



December 29, 2017

Dan Favarulo
Office of Planning & Capital Programming
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, Maryland 21076
Via email at ProjectScore@mdot.state.md.us

Dear Mr. Favarulo,

The Maryland Association of Counties (MACo) appreciates the Maryland Department of Transportation (MDOT)'s diligence in developing a comprehensive project-based scoring system for major transportation projects, pursuant to Chapter 30, Acts of 2017. Further, we appreciate MDOT's effort to conduct outreach to counties on this new model in conjunction with our annual Winter Conference, on December 7, 2017. We submit these comments in the spirit of cooperation.

As expressed at that conference, counties have concerns about the methodology proposed for determining local priorities and weights, as explained in the Draft Chapter 30 Scoring Technical Guide (page 18). Specifically, the concerns relate to the provision which effectively penalizes counties for failing to submit applications for the projects submitted by their municipalities.

While counties make sincere efforts to coordinate with their municipalities whenever feasible, the reality is that municipalities have different jurisdictional obligations, boundaries, limitations, and considerations than counties do. A county, in many cases, may have a substantial rationale for opting not to prioritize a project submitted by a municipality, whether it be due to competing priorities that the municipality need not consider, constituent concerns not relevant to municipal officials, or simple lack of resources. This penalty becomes more significant for counties that house an abundance of municipalities. Counties with significant numbers of municipalities will simply have no practical ability to prioritize each municipally-promoted project, in addition to those primarily within the county's own service areas. In that case, a county should not suffer the proposed penalty.

If allowed to stand as currently proposed, a variety of potentially unintended outcomes could result. A county with a relatively small municipal population could see its top priority project downgraded merely because it does not directly serve an incorporated area. In addition, providing each county - regardless of size or population - with the same fixed point value does not necessarily align with project capacity needs. A large county facing widespread congestion would have to “split” its points across multiple priority projects, but a smaller jurisdiction with only one capacity-related need would not.

Rather than a fixed-point system, a score reflecting the degree to which a given project comports with and advances the goals of the locally-adopted land use and development plans could accomplish the desired goals under this law. A county-only project that clears this sensible hurdle could be scored at 100 points, regardless of the county’s overall population or size. A project spanning both municipal and county service areas could similarly achieve the maximum score by clearing that standard for both planning entities. This system would mean contested or poor-fit projects could suffer a scorecard penalty for that justified reason.

We hope the Department will reconsider this methodology to allow counties greater incentive to apply discretion in how they prioritize projects, given that all our resources are limited.

Thank you for this opportunity to comment, and for all your work on this difficult project.

Sincerely,

Michael Sanderson
Maryland Association of Counties

CC: MDOT Secretary Pete K. Rahn
Heather Murphy, Director, MDOT Office of Planning & Capital Programming
Chief County Elected Officials