



The State of Maryland

Executive Department

EXECUTIVE ORDER
01.01.2009.12

Locating State Facilities To Stimulate Transit-Oriented Development

- WHEREAS, Chapter 123 of the 2008 Laws of Maryland recognized that realization of transit-oriented development is in the interest of citizens of the State and is a critical component of a high functioning transportation system;
- WHEREAS, Transit-oriented development is dense, mixed-use development that is oriented toward a mass transit station and that maximizes the use of transit, walking, and bicycling;
- WHEREAS, Transit-oriented development stimulates economic growth and development in a sustainable way, encourages efficient use of land and infrastructure, preserves environmental resources, promotes public health, reduces highway congestion and greenhouse gas emissions, and maximizes the public and private benefits of the State's significant investments in public transit;
- WHEREAS, The State can stimulate additional transit-oriented development by locating State facilities within walking distance of planned and existing transit stations;
- WHEREAS, Locating State facilities near transit stations will provide many State employees with accessible, cost-effective means to commute to and from work;
- WHEREAS, Chapter 123 of the 2008 Laws of Maryland established a process by which State and local governments can jointly designate transit-oriented development projects; and
- WHEREAS, The State aims to lead by example and to promote transit-oriented development by giving priority in its facilities location decisions to transit-oriented development sites.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. It is a policy of the State of Maryland to locate State office or laboratory space within a half-mile radius of transit stations at a transit-oriented development whenever appropriate and feasible without diminishing the accessibility of services to the citizens of the State.

B. Definitions.

(1) "Fixed guideway transit station" means a passenger boarding and alighting location of a public transportation facility using and occupying a dedicated right-of-way or rail for the use of public transportation and other high occupancy vehicles.

(2) "Transit-accessible site" means property, any part of which is located within one-half mile of a planned or existing fixed guideway transit station.

(3) "Transit-oriented development" has the meaning defined under Section 7-101 of the Transportation Article of the Annotated Code of Maryland.

(4) "Transit evaluation factor" means the evaluation points or weight given in a State lease or property acquisition solicitation to proposed sites located within a transit-accessible site or transit-oriented development.

C. Maryland Office and Laboratory Space Lease and Property Acquisition Proposals.

(1) This paragraph C applies to all new lease procurements and property acquisition proposals for more than 5,000 square feet of office space, laboratory space, or a combination of both, that are submitted to the Board of Public Works (BPW) by the Department of General Services (DGS) or the Maryland Department of Transportation (MDOT), its modal administrations and the Maryland Transportation Authority. It does not apply to proposals to renew or extend existing leases of space.

(2) Except as provided herein, DGS and MDOT shall include a transit evaluation factor in all requests for proposals to lease or purchase office or laboratory space (solicitations) in the manner described below.

(a) When DGS or MDOT uses a point system to evaluate proposals, it shall award at least five percent of the total allocable points to proposals for office or laboratory space located in transit-accessible sites and at least an additional seven percent of the total allocable points to proposals for office or laboratory space located within a transit-oriented development.

(b) When DGS or MDOT does not use a point system to evaluate lease or property acquisition proposals for State office or laboratory space, then the transit evaluation factor shall be included in the solicitation as one of the most heavily weighted evaluation factors within the selection criteria as determined by the agency.

(c) DGS or MDOT may omit the transit evaluation factor from a request for proposal if it determines in its discretion that location of the particular office or laboratory space within a transit-accessible site or transit-oriented development would:

(i) Not be feasible or not be appropriate for the intended use;

(ii) Hamper efficient or effective operations or delivery of State services;

(iii) Result in the State not being able to provide citizens with reasonable, convenient, and efficient access to State services in places where there are no fixed guideway transit stations;

(iv) Be unsafe or otherwise inconsistent with the character of a transit-accessible site or transit-oriented development;

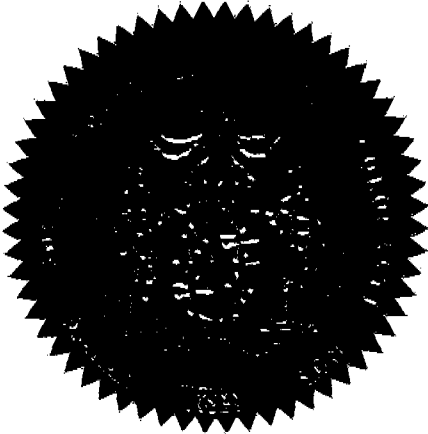
(v) Be contrary to the tenant agency's mission or its clientele's interests;

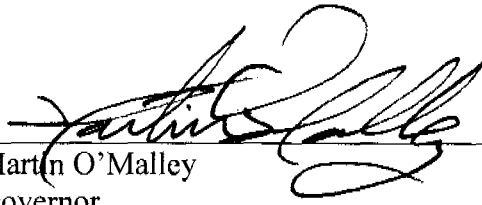
(vi) Contravene State or federal law, regulation, rule, or policy; or

(vii) Otherwise not be in the public interest.

(d) For all proposals that recommend approval of a site that is not located at a transit-accessible site or a transit-oriented development, including those where a transit evaluation factor was not included in the solicitation, DGS and MDOT must provide a written explanation for not selecting such a site in their submission to the BPW.

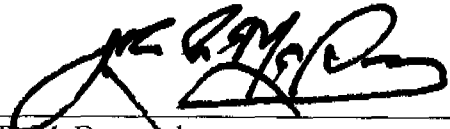
GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 16th Day of September, 2009.





Martin O'Malley
Governor

ATTEST:



John P. McDonough
Secretary of State