

CHAPTER 630

(House Bill 868)

AN ACT concerning

Maryland Transit Administration – Public Hearings

FOR the purpose of requiring, except under certain circumstances, the Maryland Transit Administration to hold a public hearing before changing a certain bus or rail route alignment ~~or bus stop location~~; requiring the Administration to hold a public hearing before establishing or abandoning a rail transit station; limiting the time period during which the Administration may implement a ~~policy~~ certain change on certain matters; establishing notice requirements that must be met for a public hearing on ~~certain matters~~ a certain change before the Administration may implement ~~policy changes on those matters~~ the change; requiring a public hearing to be at a certain location and time; requiring the Administration to accept written comments during a certain time period after a public hearing; authorizing the Administration to alter a bus route alignment in a certain manner without holding a public hearing; requiring the People's Counsel ~~to the Public Service Commission~~ to appear at certain hearings called by the Administration; making a stylistic change; and generally relating to public hearings held by the Maryland Transit Administration.

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

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

Article – Transportation

7–506.

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

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

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

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

(IV) ESTABLISH OR ABANDON A RAIL TRANSIT STATION.

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

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

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

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

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

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

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

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

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

- (i) Any person served by or using the transit facilities;
- (ii) The People's Counsel ~~to the Public Service Commission~~, as a representative of the general public; and
- (iii) Any private carrier operating in the District.

(2) The request for a hearing shall:

- (i) Be in writing;
- (ii) State the matter sought to be heard; and
- (iii) Set forth clearly the grounds for the request.

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

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

(2) The notice shall be:

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 17, 2007.