



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

August 4, 2016

Mr. James F. Ports, Jr.
Deputy Secretary of Operations
Maryland Department of Transportation
7201 Corporate Center Drive
P.O. Box 548
Hanover, Maryland 21076

Dear Deputy Secretary Ports,

We are writing to express our concern regarding your July 28, 2016 correspondence to county leaders throughout the State and hope to clarify a few points regarding the provisions of the Maryland Open Transportation Investment Decision Act of 2016. Specifically, you note that the Act requires counties to submit "required documentation" to the Maryland Department of Transportation (MDOT) in the next seven business days – hard copies of 12 different studies, analyses and certifications per project – or they will simply "not be considered for funding in the FY 17-22 CTP."

We respectfully disagree that the Act places any such requirements on local government and hope to clear up any confusion that may exist. The Act requires MDOT to develop a transparent, publicly accessible, project-based scoring system that simply shows why certain county transportation projects are funded ahead of others. First and foremost, MDOT is required to promulgate the actual project-based scoring system by January 1, 2017, through detailed, agency regulations.

No regulations containing a project-based scoring system have been proposed by MDOT in the month since the Act took effect on July 1. Thus, we remain perplexed how MDOT can require exhaustive project information from counties in the next seven business days – all while claiming that legislative requirements of the Act may ultimately lead to county transportation priorities being defunded. Much of the requested documentation and evaluation has traditionally been completed by MDOT and metropolitan planning organizations across the State. The unilateral transfer of these responsibilities to the counties is troubling and was never considered much less required by the General Assembly or the legislation.

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Furthermore, the Maryland Open Transportation Investment Decision Act explicitly states that “nothing ... may be construed to impede or alter the priority letter process that outlines local transportation priorities for the department’s consideration for inclusion in the consolidated transportation program.” The legislation also reiterates that no provisions of the Act may be construed to prohibit or prevent the funding of capital transportation priorities in each jurisdiction. We hope that MDOT will work diligently in the upcoming months ahead to implement a transparent and fair project-based evaluation process of which all Marylanders may be proud.

Sincerely,



Edward J. Kasemeyer, Chairman
Senate Budget and Taxation Committee



Maggie McIntosh, Chairman
House Appropriations Committee

EJK:MM/JFW/mrm