains the same. State school funding supports building replacements, renovations, additions, new construction, systemic renovations and other improvements. While the cost to acquire land and to design and equip public schools is a local responsibility, state and local governments share public school construction costs.

The IAC considers several factors when evaluating proposed Capital Improvement Projects: how the projects align with local board of education priorities, state construction procedures and procurement practices, as well as state and local planning and growth policies. School site approval is a prerequisite for planning approval and is valid for five years. Planning approval is required prior to funding approval for most major projects.

Information on expenditures for public school construction for major construction projects for Fiscal Years 2018 and 2019 is shown on the chart below. Generally, the amount of major construction expenditures inside PFAs is far greater than outside. For the Fiscal Years 2018 and 2019, 92 and 91 percent, respectively, of the total funds for major construction projects were spent within PFAs. It should be noted that the number of requests for projects in and out of PFAs varies from year to year, and funding allocations on most major projects are carried out over several years.

Public School Construction Program Fiscal Years 2018 & 2019
Expenditures by Project Type

Total Major Construction Funding	Project Types	Funding Inside PFA	Funding Outside PFA
Fiscal Year 2018			
$ 238,877,009			
	New	$37,228,809	$0
	Replacement	$106,770,530	$5,010,000
	Renovation/Replacement Projects that do not add capacity	$14,058,470	$4,274,200
	Renovation/Additions/ Replacement Projects that increase capacity	$61,571,000	$9,964,000
Total for Fiscal 2018		$219,628,809	$19,248,200
Fiscal Year 2019			
$319,899,905			
	New	$59,492,000	$0
	Replacement	$132,458,396	$24,139,792
	Renovation/Replacement Projects that do not add capacity	$26,131,000	$4,172,000
	Renovation/Additions/ Replacement Projects that increase capacity	$73,506,717	$0
Total for Fiscal 2019		$291,588,113	$28,311,792

Figures listed above do not reflect total fiscal 2019 spending for Systemic Projects ($124,646,546).

Appendix A

Exceptions to the PFA Law Approved by the Smart Growth Coordinating Committee

The Smart Growth Areas Act allows for growth related projects located outside the Priority Funding Areas (PFA) to receive state funding if: "it is required to protect public health or safety;" the project involves federal funds and "compliance with [the Smart Growth Areas Act] would conflict or be inconsistent with federal law;" or it is a "growth-related project related to a commercial or industrial activity, which, due to its operational or physical characteristics, shall be located away from other development."[12] The Smart Growth Coordinating Committee, or Coordinating Committee, the staff level working group of the Smart Growth Subcabinet, is tasked with approving exceptions based on these criteria.

In Fiscal Year 2018, the Coordinating Committee approved three PFA exceptions. PFA exception approval alone, however, does not ensure that projects will be funded. Specific details regarding the PFA exception approvals are as follows:

March 2018 – Rural Village Sewer Extensions under County Resolution No. 235 (Talbot County)

The Maryland Department of the Environment requested a PFA exception to extend sewer service for up to 360 lots, of which 317 lots currently have on-site septic systems, in 11 rural residential subdivisions located in environmentally sensitive areas (designated Tier III C) as proposed by Talbot County under County Resolution No. 235. The rural subdivisions, which are in the Chesapeake Bay Critical Area, include: Aveley, Doncaster, North Bend, The Rest, Arcadia Shores, Royal Oak Road, Blueberry Acres Road, Deep Water Point Road, Long Haul Road, Yacht Club Road, and Rolles Range Road. As documented in the Jan. 24, 2017 letter from the Talbot County Health Department's Director of Environmental Health, the Health Department has been working with property owners in this area that have septic systems showing signs of failure. Additionally, many of the existing properties served with individual on-site sewage disposal systems are directly penetrating the groundwater table, making the drain fields subject to flooding and potentially impacting groundwater quality.

Agency Submitting Request	Environment
Grounds for Exception	Public health or safety
Funding	Bay Restoration Fund, up to $20,000 per existing home; maximum of $6.34 million or actual prorated sewer collection system cost, whichever is lower

May 2018 – 61 Cherokee Drive, North East (Cecil County)

The Maryland Department of the Environment requested a PFA exception to extend sewer service to 61 Cherokee Drive, North East, currently served by an onsite sewage system and located less than 50 ft. from the North East River/Chesapeake Bay. The drain field for the subject property extends into the local groundwater table and is subject to flooding and associated septic system fail. There is an existing public sewer line in the road adjoining the property and all adjoining dwellings are connected to the public sewer. The property is mapped as S1 in the Cecil County Master Water and Sewer Plan, meaning it is an area considered served by public sewer. However, this property never connected to the sewer line. The lot size precludes any future subdivision. Planning has investigated whether the subject property could qualify to be designated part of the County's Priority Funding Area and determined the residential density does not meet the minimum 3.5 dwelling units per acre.

Agency Submitting Request	Environment
Grounds for Exception	Public health or safety
Funding	Bay Restoration Fund, up to $20,000 per existing home or actual prorated sewer connection cost, whichever is lower.

June 2018 – Villages of Neavitt and Bozman Sewer Project, Resolution No. 250 (Talbot County)

The Maryland Department of the Environment requested a PFA exception to extend sewer service to up to 317 equivalent dwelling units located outside of Talbot County's locally designated PFA. This project involves constructing an 8-mile sewer line and three pumping stations to provide sewer service to 610 parcels of land located in environmentally sensitive areas in the Villages of Neavitt and Bozman, as well as further north along the corridor to the St. Michaels Wastewater Treatment Plant. More specifically, almost all these parcels are in the Chesapeake Bay Critical Area. The project includes a total of 610 parcels, of which 314 properties are located within the PFA and 296 properties are located outside the PFA. Of the 296 properties outside the PFA, 269 are improved and 27 are unimproved properties. The existing zoning on the 27 unimproved properties would allow for a potential of 21 additional lots. Therefore, to provide a financially feasible solution to this public health concern, the PFA exception request is for a maximum of 317 Estimated Dwelling Units (EDU). The improved properties in the proposed service area are currently served by holding tanks and individual on-site sewage disposal systems. Many of the on-site sewage disposal systems directly penetrate groundwater. The lack of an available soil treatment zone on these properties precludes the soils from being able to attenuate and treat the wastewater before being discharged into the groundwater.

Agency Submitting Request	Environment
Grounds for Exception	Public health or safety
Funding	State Revolving Fund: Phase One – Either $5.65 million to serve 113 existing properties or $4.0 million to construct just the sewer line and pumping stations.

Appendix B

Exceptions to the PFA Law Approved by the Board of Public Works in Fiscal Year 2018

The Board of Public Works may grant an exception if it determines that "extraordinary circumstances" exist, e.g. "the failure to fund the project in question creates an extreme inequity, hardship, or disadvantage that clearly outweighs the benefits from locating a project in a priority funding area" or it is a transportation project that either maintains the existing system, serves to connect two PFAs, has as its sole purpose of providing control of access on existing highway or "due to its operational or physical characteristics, must be located away from other development."[13]

In Fiscal Year 2018, there were no projects submitted to the Board of Public Works for an exception.

Appendix C

Listing of Programs and Policies Reviewed and Changed to Ensure Compliance with the State's Smart Growth Policy in Fiscal Year 2018

The Smart Growth Subcabinet, through its Smart Growth Coordinating Committee, meets monthly to discuss opportunities for state agencies to collaborate and improve the effectiveness of Maryland's smart growth policy.[14] In Fiscal Year 2018, no specific programs or policies were identified that required review and change to ensure compliance with the state's policy.

Appendix D

List of Projects or Programs Approved and Funded Under Chapter 759, § 2 of the Acts of 1997 in Fiscal Year 2018[15]

Chapter 759, § 2 of the Acts of 1997 stipulates that the PFA law shall not apply to any project or program for which:

(a) Approval has been granted or a commitment made before October 1, 1998;

(b) A valid permit has been issued;

(c) A commitment for a grant, loan, loan guarantee, or insurance for a capital project has been granted;

(d) Final review under the National Environmental Policy Act or the Maryland Environmental Policy Act is completed by October 1, 1998;

(e) Final review through the State Clearinghouse for Intergovernmental Assistance is completed by January 1, 1999; or

(f) An appropriation has been included by October 1, 1998 in the development and evaluation portion of the Consolidated Transportation Program.

In Fiscal Year 2018, Transportation reported that six projects had received final review before the Smart Growth Areas Act was enacted and are thus exempt. This includes a Maryland Port Administration project for dredge disposal at Hart Miller Island and five State Highway Administration projects for upgrades/widening in the MD 5, MD 404 (two sections), and US 113 corridors and for construction of one new interchange at MD 5 and MD 373. Other than Transportation's projects, no other projects or programs were approved and funded under Chapter 759, § 2 of the Acts of 1997.

Endnotes

[1] Maryland Annotated Code, State Finance and Procurement Article, § 5-7B-01.

[2] Code of Maryland Regulations, 23.03.02.03(c).

[3] Maryland Annotated Code, State Finance and Procurement Article, § 5-7B-05.

[4] Maryland Annotated Code, State Finance and Procurement Article, § 5-7B-06. The law calls for a process to be "established jointly by the applicable state agency and the Department of Planning." Id. (See also Planning Publication No. 2010-009, "Priority Funding Area Exception and Extraordinary Circumstances Process" for more information).

[5] Maryland Annotated Code, State Government Article, § 9-1406(h)(1).

[6] Maryland Annotated Code, State Finance and Procurement, § 5-7B-01(c)(2)(i).

[7] Maryland Annotated Code, Transportation, § 2-103.1(a)(4).

[8] Maryland Annotated Code, State Finance and Procurement, § 5-7B-01(c)(1)(i).

[9] Reported figures show committed funding as reflected in MDOT's Consolidated Transportation Program. These figures present the best available approximation of actual fiscal year expenditures although final project figures may vary slightly.

[10] Note that beginning in Fiscal Year 2015, MDOT was able to improve the accuracy of the spending report to more accurately portray year end invoicing for state-specific funding. As a result, figures for FY 2015, FY 2016, FY 2017 and FY 2018 may not be directly comparable with prior reporting periods in which federal and local funding sources were less clearly broken out.

[11] Commercial, small commercial and residential HSRTC figures represent Part 2 approvals for FY 2018.

[12] Maryland Annotated Code, State Finance and Procurement Article, § 5-7B-06(a)(3).

[13] Maryland Annotated Code, State Finance and Procurement Article, § 5-7B-05(a)(3)(iv).

[14] Maryland Annotated Code, State Government Article § 9-1406.

[15] Maryland Annotated Code, State Government Article § 9-1406(i)(5).

State of Maryland
Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

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Robert S. McCord, Secretary

Publication Number 2019-101
February 2019