March 11, 2021

The Honorable Kumar P. Barve  
Chair, Environment and Transportation  
House Office Building, Room 251  
Annapolis, MD 21401

RE: House Bill 1204 Transportation Equity Analyses and Assurances Act of 2021

Dear Chair Barve,

The Children’s Environmental Health & Protection Advisory Council (CEHPAC) respectfully submits this letter regarding House Bill 1204 - Transportation Equity Analyses and Assurances Act of 2021. This bill requires equity analyses of current and future transit policies, to include assessments of emissions and health impacts related to transportation.

Transit infrastructure is part of our built environment and impacts health by providing access to school, food, jobs, and healthcare, while also reducing pollution and greenhouse gas emissions and increasing physical activity. Despite these benefits, public transit in Maryland (especially in Baltimore) often fails to get people to their destinations in a reasonable amount of time. This is especially concerning since the majority of transit-users in Maryland are low-income people of color (who were also more likely to be considered essential workers during the COVID shutdown).

CEHPAC believes increasing equitable access to safe, reliable transit will improve the health of children in several ways. Firstly, those who rely on transit to get to school will be less likely to be tardy and miss classes, improving their educational attainment, which is a well-documented determinant of health. Reliable and safe transit to school will reduce anxiety about tardiness, improving mental health in addition to school performance. Similarly, those children old enough to work will be able to get to their jobs in a reasonable amount of time and not have to worry about getting fired. Holding a job increases food insecurity and mental health outcomes.

Secondly, the use of public transit decreases reliance on personal vehicles, leading to lower air pollution and thus lower rates of respiratory diseases like asthma. Public transit and reduced reliance on cars lowers air pollution thus respiratory disease rates, improving overall public health, reducing visits to the ER, and time away from school or work.

Finally, those who use public transportation tend to be more physically active since they need to get from their home to the transit stop, and then from the transit stop to their destination. Increased physical activity leads to fewer children suffering from overweight and obesity, both of which are linked to diabetes and many other adverse health outcomes.

The above examples represent just some connections between transit use and health, which is why we also believe public health should be specifically mentioned in the bill (see edits in blue in the attached).

CEHPAC also believes the state could do better when it comes to equity in transit access and funding. Children of color and low-income families are more likely to rely on transit but in Baltimore are more likely to have longer commute times and live near fewer transit stops. These children also already suffer from increased exposure to pollution, higher rates of adverse health effects, such as asthma, and increased stress levels. However, this year the MDOT/MTA proposed a permanent 20% cut for the core bus service in Baltimore (which has 83% Black ridership).
but only a 4-8% temporary cut for commuter rail service (which has 76% white ridership). This legislation would ensure that equity is considered during such proposals and other policy changes.

As defined in statute (Md. Code Ann., Health-General §§ 13-1501 thru 1506), CEHPAC seeks to ensure that the rules, regulations, and standards adequately protect the health of children from environmental hazards. CEHPAC’s goal is to enable children in Maryland to grow up in a safe and healthy environment. Our duties include providing input to the General Assembly on legislation that may impact environmental hazards that affect the health of children.

In establishing CEHPAC, the Maryland General Assembly clearly identified children’s environmental health as a priority for the State. CEHPAC is concerned about the impact of potential transit cuts and existing inefficiencies in our transit system on children’s health. CEHPAC urges the legislature to adopt policies that require both an equity analysis and a health impact assessment routinely be performed before major changes to state and local transportation policies.

CEHPAC looks forward to working with the General Assembly on this and other issues, we appreciate your leadership. Please note, that the opinions of the Council expressed in this letter do not necessarily reflect that of the Department of Health or any other State agency.

Sincerely,

Megan Weil Latshaw, PhD MHS
On Behalf of the Children’s Environmental Health and Protection Advisory Council
HOUSE BILL 1204

By: Delegate Ruth
Introduced and read first time: February 8, 2021
Assigned to: Environment and Transportation and Appropriations

A BILL ENTITLED

AN ACT concerning

**Equity in Transportation Sector – Guidelines and Analyses**
(Transportation Equity Analyses and Assurances Act of 2021)

FOR the purpose of requiring the Maryland Transportation Plan to include achieving equity in the transportation sector in the State transportation goals; requiring the State Report on Transportation to include certain measurable transportation indicators; requiring the State Department of Transportation to evaluate the transportation indicators to identify any racial disparities; requiring the Department to evaluate certain indicators to identify any impact on persons with disabilities; requiring the Department, as the Secretary of Transportation deems necessary, to disaggregate transportation indicators by race; altering the membership of the advisory committee on State transportation goals, benchmarks, and indicators; requiring the Department and the advisory committee to consider racial equity and persons with disabilities in developing State transportation goals, benchmarks, and indicators; establishing the Commission on Transportation Equity; providing for the composition of the Commission; requiring officials tasked with appointing members of the Commission to consider the expertise of other members to reflect a diversity of expertise; requiring the Commission to reflect the cultural, ethnic, and geographic diversity of the State; requiring the Commission to elect a chair and vice–chair from among its members; requiring the Commission to determine the time, place, and frequency of its meetings; providing that a certain number of members of the Commission constitutes a quorum; requiring all actions of the Commission to receive the affirmative vote of at least a certain number of members; prohibiting a member of the Commission from receiving compensation but entitling a member to a certain per diem rate for attending scheduled Commission meetings and reimbursement for expenses; requiring the Department to provide staff for the Commission; requiring the Commission to develop policies and performance measures to ensure that the State transportation system is equitable; requiring the Commission to advise the Department on how the State transportation system can address certain racial disparities; requiring the Commission to advise the Maryland Transit Administration on a certain federal implementation program; requiring the

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets] indicate matter deleted from existing law.
House Bill 1204

Commission to develop certain policies and guidelines; requiring the Commission to advise and assist the Department with outreach to certain communities; requiring the Commission to hold a certain number of town hall meetings annually to solicit public input; requiring the Commission to allow the public to testify at town hall meetings through certain media; requiring the Commission to hold town hall meetings in various regions of the State; requiring the Commission to produce an annual report that includes certain information; requiring the report to be posted to the Department's website and made available to the public on request; requiring the Commission to submit the annual report to certain governmental entities and government agencies on or before a certain date each year; requiring the Department, in collaboration with the Maryland Transit Administration, to conduct certain analyses and consult with certain communities before announcing or proposing any change exceeding certain thresholds set by the Commission; requiring the Administration to develop and analyze alternatives if a transit equity analysis reveals disparate impacts; requiring the Administration to proceed with an alternative that avoids disparate impacts under certain circumstances; prohibiting the Administration from proceeding with a certain proposed service change unless a substantial justification exists; requiring the Administration to implement, subject to Commission approval, the alternative that avoids disparate impacts; requiring the Administration to develop and analyze alternatives if a transit equity analysis reveals disparate impacts; requiring the Administration to proceed with an alternative that avoids disparate impacts under certain circumstances; prohibiting the Administration from proceeding with a certain proposed service change unless a substantial justification exists; requiring the Administration to implement, subject to Commission approval, the alternative that avoids disparate impacts; requiring the Administration to develop and analyze alternatives if a transit equity analysis reveals disparate impacts; requiring the Administration to proceed with an alternative that avoids disparate impacts under certain circumstances; prohibiting the Administration from proceeding with a certain proposed service change unless a substantial justification exists; requiring the Administration to implement, subject to Commission approval, the alternative that avoids disparate impacts; providing that reducing costs is not a substantial justification for a service change that causes a disparate impact; requiring the Department to compile a report on the impacts of a proposed service change before holding a public hearing on the proposed service change; requiring the report to include certain components; requiring the report to be made available on the Department's website and distributed to certain agencies, officials, and individuals; defining a certain term; and generally relating to equity in transportation.

By repealing and reenacting, with amendments,

Article – Transportation
Section 2–103.1(d), (h), and (j)
Annotated Code of Maryland
(2020 Replacement Volume)

By repealing and reenacting, without amendments,

Article – Transportation
Section 2–103.1(g) and (i)
Annotated Code of Maryland
(2020 Replacement Volume)

By adding to

Article – Transportation
Section 7–713 and 7–714
Annotated Code of Maryland
(2020 Replacement Volume)

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) The Maryland Transportation Plan shall:

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

(2) 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) Be expressed in terms of the State transportation goals and measures;

(4) **INCLUDE ACHIEVING EQUITY IN THE TRANSPORTATION SECTOR AS ONE OF THE STATE TRANSPORTATION GOALS; AND**

(5) 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.

(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) The Department shall include in its report measurable transportation indicators, including:

1. The number of jobs supported by the Consolidated Transportation Program;

2. Length of commute;

3. Transit on-time percentage;

4. Access to jobs within a reasonable commute time;

5. Condition of Department capital investments;

6. Overall satisfaction with the Department;

7. Transportation-related emissions;

8. Access to transit and bicycle access to transit;

9. Vehicles available to serve a route; and


(II) 1. The Department shall evaluate the indicators under subparagraph (i) of this paragraph to identify any racial disparities.

2. The Department shall evaluate the indicators under subparagraph (i)1 through 6 of this paragraph to identify any impact on persons with disabilities.
The performance indicators or benchmarks described in this subsection shall acknowledge the difference between urban and rural transportation needs.

THE DEPARTMENT, AS THE SECRETARY DEEMS APPROPRIATE, SHALL DISAGGREGATE THE INDICATORS BY RACE.

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

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

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

(i) A representative of the Maryland business community;

(ii) A representative of the disabled citizens community;

(iii) A representative of rural interests;

(iv) A representative of an auto users group;

(v) A representative of a transit users group;

(vi) A representative of the goods movement industry;

(vii) A nationally recognized expert on transportation demand management;

(viii) A nationally recognized expert on pedestrian and bicycle transportation;

(ix) A nationally recognized expert on transportation performance measurement;

(x) A representative of an environmental advocacy organization;

(xi) A representative from the Maryland Department of Planning;

(xii) A representative of the Maryland Association of Counties; [and]

(xiii) A representative of the Maryland Municipal League; AND

(ix) A representative with expertise in public health
(XIV) A REPRESENTATIVE OF THE MARYLAND STATE CONGRESS OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE.

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

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

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

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

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

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

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

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

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

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

(viii) The impact of transportation investment on:

1. The environment; and public health;

2. Environmental justice as defined in § 1–701 of the Environment Article;

3. Communities; and

4. Economic development; [and]
5. Racial equity; and

6. Persons with disabilities, including service accessibility; and


7–713.

(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; and

(5) 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;

and

(iii) One representative of CASA de Maryland.

(IV) One representative with public health expertise

(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 shall determine the time, place, and frequency of its meetings.

(F) (1) Five members of the Commission shall constitute a quorum.

(2) All actions of the Commission shall require the affirmative vote of at least five 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, housing, and health;

(3) (I) Advise the Administration on the 3-year Title VI Implementation Program; and

(II) Develop, in accordance with the Federal Transit Administration’s Title VI requirements and Guidelines for Federal Transit Administration Recipients:

1. A major service change policy; and
2. A DISPARATE IMPACT POLICY;

(4) (I) DEVELOP TRANSIT EQUITY ANALYSIS POLICIES AND GUIDELINES, INCLUDING THRESHOLDS FOR WHEN A CHANGE TO SERVICE, FUNDING, OR A CAPITAL PROJECT REQUIRES ANALYSIS; AND

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

(5) 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

(6) (I) HOLD ONE OR MORE TOWN HALL MEETINGS 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, 2022, 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.

7–714.

(A) Before announcing or proposing any service change that would exceed the thresholds set by the Commission on Transportation Equity in the transit equity analysis policies, the Department, in collaboration with the Administration, shall:

(1) Conduct a transit equity analysis in accordance with the guidelines developed by the Commission on Transportation Equity;

(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;

(II) low-income communities;

(III) disabled riders;

(IV) limited English proficiency riders; and

(V) transit–reliant riders.

(B) (1) If, according to the guidelines developed by the Commission on Transportation Equity, a transit equity analysis reveals disparate impacts, the Administration shall:

(I) develop alternatives that would meet the goals of the proposed service change; and

(II) conduct a transit equity analysis on the alternatives.

(2) If a disparate impact can be avoided through use of one of the alternatives analyzed, the Administration shall proceed with that alternative as the primary proposed service change.

(3) (I) If there is no alternative that would avoid a disparate impact, the Administration:

1. may not implement the proposed service change unless a substantial justification exists that necessitates the change; and

2. shall, subject to approval from the Commission on Transportation Equity, implement the alternative that causes the least disparate impact.

(II) reducing costs is not a substantial justification for a service change that causes a disparate impact.
(c) (1) Before holding a public hearing on a proposed service change, the Department shall 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 exists in the final alternative selected, the report shall include a substantial justification statement and a statement from the Commission on Transportation Equity approving the final alternative.

(4) The report shall be:

   (i) Made available to the public on the Department'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. Any community leaders consulted during the community outreach process; and
7. 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.

AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.