

HOUSE BILL 868

R2

(71r2248)

ENROLLED BILL

— *Environmental Matters / Finance* —

Introduced by **Delegates Haynes, Anderson, Aumann, Bronrott, Carter, Conaway, DeBoy, Doory, Frank, Glenn, Huckler, James, Kirk, Krysiak, McHale, Montgomery, Oaks, Rice, Rosenberg, Shewell, Stukes, and Tarrant**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Transit Administration – Public Hearings**

3 FOR the purpose of requiring, except under certain circumstances, the Maryland
4 Transit Administration to hold a public hearing before changing a certain bus or
5 rail route alignment ~~or bus stop location~~; requiring the Administration to hold a
6 public hearing before establishing or abandoning a rail transit station; limiting
7 the time period during which the Administration may implement a ~~policy~~
8 certain change ~~on certain matters~~; establishing notice requirements that must

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 be met for a public hearing on ~~certain matters~~ a certain change before the
 2 Administration may implement ~~policy changes on those matters~~ the change;
 3 requiring a public hearing to be at a certain location and time; requiring the
 4 Administration to accept written comments during a certain time period after a
 5 public hearing; authorizing the Administration to alter a bus route alignment in
 6 a certain manner without holding a public hearing; requiring the People's
 7 Counsel ~~to the Public Service Commission~~ to appear at certain hearings called
 8 by the Administration; making a stylistic change; and generally relating to
 9 public hearings held by the Maryland Transit Administration.

10 BY repealing and reenacting, with amendments,
 11 Article – Transportation
 12 Section 7–506
 13 Annotated Code of Maryland
 14 (2001 Replacement Volume and 2006 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Transportation**

18 7–506.

19 (a) (1) ~~Until~~ **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS**
 20 **SECTION, UNTIL** a public hearing is held on the matter, the Administration may not:

21 [(1)] (I) Fix or revise any fare or rate charged the general public; [or]

22 [(2)] (II) Establish or abandon any **BUS OR RAIL** route **LISTED ON A**
 23 **PUBLISHED TIMETABLE;**

24 (III) **CHANGE A BUS OR RAIL ROUTE ALIGNMENT ~~OR BUS~~**
 25 **STOP LOCATION LISTED ON A PUBLISHED TIMETABLE, UNLESS THE CHANGE IS**
 26 **NEEDED BECAUSE OF TEMPORARY CONSTRUCTION OR CHANGES IN THE ROAD**
 27 **NETWORK; OR**

28 (IV) **ESTABLISH OR ABANDON A RAIL TRANSIT STATION.**

29 (2) **THE ADMINISTRATION MAY ONLY IMPLEMENT A CHANGE ~~OF~~**
 30 **POLICY ON A MATTER** DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION

1 DURING THE TIME PERIOD THAT BEGINS 6 WEEKS AFTER THE PUBLIC HEARING
2 AND ENDS 6 MONTHS AFTER THE PUBLIC HEARING.

3 (3) (I) IF THE ADMINISTRATION GIVES INADEQUATE NOTICE
4 OF A PUBLIC HEARING ON A ~~MATTER CHANGE~~ DESCRIBED IN PARAGRAPH (1) OF
5 THIS SUBSECTION, THE ADMINISTRATION MAY NOT IMPLEMENT ~~A CHANGE OF~~
6 ~~POLICY ON THE MATTER~~ THE CHANGE UNLESS A LEGALLY SUFFICIENT PUBLIC
7 HEARING IS HELD.

8 (II) FOR THE PURPOSES OF THIS PARAGRAPH, NOTICE
9 SHALL BE CONSIDERED INADEQUATE IF:

10 1. THE ADMINISTRATION DOES NOT COMPLY WITH
11 THE NEWSPAPER PUBLICATION REQUIREMENTS UNDER SUBSECTION ~~(C)~~ (D) OF
12 THIS SECTION; OR

13 2. AT LEAST 30% OF THE ADMINISTRATION'S
14 FACILITIES ARE NOT POSTED AS REQUIRED UNDER SUBSECTION ~~(C)~~ (D) OF THIS
15 SECTION.

16 (4) A PUBLIC HEARING REQUIRED UNDER PARAGRAPH (1) OF
17 THIS SUBSECTION SHALL BE AT A PLACE AND TIME THAT IS REASONABLY
18 ACCESSIBLE AND CONVENIENT TO THE PATRONS OF THE SERVICE TO BE
19 AFFECTED.

20 (5) THE ADMINISTRATION SHALL ACCEPT WRITTEN COMMENTS
21 FOR 30 DAYS AFTER A HEARING HELD ON A CHANGE DESCRIBED IN PARAGRAPH
22 (1) OF THIS SUBSECTION.

23 (B) THE ADMINISTRATION MAY ADD SERVICE ON A NEW ALIGNMENT
24 BRANCHING OFF OF AN EXISTING ROUTE WITHOUT HOLDING A PUBLIC
25 HEARING, IF THE ADDITION OF THE NEW ALIGNMENT DOES NOT ALTER THE
26 EXISTING ROUTE.

27 ~~(b)~~ (C) (1) The following persons may request the Administration to
28 hold a hearing on any rentals, rates, fares, fees, or other charges of the Administration
29 or any service rendered by the transit facilities owned or controlled by the
30 Administration:

31 (i) Any person served by or using the transit facilities;

1 (ii) The People's Counsel ~~to the Public Service Commission~~, as a
2 representative of the general public; and

3 (iii) Any private carrier operating in the District.

4 (2) The request for a hearing shall:

5 (i) Be in writing;

6 (ii) State the matter sought to be heard; and

7 (iii) Set forth clearly the grounds for the request.

8 (3) As soon as possible after the Administration receives a request for
9 a hearing, a designated employee of the Administration shall confer on the matter
10 with the person requesting the hearing. After the conference, if the Administration
11 considers the matter meritorious and of general significance, it may call a hearing.

12 ~~(D)~~ (D)(1) The Administration shall give at least [30 days] **A 30-DAY** notice
13 before a hearing.

14 (2) The notice shall be:

15 (i) Published once a week for 2 successive weeks in two or more
16 newspapers of daily circulation throughout the District; and

17 (ii) Posted in all of the Administration's offices, stations, and
18 terminals and all of ~~the~~ **THE** vehicles and rolling stock **USED** in revenue service **BY**
19 **THE MODE OF TRANSPORTATION THAT WILL BE AFFECTED BY THE PROPOSED**
20 **ACTION DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**

21 (3) The 30-day period begins when the notice first appears in the
22 newspaper.

23 ~~(D)~~ (E) Before calling a hearing under this section, the Administration
24 shall file at its main office and make available for public inspection:

25 (1) Its report on the subject matter of the hearing;

26 (2) Any report received from the Public Service Commission under §
27 7-507 of this subtitle; and

1 (3) If the hearing was requested under subsection ~~(b)~~ (C) of this
2 section, the written request for the hearing and all documents filed in support of it.

3 ~~(e)~~ (F) [If the] **THE** People’s Counsel ~~to the Public Service Commission~~
4 [considers the public interest to be involved, the People’s Counsel] shall appear and
5 represent the public interest at each hearing called by the Administration under this
6 section.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.