

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 30-23 RUSTIC ROADS PROGRAM – RUSTIC ROADS ADVISORY COMMITTEE

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 30-23 could have a favorable impact on racial equity and social justice (RESJ) in the County if it increases the number of Rustic Roads Advisory Committee (RRAC) members from racially, ethnically, and socioeconomically diverse backgrounds. However, in the absence of demographic data on the current or proposed RRAC, OLO finds the anticipated RESJ impact of this Bill to be indeterminant.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 30-23

Rustic roads are historic and scenic roadways that reflect the agricultural character and rural origins of the County. Rustic and exceptional rustic roads are preserved under the Rustic Roads Program (Chapter 49, Article 8), which provides a system for evaluating, protecting, and enhancing these scenic roadways. The program includes 99 roads. These roads are listed and described in the Rustic Roads Functional Master Plans and in other area master plans.³

The purpose of Bill 30-23 is to enact recommendations from the Rustic Roads Functional Master Plan (RRFMP) Update regarding the composition and duties of the Rustic Roads Advisory Committee (RRAC) as follows:

- Change the number of voting members from seven to nine members who are County residents, including three at-large members with general connection to rustic roads through their profession, business, or as users.⁴
- Expand the Committee's duties to include providing reviews and comments on subdivision applications, proposed improvements to rustic roads, and proposed signs within the right-of-way of a rustic road.⁵

Bill 30-23 also directs the County Executive to strive to achieve diversity on the RRAC in support of racial equity and social justice (RESJ).

The Planning Board Draft of the Rustic Roads Functional Master Plan Update is currently under review by the County Council pending a public hearing in July 2023.⁶ Bill 30-23, Rustic Roads Program – Rustic Roads Advisory Committee, was introduced by the Council on behalf of the Planning Board on June 20, 2023.

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ANTICIPATED RESJ IMPACTS

The Montgomery County Planning Department states that the proposed changes to the membership of the RRAC are intended to allow for more diversity on the Committee by broadening the membership criteria.⁷ More specifically, Bill 30-23 changes the membership of the RRAC from two members representing civic associations located inside and outside of the Agriculture Reserve to three at-large members who are users of rustic roads (see Table 1).

Table 1: Rustic Roads Advisory Committee Members and Representation	
Existing – Seven Members	Bill 30-23 – Nine Members
<ul style="list-style-type: none">• Three members are owner-operators of commercial farmland earning 50 percent or more of their income from farming with one representing the Agricultural Advisory Committee (AAC).• One member who knows rural preservation techniques through practical experience and training.• One member who knows roadway engineering through practical experience and training.• One member who represents civic associations located in the Agricultural Reserve.• One member who represents civic associations in areas located outside the Agricultural Reserve where there are rustic roads.	<ul style="list-style-type: none">• Three members who operate commercial farmland earning 50 percent or more of their income from farming.• One member is a representative of the AAC and has been recommended to the Executive by the AAC.• One member who knows rural preservation techniques through practical experience and training.• One member who knows roadway engineering through practical experience and training.• Three at-large members to be drawn from other users of rustic roads. Examples of the at-large members include:<ul style="list-style-type: none">○ A table crop farmer who does not earn more than 50 percent of their income from farming;○ An expert in tourism or historic sites along the roads;○ A member of a religious institution on a rustic road;○ An operator of an agritourism business, such as a winery, brewery, farm stand, or recreation or entertainment venue on a rustic road; or○ A person who regularly uses the roads to engage in or reach places for outdoor recreation, such as to bike, boat, kayak, hike, fish, ride horses, or go birding.

If the users of rustic roads in Montgomery County are more racially, ethnically, and/or socioeconomically diverse than members of civic associations, the changes in RRAC membership proposed by Bill 30-23 could increase the racial, ethnic, and socioeconomic diversity of the RRAC in a way that promotes RESJ in the County. Yet, as noted by the Planning Department, the new RRAC membership criteria in and of itself does not guarantee that new RRAC members will be more racially, economically, or socioeconomically diverse than current RRAC members.⁸

While Bill 30-23 does not guarantee the representation of Black, Indigenous, or Other People of Color (BIPOC) or those from lower income backgrounds on the RRAC, OLO observes that the added number of members on the RRAC coupled with the new membership criteria could result in a more racially and economically diverse RRAC. Given this possibility, OLO anticipates that Bill 30-23 could have a favorable impact on RESJ in the County, albeit a small one. Yet, in the absence of data describing the demographics of the current or proposed RRAC, OLO finds the anticipated impact of Bill 30-23 on RESJ to be indeterminant. Additional data describing the demographics of current RRAC members and the demographics of rustic road users that could serve on the proposed RRAC would be required to discern the anticipated RESJ impact of Bill 30-23 more definitively.

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RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to offer recommended amendments to bills that are anticipated to have a negative impact on RESJ in the County.⁹ In the absence of data describing the race, ethnicity, and income demographics of current RRAC members, or for the revised RRAC members proposed under Bill 30-23, OLO cannot discern the anticipated RESJ impact of this Bill. As such, OLO does not offer recommended amendments for Bill 30-23.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools.

<https://www.racialequitytools.org/glossary>

² Ibid.

³ Ibid.

⁴ Bill-30-23 Rustic Roads Program-Rustic Road Committee. Introduced June 20, 2023

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230620/20230620_1C.pdf

⁵ Ibid.

⁶ Memorandum from Livhu Ndou, Legislative Attorney and Glenn Orlin, Senior Legislative Analyst to County Council. June 20, 2023

⁷ Montgomery Planning. 2023. Staff Report: Bill to Enact Revisions to Chapter 49 Regarding the Composition and Duties of the Rustic Roads Advisory Committee. May 11.

<https://montgomeryplanningboard.org/wp-content/uploads/2023/04/Bill-to-Update-RRAC-per-RRFMP-Update-Staff-Report-Final-with-Attachment.pdf>

⁸ Montgomery Planning. May 11, 2023. Staff Report.

⁹ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council