

# SENATE BILL 463

R2

71r1902

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By: **Senator Pugh (By Request) and Senators Della, Dyson, Jones, Kasemeyer, McFadden, Raskin, and Stone**

Introduced and read first time: February 2, 2007

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2007

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## 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  
9 be met for a public hearing on ~~certain matters~~ a certain change before the  
10 Administration may implement ~~policy changes on those matters~~ the change;  
11 requiring a public hearing to be at a certain location and time; requiring the  
12 Administration to accept written comments during a certain time period after a  
13 public hearing; authorizing the Administration to alter a bus route alignment in  
14 a certain manner without holding a public hearing; requiring the People's  
15 Counsel ~~to the Public Service Commission~~ to appear at certain hearings called  
16 by the Administration; making a stylistic change; and generally relating to  
17 public hearings held by the Maryland Transit Administration.

18 BY repealing and reenacting, with amendments,  
19 Article – Transportation

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**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 7-506  
 2 Annotated Code of Maryland  
 3 (2001 Replacement Volume and 2006 Supplement)

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

6 **Article - Transportation**

7 7-506.

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

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

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

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

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

18 (2) **THE ADMINISTRATION MAY ONLY IMPLEMENT A CHANGE ~~OF~~**  
 19 **~~POLICY ON A MATTER~~ DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION**  
 20 **DURING THE TIME PERIOD THAT BEGINS 6 WEEKS AFTER THE PUBLIC HEARING**  
 21 **AND ENDS 6 MONTHS AFTER THE PUBLIC HEARING.**

22 (3) (I) **IF THE ADMINISTRATION GIVES INADEQUATE NOTICE**  
 23 **OF A PUBLIC HEARING ON A ~~MATTER~~ CHANGE DESCRIBED IN PARAGRAPH (1) OF**  
 24 **THIS SUBSECTION, THE ADMINISTRATION MAY NOT IMPLEMENT ~~A CHANGE OF~~**  
 25 **~~POLICY ON THE MATTER~~ THE CHANGE UNLESS A LEGALLY SUFFICIENT PUBLIC**  
 26 **HEARING IS HELD.**

27 (II) **FOR THE PURPOSES OF THIS PARAGRAPH, NOTICE**  
 28 **SHALL BE CONSIDERED INADEQUATE IF:**

1                   **1. THE ADMINISTRATION DOES NOT COMPLY WITH**  
2 **THE NEWSPAPER PUBLICATION REQUIREMENTS UNDER SUBSECTION ~~(C)~~ (D) OF**  
3 **THIS SECTION; OR**

4                   **2. AT LEAST 30% OF THE ADMINISTRATION'S**  
5 **FACILITIES ARE NOT POSTED AS REQUIRED UNDER SUBSECTION ~~(C)~~ (D) OF THIS**  
6 **SECTION.**

7                   **(4) A PUBLIC HEARING REQUIRED UNDER PARAGRAPH (1) OF**  
8 **THIS SUBSECTION SHALL BE AT A PLACE AND TIME THAT IS REASONABLY**  
9 **ACCESSIBLE AND CONVENIENT TO THE PATRONS OF THE SERVICE TO BE**  
10 **AFFECTED.**

11                   **(5) THE ADMINISTRATION SHALL ACCEPT WRITTEN COMMENTS**  
12 **FOR 30 DAYS AFTER A HEARING HELD ON A CHANGE DESCRIBED IN PARAGRAPH**  
13 **(1) OF THIS SUBSECTION.**

14                   **(B) THE ADMINISTRATION MAY ADD SERVICE ON A NEW ALIGNMENT**  
15 **BRANCHING OFF OF AN EXISTING ROUTE WITHOUT HOLDING A PUBLIC**  
16 **HEARING, IF THE ADDITION OF THE NEW ALIGNMENT DOES NOT ALTER THE**  
17 **EXISTING ROUTE.**

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

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

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

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

26                   (2) The request for a hearing shall:

27                               (i) Be in writing;

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

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

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

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

7 (2) The notice shall be:

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

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

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

16 ~~(d)~~ **(E)** Before calling a hearing under this section, the Administration shall  
 17 file at its main office and make available for public inspection:

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

19 (2) Any report received from the Public Service Commission under §  
 20 7-507 of this subtitle; and

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

23 ~~(e)~~ **(F)** [If the] **THE** People's Counsel ~~to the Public Service Commission~~  
 24 [considers the public interest to be involved, the People's Counsel] shall appear and  
 25 represent the public interest at each hearing called by the Administration under this  
 26 section.

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