

(1) ~~A TRANSPORTATION PROJECT THAT:~~

~~(1) MAINTAINS THE EXISTING TRANSPORTATION SYSTEM, PROVIDED THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING DETERMINE THE PROJECT DOES NOT SERVE TO INCREASE HIGHWAY CAPACITY;~~

~~(II) SERVES TO CONNECT STATE PRIORITY FUNDING AREAS, PROVIDED THAT:~~

~~1. THE DEPARTMENT OF TRANSPORTATION AND THE OFFICE OF PLANNING DETERMINE THAT ADEQUATE ACCESS CONTROL MEASURES ARE IN PLACE TO:~~

~~A. PREVENT DEVELOPMENT THAT IS INCONSISTENT WITH § 5-7A-01(1), (2), AND (3) OF THIS TITLE; AND~~

~~B. MAINTAIN THE VIABILITY OF THE PROJECT WHILE CONCOMITANTLY CONSTRAINING DEVELOPMENT WHICH POTENTIALLY DETRACTS FROM MAIN STREET BUSINESS AREAS; AND~~

~~2. THE DEPARTMENT OF TRANSPORTATION IN CONSULTATION WITH THE OFFICE OF PLANNING HAS FIRST CONSIDERED WHETHER ALTERNATIVE TRANSPORTATION MODES SUCH AS MASS TRANSIT PROVIDE A REASONABLE ALTERNATIVE TO THE PROJECT AND DETERMINED THAT NO SUCH REASONABLE ALTERNATIVE EXISTS;~~

~~(III) HAS THE SOLE PURPOSE OF PROVIDING CONTROL OF ACCESS BY THE DEPARTMENT OF TRANSPORTATION ALONG AN EXISTING HIGHWAY CORRIDOR; OR~~

~~(IV) DUE TO ITS OPERATIONAL OR PHYSICAL CHARACTERISTICS, MUST BE LOCATED AWAY FROM OTHER DEVELOPMENT;~~

~~(2) (1) A PROJECT THAT IS REQUIRED TO PROTECT PUBLIC HEALTH OR SAFETY; OR~~

~~(2) (2) A PROJECT INVOLVING FEDERAL FUNDS, TO THE EXTENT COMPLIANCE WITH THIS SUBTITLE WOULD CONFLICT OR BE INCONSISTENT WITH FEDERAL LAW; OR~~

~~(3) A GROWTH-RELATED PROJECT FOR A NATURAL RESOURCE BASED INDUSTRY OR TOURISM RELATED INDUSTRY RELATED TO A COMMERCIAL OR INDUSTRIAL ACTIVITY WHICH, DUE TO ITS OPERATIONAL OR PHYSICAL CHARACTERISTICS, SHALL BE LOCATED AWAY FROM OTHER DEVELOPMENT, INCLUDING:~~

~~(I) A NATURAL RESOURCE BASED INDUSTRY;~~

~~(II) AN INDUSTRY RELATING TO:~~

~~1. AGRICULTURAL OPERATIONS, AS DEFINED IN § 7-101 OF THE LABOR AND EMPLOYMENT ARTICLE;~~