

State of Maryland
ENVIRONMENTAL MATTERS COMMITTEE

Testimony in Support of
HB 948- State Rail Station Overlay Districts
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How the areas within walking distance of rail stations develop is of the utmost importance to the State of Maryland. To date, the State and its jurisdictions have not provided the incentives or the means to access mass transit. We have relied primarily on the automobile to deliver riders to rail stations. At the majority of the non-urban stations we have constructed massive parking structures and surface lots at great cost to the taxpayers and the environment to entice commuters out of their vehicles. But the current model does not truly reduce traffic, conserve resources or promote public health.

What is needed is a tool to deliver the greatest number of pedestrians to rail stations. Pedestrians who can live, work, shop and be entertained in the neighborhoods that surround Maryland's rail stations are the necessary life blood of a fixed rail mass transit system. Placement of high density residential and mixed-use projects within walking distance of rail stations allows access to the system without the interim steps of driving to and from a station. Elevators must replace automobiles as the delivery vehicle of choice.

Presently, development is also hampered by the adversarial environment and unhealthy distrust between developers and the professional planning staffs of most public agencies. Taking any project through the current development process requires an excessive amount of time, expertise and money. The zoning codes and ordinances are a labyrinth of regulations which restrict development through extractions and arbitrary prohibitions. The non-descript suburban development that dominates our region is the end product of this outdated process.

House Bill 948 represents a bold and innovative approach to land-use planning. The legislation is unlike any which has been proposed in this State or any other State. Its passage will make Maryland the model for other states and the federal government to study and emulate. It does not reduce the planning or zoning powers of the State or our jurisdictions. To the contrary, this bill creates a framework through which the State of Maryland and its jurisdictions will become the true master planner. It makes them solely responsible for developing the public realm. A comprehensive plan of utilities, storm water management facilities, streetscape improvements and public open spaces will be designed by the public sector and constructed to serve the entire overlay district, rather than inefficiently dealing with the same recurring issues on a lot by lot basis. Taking advantages of the economies of scale for construction and maintenance of the public realm will save money and increase the efficiency of the necessary infrastructure. The private sector will then work within that framework to implement individual projects on the

finished lots. HB 948 creates a true and voluntary public-private partnership in an area which sorely lacks cooperation among the stakeholders.

House Bill 948 is also an important economic development tool. At a time when Maryland is searching for new sources of revenue this legislation will pay great dividends to the State, local jurisdictions and property owners at little or no cost. This bill represents an innovative means to begin to recoup the billions of dollars of taxpayers' money already invested in our rail systems and stations. The tax increment financing and transfer of development rights provisions of the bill will generate significant public revenues. Those revenues will, in turn, be utilized to create and maintain the public realm, preserve and improve the character of the neighborhoods surrounding rail stations, preserve unique buildings and public spaces and to protect and preserve environmental resources throughout the State of Maryland. The elegant simplicity and transparency of the process will also bring much needed certainty to development within the overlay zones and will serve to make the State of Maryland more competitive in the regional real estate market.

Land within walking distance of rail stations should be, and if this legislation is enacted, will be the most valuable land in the State of Maryland. How we manage this limited resource is vital to the development and growth of the State's economy and the health and well being of its citizens. I strongly encourage you to take this first bold step in rewriting the land-use policy of Maryland by voting to adopt House Bill 948.

Michael Nagy is a partner in the law firm of Rifkin, Livingston Levitan & Silver, LLC. His practice is concentrated on land-use and zoning matters in Prince George's and Montgomery Counties. He is also a licensed and registered Landscape Architect in the State of Maryland.