

SENATE BILL 438

R2

71r1905

By: **Senator Pugh (By Request) and Senators Conway, Della, Jones, Kasemeyer, ~~and McFadden~~ McFadden, and Garagiola**

Introduced and read first time: February 2, 2007

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2007

CHAPTER _____

1 AN ACT concerning

2 **Maryland Transit Administration – Continuation of Passenger Railroad**
3 **Service on Amtrak and CSX Lines**

4 FOR the purpose of requiring the Maryland Transit Administration to continue to
5 operate passenger railroad service on certain lines at levels equivalent to the
6 levels established as of certain dates; prohibiting the Administration from
7 closing a station before a certain date, subject to an exception; requiring the
8 Administration to hold a certain public hearing under certain circumstances;
9 requiring the Administration to give a certain notice of the hearing; prohibiting
10 the Administration from taking certain actions if inadequate notice is given;
11 prohibiting the Administration from making certain policy changes during a
12 certain time period; and generally relating to passenger railroad service on
13 certain railroad lines.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 7–902
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2006 Supplement)

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.



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

3 **Article - Transportation**

4 7-902.

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) "LEVEL OF SERVICE" INCLUDES THE NUMBER OF ROUND
8 TRIPS OPERATED ON A ROUTE AND THE NUMBER OF STATIONS ALONG A ROUTE.

9 (3) "ROUTE" MEANS A PASSENGER RAILROAD SERVICE LINE
10 DESCRIBED UNDER SUBSECTIONS (B) THROUGH (D) OF THIS SECTION.

11 [(a)] (B) The Administration shall continue to operate the following
12 passenger railroad services at levels of service at least equivalent to the level of service
13 established as of July 1, 1981:

14 (1) The CSX line between Brunswick and the District of Columbia;

15 (2) The Amtrak line between Penn Station in Baltimore and the
16 District of Columbia; and

17 (3) The CSX line between Camden Station in Baltimore and the
18 District of Columbia.

19 (C) THE ADMINISTRATION SHALL CONTINUE TO OPERATE THE
20 PASSENGER RAILROAD SERVICE ON THE AMTRAK LINE BETWEEN PERRYVILLE
21 AND PENN STATION IN BALTIMORE AT THE LEVEL OF SERVICE AT LEAST
22 EQUIVALENT TO THE LEVEL OF SERVICE ESTABLISHED AS OF MAY 1, 1991.

23 (D) THE ADMINISTRATION SHALL CONTINUE TO OPERATE THE
24 PASSENGER SERVICES ON THE CSX LINE BETWEEN FREDERICK AND POINT OF
25 ROCKS AT THE LEVEL OF SERVICE AT LEAST EQUIVALENT TO THE LEVEL OF
26 SERVICE ESTABLISHED AS OF DECEMBER 17, 2001.

27 [(b)] (E) The Administration shall recover at least 50 percent of total
28 operating costs for all passenger railroad services under its control from fares and
29 operating revenues. Notwithstanding § 7-208 of this title, the Maryland Transit

1 Administration shall calculate for passenger rail services a separate farebox recovery
2 ratio for the administrative purposes of determining a separate cost recovery ratio for
3 each of the aforementioned transit modes from the calculation for mass transit, Metro,
4 and light rail.

5 [(c)] (F) (1) [Except as provided in paragraph (2) of this subsection, the]
6 **THE** Administration may not close a station on [a passenger railroad service line
7 described in subsection (a) of this section] **ANY ROUTE** before [March 6, 2007] **JUNE**
8 **30, 2008**.

9 (2) [The] **NOTWITHSTANDING THE PROVISIONS OF THIS SECTION,**
10 **THE** Administration may close the Jessup Station on the CSX line between Camden
11 Station in Baltimore and the District of Columbia at any time if the Administration
12 finds that the ridership at the Jessup Station does not warrant keeping the station
13 open.

14 [(d)] (G) The Administration shall adopt regulations to facilitate the
15 transportation of bicycles on board passenger railroad services.

16 [(e)] (H) Before closing a station on a passenger railroad service line
17 described in subsection [(a)] (B) of this section, the [Mass] **MARYLAND** Transit
18 Administration shall review and report, in accordance with § 2-1246 of the State
19 Government Article, to the Governor and the General Assembly, on the following:

20 (1) With respect to the Dickerson and Boyds MARC stations on the
21 CSX line between Brunswick and the District of Columbia:

22 (i) The impact on traffic congestion along the Interstate 270,
23 Md State Route 117, and Md State Route 28 corridors as a result of the station
24 closures;

25 (ii) The impact of future growth in upper Montgomery and
26 southern Frederick counties, particularly in Clarksburg over the next 5 years, and the
27 projected ridership for the Boyds and Dickerson stations as a result of that future
28 growth;

29 (iii) The impact of the projected growth in upper Montgomery
30 and southern Frederick counties on traffic congestion along the Interstate 270, Md
31 State Route 117, and Md State Route 28 corridors and the transit alternatives that are
32 contemplated to meet any increased demand;

33 (iv) The methodology used to compute average daily ridership;

1 (v) The impact on projected ridership on the line if the stations
2 are closed and later reopened due to impending growth;

3 (vi) The projected ridership if train stops are increased from
4 three stops each to nine stops each for trains arriving at Washington Union Station
5 and from four stops each to ten stops each (to discharge passengers only) for trains
6 departing Washington Union Station;

7 (vii) Under an expanded schedule, the estimated increase in
8 train service as a result of increasing the number of stops;

9 (viii) Options to increase ridership at stations with low ridership,
10 including investing in a ridership campaign to promote stations with low ridership;

11 (ix) The projected ridership after investing in a ridership
12 campaign to promote the stations;

13 (x) The schedule for installing ticket vending machines at the
14 stations and whether such vending machines have already been purchased;

15 (xi) Whether a vending machine that is scheduled to be installed
16 at another station could temporarily be used at either or both of these stations;

17 (xii) The impact on riders boarding at these stations if vending
18 machines are not installed at the stations;

19 (xiii) An evaluation of potential increased bus service to the
20 stations, and parking lot expansion near the stations, including any possible options
21 for parking lot expansion;

22 (xiv) Specific efforts undertaken to:

23 1. Attract new riders on the lines and to retain riders
24 already using the lines; and

25 2. improve access for individuals with disabilities;

26 (xv) Potential alternatives to closing stations that would achieve
27 greater efficiency on the Brunswick and Camden CSX lines;

1 (xvi) Potential sources of alternative funding for the operating
2 and capital costs of keeping the stations open, including collaboration with local
3 governments; and

4 (xvii) The description of the \$300,000 passenger warning system
5 for the Dickerson Station and whether other possible, less costly, passenger warning
6 systems were considered and the reasons why such systems were not employed; and

7 (2) With regard to the St. Denis Station on the CSX line between
8 Camden Station in Baltimore and the District of Columbia:

9 (i) The information required under items (1)(vii) through (xvi)
10 of this subsection;

11 (ii) The implications of closing a passenger railroad service
12 facility that is a State or federally designated historic landmark or that is located in a
13 State or federally designated historic district;

14 (iii) The impact on traffic congestion along the Interstate 95,
15 Interstate 295, and Md State Route 100 corridors as a result of the station closure;

16 (iv) The effect of closing the St. Denis Station on ridership at the
17 Halethorpe Station, including the effect on traffic and parking at the Halethorpe
18 Station and in Arbutus;

19 (v) The projected ridership at the St. Denis Station if train stops
20 are increased up to nine stops; and

21 (vi) The projected ridership at the St. Denis Station if service to
22 and from Baltimore is resumed.

23 **(1) (1) UNTIL A PUBLIC HEARING IS HELD ON THE MATTER, THE**
24 **ADMINISTRATION MAY NOT ESTABLISH OR ABANDON A STATION ON A ROUTE.**

25 **(2) THE ADMINISTRATION SHALL GIVE NOTICE OF A HEARING AT**
26 **LEAST 30 DAYS BEFORE THE HEARING.**

27 **(3) THE NOTICE SHALL BE:**

28 **(1) PUBLISHED ONCE A WEEK FOR 2 SUCCESSIVE WEEKS IN**
29 **TWO OR MORE NEWSPAPERS OF ~~GENERAL DAILY~~ WIDE CIRCULATION**

1 ~~THROUGHOUT EACH COUNTY THROUGH WHICH A ROUTE TRAVELS~~ THE
2 ADMINISTRATION'S COMMUTER RAIL SERVICE AREA; AND

3 (II) POSTED IN ALL OF THE ADMINISTRATION'S OFFICES,
4 STATIONS, AND TERMINALS AND ALL OF ITS ~~VEHICLES AND~~ COMMUTER RAIL
5 ROLLING STOCK IN REVENUE SERVICE.

6 (4) THE 30-DAY PERIOD BEGINS WHEN THE NOTICE FIRST
7 APPEARS IN THE NEWSPAPER.

8 (5) (I) IF THE ADMINISTRATION GIVES INADEQUATE NOTICE
9 OF A PUBLIC HEARING ON A MATTER DESCRIBED IN PARAGRAPH (1) OF THIS
10 SUBSECTION, THE ADMINISTRATION MAY NOT ESTABLISH OR ABANDON A
11 STATION UNLESS A LEGALLY SUFFICIENT PUBLIC HEARING IS HELD.

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

14 1. THE ADMINISTRATION DOES NOT COMPLY WITH
15 THE NEWSPAPER PUBLICATION REQUIREMENT UNDER PARAGRAPH (3)(I) OF
16 THIS SUBSECTION; OR

17 2. AT LEAST 30% OF THE ADMINISTRATION'S
18 FACILITIES ARE NOT POSTED AS REQUIRED UNDER PARAGRAPH (3)(II) OF THIS
19 SUBSECTION.

20 (6) THE ADMINISTRATION MAY IMPLEMENT A CHANGE OF POLICY
21 ON A MATTER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION ONLY
22 DURING THE TIME PERIOD BEGINNING 6 WEEKS AFTER THE DATE OF THE
23 PUBLIC HEARING AND ENDING 6 MONTHS AFTER THE DATE OF THE PUBLIC
24 HEARING.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2007.