

HOUSE BILL 922

R2

9lr2405

By: **Delegates Rudolph, James, and Riley**
Introduced and read first time: February 12, 2009
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority - Fixing or Revising Tolls and Fees -**
3 **Notice and Public Comment**

4 FOR the purpose of requiring the Maryland Transportation Authority to provide
5 certain information relating to a proposal to fix or revise a fee or other charge to
6 certain committees of the General Assembly by a certain date; altering the date
7 by which the Authority is required to provide certain information relating to a
8 proposal to fix or revise a toll to certain committees of the General Assembly;
9 requiring the Authority to provide a certain public comment period before a
10 proposal to fix or revise a toll, fee, or other charge may take effect; requiring
11 that the public comment period commence on the date on which the Authority
12 publishes certain information in the Maryland Register; requiring the Authority
13 to hold public hearings during the public comment period in different regions of
14 the State; requiring the Authority to accept oral and written testimony from the
15 public at each hearing; requiring at least one hearing during the public
16 comment period to be held in the evening; and generally relating to a process for
17 notice and public comment before the Maryland Transportation Authority may
18 fix or revise a toll, fee, or other charge on a transportation facilities project.

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 4–312
22 Annotated Code of Maryland
23 (2008 Replacement Volume)

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

26 **Article – Transportation**

27 4–312.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of
2 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may be
3 continued to be charged on the John F. Kennedy Memorial Highway and any project
4 constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds)
5 of Chapter 608 of the Acts of the General Assembly of 1976.

6 (2) As to all or any part of any transportation facilities project, the
7 Authority may:

8 (i) Fix, revise, charge, and collect rentals, rates, fees, tolls, and
9 other charges and revenues for its use or for its services; and

10 (ii) Contract with any person who desires its use for any
11 purpose and fix the terms, conditions, rentals, rates, fees, tolls, or other charges or
12 revenues for this use.

13 (b) The rentals, rates, fees, tolls, and other charges and revenues designated
14 as security for any bonds issued under this subtitle shall be fixed and adjusted from
15 time to time, either with respect to a particular transportation facilities project or in
16 respect of the aggregate of the charges and revenues from other transportation
17 facilities projects under the control of the Authority, as may be specified by law or in
18 any applicable resolution or trust agreement, so as to provide funds that, together
19 with any other available revenues, are sufficient as long as the bonds are outstanding
20 and unpaid to:

21 (1) Pay the costs of maintaining, repairing, and operating the
22 transportation facilities project or projects financed in whole or in part by one or more
23 series of outstanding and unpaid bonds, to the extent that payment is not otherwise
24 provided;

25 (2) Pay the principal of and the interest on these bonds as they become
26 due and payable;

27 (3) Create reasonable reserves that are anticipated will be needed for
28 these purposes; and

29 (4) Provide funds for paying the cost of replacements, renewals, and
30 improvements.

31 (c) (1) Except as otherwise provided in this subsection, the rentals, rates,
32 fees, tolls, and other charges and revenues are not subject to supervision or regulation
33 by any instrumentality, agency, or unit of this State or any of its political subdivisions.

34 (2) This subtitle does not permit the exercise of any power or the
35 undertaking of any activity that would conflict with the provisions and limitations of
36 the federal Urban Mass Transportation Act of 1964.

1 (3) Tolls for the use of the bridge carrying the John F. Kennedy
2 Memorial Highway over the Susquehanna River may not be less than the comparable
3 tolls charged for the use of the Susquehanna River Bridge.

4 (4) [Prior] **AT LEAST 60 DAYS PRIOR** to fixing or revising tolls, **FEES,**
5 **OR OTHER CHARGES** on any part of any transportation facilities project, the
6 Authority shall provide, in accordance with § 2-1246 of the State Government Article,
7 to the Senate Budget and Taxation Committee, Senate Finance Committee, House
8 Appropriations Committee, and House Ways and Means Committee information on
9 the proposed [toll] **TOLLS, FEES, OR OTHER** charges, including:

10 (i) The annual revenues generated by the [toll] **TOLLS, FEES,**
11 **OR OTHER** charges;

12 (ii) The proposed use of the revenues; and

13 (iii) The proposed commuter discount rates, **IF APPLICABLE.**

14 (5) (I) **THE AUTHORITY SHALL PROVIDE A 60-DAY PERIOD**
15 **FOR PUBLIC COMMENT BEFORE A PROPOSAL TO FIX OR REVISE A TOLL, FEE, OR**
16 **OTHER CHARGE ON ANY PART OF ANY TRANSPORTATION FACILITIES PROJECT**
17 **MAY TAKE EFFECT.**

18 (II) **THE PUBLIC COMMENT PERIOD SHALL COMMENCE ON**
19 **THE DATE ON WHICH THE AUTHORITY PUBLISHES THE FOLLOWING**
20 **INFORMATION IN THE MARYLAND REGISTER:**

21 1. **THE INFORMATION PROVIDED TO THE GENERAL**
22 **ASSEMBLY UNDER PARAGRAPH (4) OF THIS SUBSECTION;**

23 2. **THE CURRENT AND PROPOSED TOLLS, FEES, OR**
24 **OTHER CHARGES FOR EACH TYPE OF VEHICLE AT EACH TRANSPORTATION**
25 **FACILITIES PROJECT, IF APPLICABLE;**

26 3. **THE ESTIMATED ECONOMIC IMPACT OF THE**
27 **PROPOSAL TO FIX OR REVISE A TOLL, FEE, OR OTHER CHARGE ON BUSINESS,**
28 **INDUSTRY, AND TRADE GROUPS AND THE GENERAL PUBLIC; AND**

29 4. **PROCEDURES FOR THE 60-DAY PUBLIC COMMENT**
30 **PERIOD, INCLUDING THE DATE, TIME, AND LOCATION OF EACH PUBLIC HEARING**
31 **TO BE HELD UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.**

32 (III) 1. **DURING THE PUBLIC COMMENT PERIOD, THE**
33 **AUTHORITY SHALL HOLD PUBLIC HEARINGS IN DIFFERENT REGIONS OF THE**

1 **STATE CONCERNING THE PROPOSAL TO FIX OR REVISE A TOLL, FEE, OR OTHER**
2 **CHARGE.**

3 **2. AT EACH HEARING THE AUTHORITY SHALL**
4 **ACCEPT ORAL AND WRITTEN TESTIMONY FROM THE PUBLIC.**

5 **3. AT LEAST ONE HEARING DURING THE PUBLIC**
6 **COMMENT PERIOD SHALL BE HELD IN THE EVENING.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2009.