

Department of Legislative Services
 Maryland General Assembly
 2007 Session

FISCAL AND POLICY NOTE
 Revised

House Bill 868

(Delegate Haynes, *et al.*)

Environmental Matters

Finance

Maryland Transit Administration - Public Hearings

This bill requires the Maryland Transit Administration (MTA) to hold a public hearing before permanently changing a bus or rail route alignment listed on a published time table or establishing or abandoning a rail transit station. The bill also alters other requirements related to holding a public hearing.

The bill takes effect July 1, 2007.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures could increase by \$13,300 in FY 2008 to hold two additional public hearings annually. Future years reflect inflation. Potential additional increase in TTF expenditures if additional hearings are necessary. Revenues would not be affected.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	13,300	13,400	13,600	13,700	13,900
Net Effect	(\$13,300)	(\$13,400)	(\$13,600)	(\$13,700)	(\$13,900)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: MTA may only perform the above actions – or fix or revise a public fare or rate or establish or abandon a bus or rail route listed on a published time table – within a four and one-half month window specifically between six weeks and six months after a public hearing. MTA 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.

If MTA gives insufficient legal notice of a hearing on a change, MTA may not implement the change until a legally sufficient public hearing is held. Notice must be posted in all of MTA's offices, stations, terminals, and all the vehicles and rolling stock used in revenue service by the mode of transportation that will be affected by the proposed change. Notice is not legally sufficient if MTA does not publish notice as specified in the newspaper or fails to post notice in at least 30% of MTA facilities and offices. Public hearings on a change must be reasonably convenient and accessible to the users of the affected service.

MTA has to accept written comments for 30 days after a hearing is held. In addition, the People's Counsel must attend every public hearing under the bill, regardless of whether it concerns a change or is a public hearing called for another reason.

Current Law: MTA has authority to plan, develop, construct, acquire, finance, and operate transit facilities. In addition, MTA has jurisdiction over services performed by transit facilities owned or controlled by MTA, including bus service. Until a public hearing is held, MTA cannot establish or abandon any route. Any person served by or using the transit facilities may request a public hearing on any service rendered by the transit facilities owned or controlled by MTA, as can the People's Counsel to the Public Service Commission, and any private carrier operating in the district.

Background: MTA has engaged in several controversial projects in the past two years: the Greater Baltimore Bus Initiative (GBBI), the attempted closing of four MARC stations, and the proposed Baltimore Red Line study. In all three cases, the public expressed concern that MTA had not allowed for sufficient public input.

The GBBI is the first major overhaul of bus routes in Baltimore in over 30 years. New routes are being added, some routes are being eliminated, and others are being restructured. Very few routes will be completely untouched. The altering of routes increased the distance that some people had to travel to reach a bus stop. The elimination of some lines and service reductions made it difficult for individuals who do not own a car to reach jobs and school. Charges were made that the changes have a disproportionate impact on individuals who are poor and members of ethnic minorities.

MTA held six public hearings on the GBBI as originally planned for the first phase and then held additional public hearings in June 2006 in response to public concerns. In addition, due to complaints about service since the first phase was initiated, changes were made that went into effect February 5, 2006. The second phase has been delayed to allow for even more public input and review by the Governor.

MTA attempted to close four stations as of March 6, 2006 – the St. Denis, Dickerson, Jessup, and Boyds stations. The Montgomery County Council opposed the closing and argued for increased advertising and trains placed on the routes in order to attract more riders. The final decision was made to close the stations shortly after public meetings were held on the matter. MTA reversed its decision to close the stations on February 10, 2006, and has no plan to close any stations on any line in the near future.

The proposed Red Line is a 10.5 mile east-west corridor connecting sections of Baltimore County, Edmondson Village in Baltimore City, West Baltimore, downtown Baltimore, and the Inner Harbor East. MTA established five community working groups for the Red Line Project, which held scheduled meetings, the last of which was in May 2005. In addition, MTA held five community workshops in November 2005; however, concern was raised that MTA was not considering all possible alternatives for the Red Line. Chapters 2 and 3 of 2006 (special session) established the Citizens' Advisory Council for the Baltimore Corridor Transit Study for the Red Line.

State Expenditures: MTA advises that under the bill, it would likely hold two additional hearings per year. MTA estimates that the cost of a hearing is \$5,650 per hearing not including notices. This includes the costs of advertising the hearing, printing any materials required, securing a location, audio-visual services, foreign language and sign language interpretation, and a transcription service. As the bill requires posting notices on the affected mode of travel (*i.e.*, posting notices on buses if a bus alignment changes), the maximum printing costs for a mode of travel would be approximately \$1,007.

Assuming that MTA held two hearings per year under the bill and that printing notices costs \$1,007, TTF expenditures would increase by \$13,315 in fiscal 2008, \$13,448 in fiscal 2009, \$13,582 in fiscal 2010, \$13,718 in fiscal 2011, and \$13,855 in 2012. This estimate reflects a 1% annual increase in ongoing operating expenses. The Office of the People's Counsel advises that it could handle an additional two hearings with existing resources.

Additional Information

Prior Introductions: Three bills introduced during the 2006 session – SB 828, SB 857, and HB 1308 – would have required MTA to hold three public hearings per year. SB 828 was heard by the Senate Finance Committee and subsequently withdrawn. SB 857 was heard by the Senate Finance Committee, but no further action was taken. HB 1308 was heard by the House Environmental Matters Committee, but no further action was taken.

Cross File: SB 463 (Senator Pugh, *et al.*) – Finance.

Information Source(s): Maryland Department of Transportation, Office of People’s Counsel, Department of Legislative Services

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