

State of Maryland  
HOUSE ENVIRONMENTAL MATTERS COMMITTEE

Written Supplement to Oral Testimony in **SUPPORT** of  
**HB 1195 - Land Use - Rail Station Overlay Districts**

February 23, 2012

by

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I write to amplify on my oral testimony supporting HB 1195 with the amendments presented to the Committee on February 23, 2012. I have been working with Dr. Jay John Hellman and Delegate Marvin Holmes since this bill's predecessor, HB 948, appeared in 2011. The key ideas in both bills constitute an important conceptual advance in developing transit-oriented districts (TODs) around heavy and light rail commuter and passenger stations.

Traditional development around suburban rail stations has been automobile-based, dominated by garages and surface parking lots, resulting in significant under-utilization of the high-cost rail systems in areas such as Prince George's County, where I reside.

The return on investment from these rail systems has thus been negative. Worse, they require high annual operating subsidies. Unless they are developed into attractive, pedestrian-friendly, mixed-use districts, many citizens will continue to be deprived of the potential convenience and economic benefits of proximity to the stations. Rail-based transit will remain costly to taxpayers and market demand for walkable commercial and residential development around stations will continue to be unserved.

As fuel costs escalate, the economic vitality of car-dependent suburban communities will become harder to maintain. Without attractive, functional alternatives to cars, traffic congestion will worsen, contributing to increasing pollution, wasted time and energy, and traffic accidents that damage property, injure and kill people and burden communities with excessive police and rescue costs.

In addition to the pedestrian-unfriendly, automobile-based plans currently governing land use around stations, a second barrier to dynamic, pedestrian-served development is rigid local planning and zoning, which has evolved piecemeal amidst automobile-dependent sprawl. These codes enforce low density and segregated use at the community scale, down to automobile-centric designs at the parcel scale, mandating building approval processes that narrowly focus on individual buildings or relatively small sites. Rigid density controls, in particular, make much desirable, market-responsive transit-oriented development financially unviable.

Further, except for Tax Increment Financing (TIF), a fairly controversial and difficult budgetary tool, few financial resources are available to local jurisdictions to fund the infrastructure required to transform automobile-based land use patterns into the transit-supporting, pedestrian-friendly public realm required for economically viable TOD development around rail stations.

HB 1195 remedies these issues by offering local jurisdictions and developers a market-driven planning and public-realm development Rail Station Overlay District (RSOD) ToolKit designed to foster synergy among all levels of government, the private sector and other stakeholders. RSOD use with the aid of the ToolKit will promote economic sustainability, and public health, safety and welfare, by facilitating attractive, high-density, financially viable, pedestrian-friendly, and environmentally sound mixed-use districts around rail stations. Property values and economic activity in these districts will significantly increase. Private vehicle use for work commutes, shopping trips and recreation will be reduced.

The amended version of HB 1195 incorporates significant strengths that were absent from the bill's earlier versions. Provision is made for closely involving local jurisdictions in designing the RSOD ToolKit that will be used to implement the new zoning provisions. A mechanism is provided for local jurisdictions to capture funds from real estate development to pay for infrastructure improvements, with a clear means being specified for assuring the funding of ongoing maintenance and/or paying off long-term infrastructure bonds or loans. Creating the RSOD ToolKit is mandated not to state government but rather to a respected neutral independent entity which will harness the skills of a wide range of well-recognized experts, subject to approval of state and local governments. These provisions are spelled out in the Amendments to HB 1195, which require that:

(a) the National Center for Smart Growth at the University of Maryland at College Park will create the RSOD ToolKit, engaging MDP and MDOT as resources where appropriate (Prince George's County and matching private donors are expected to fund this);

(b) the Maryland Association of Counties (MACo) and Maryland Municipal League (MML) will be consulted in creating the RSOD ToolKit, thereby ensuring strong inputs by counties and municipalities;

(c) 50% of the new state sales taxes generated by RSOD developments will go to local jurisdictions (in the spirit of Priority Funding Areas) to pay for public-realm infrastructure construction and maintenance; and

(d) local governments will share in Value Capture (as recommended by the Blue Ribbon Commission on Maryland Transportation Funding – see item 4 on page 6 of their 2/18/11 report) by receiving 50% of the value of additional density approved under procedures outlined in the RSOD ToolKit Design Review Process, as density increases are enabled by public investment in the rail system and in transforming the existing automobile-based land plans into the required pedestrian-fabric public realm around each station, creating optimal sites for TOD building development.

As Mayor of a small municipality, University Park, located between two major WMATA Metro Stations and near an MARC train station, and as Co-Chair of Envision Prince George's County, I would have appreciated having the RSOD ToolKit available to me as a planning and development tool over the past decade.

As a political economist with decades of experience as an analyst and consultant, I am confident that the RSOD ToolKit will save us all time, cost and stress (both public and private) seeking to promote desirable development which will significantly increase the value of rail-based

transit station districts. Adopting the principles inherent in this bill will transform the building approval process from a wasteful, poker-game style adversarial battle to a rational market model with major gains in economic efficiency. As a result, the health, safety and welfare of all will be much better served. Further, the reduced need for rail system subsidies will benefit the public in many additional ways -- economic, social, and environmental.

My wife Susan and I became a one-car family after the Town of University Park initiated a circulator bus service linked to the Metro Station and retail area near our town. The RSOD bill, by creating pedestrian-fabric public realms around rail stations, will expand and accelerate lifestyle changes of this nature, lowering private and public costs while increasing public benefits — including health from more frequent walking throughout the community (neighborliness and security will improve, too.)

Please support HB 1195 as amended and move it forward unanimously.

Thank you very much for allowing me to testify before your committee on February 23rd, and to submit this further explanation endorsing this most important bill.