

BY: Finance Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 820

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Notice” in line 2 down through “Comment” in line 3 and substitute “Required Procedures”; in line 4, strike “certain staff of”; strike beginning with “provide” in line 5 down through “proposal” in line 9 and substitute “provide an opportunity for public review and comment on a proposal to increase tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges on any part of certain transportation facilities projects in a certain manner before the Authority adopts the proposal; requiring the Authority to provide to the public certain information and studies in a certain manner; requiring the Authority to provide the public with an opportunity to submit certain written comments for a certain period of time; requiring the Authority to provide to the public in a certain manner a summary and analysis of certain public comments; requiring the Authority, before voting on a certain proposal, to provide certain information to the public in a certain manner and to each member of the Authority, provide an opportunity for public review and comment on the recommendation of the Authority, provide certain information on its official Web site, and provide to certain members of the Authority and to the public in a certain manner a certain summary and analysis of certain public comments; requiring the Authority, at a certain meeting, to provide the public a reasonable amount of time to comment on a certain recommendation before the Authority votes on the recommendation; providing that the Authority is not required to provide a certain opportunity for public comment under a certain circumstance; requiring the Authority to adopt certain temporary adjustments to certain tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges on certain transportation facilities under certain circumstances; establishing certain limitations and certain procedural requirements for certain temporary adjustments”; strike beginning with “notice” in line 9 down through “by” in line 11; and in line 11, after “Authority” insert “and required procedures regarding proposals to increase tolls, fees, or other charges”.

(Over)

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with “(I)” in line 27 on page 2 down through “PROPOSAL” in line 8 on page 3 and substitute:

“(I) BEFORE THE AUTHORITY ADOPTS AN INCREASE IN TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A FIXED TOLL TRANSPORTATION FACILITIES PROJECT OR ADOPTS AN INCREASE IN MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, FEES, OR OTHER CHARGES ON A VARIABLY PRICED TOLL TRANSPORTATION FACILITIES PROJECT, THE AUTHORITY SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT ON THE PROPOSED INCREASE AT ONE OR MORE MEETINGS HELD AT A TIME AND PLACE OF CONVENIENCE TO THE PUBLIC IN EACH COUNTY IN WHICH THE INCREASE IS PROPOSED TO BE IMPLEMENTED.

“(II) AT LEAST 10 WORKING DAYS BEFORE THE START OF THE FIRST MEETING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE TO THE PUBLIC ON THE AUTHORITY’S OFFICIAL WEB SITE THE PROPOSED INCREASE IN TOLLS, FEES, MILEAGE RATE RANGES, PRICING PERIODS, TOLLS ZONES, OR OTHER CHARGES AND INFORMATION AND STUDIES USED IN ITS ANALYSIS TO JUSTIFY THE PROPOSED INCREASE.

“(III) FOR A PERIOD OF AT LEAST 10 WORKING DAYS AFTER THE LAST SCHEDULED MEETING FOR PUBLIC REVIEW AND COMMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO SUBMIT ADDITIONAL WRITTEN COMMENTS ON THE PROPOSAL.

“(IV) WITHIN 10 DAYS AFTER THE CLOSE OF THE WRITTEN COMMENT PERIOD UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE TO THE PUBLIC ON ITS OFFICIAL WEB SITE AND TO

THE MEMBERS OF THE AUTHORITY A SUMMARY AND ANALYSIS OF THE COMMENTS RECEIVED FROM THE PUBLIC ON THE PROPOSAL.

(4) BEFORE THE AUTHORITY VOTES ON ANY PROPOSAL TO INCREASE TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A FIXED TOLL TRANSPORTATION FACILITIES PROJECT OR VOTES ON AN INCREASE IN MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, FEES, OR OTHER CHARGES ON ANY PART OF A VARIABLY PRICED TOLL TRANSPORTATION FACILITIES PROJECT, THE AUTHORITY SHALL:

(i) PROVIDE IN WRITING TO ALL OF THE MEMBERS OF THE AUTHORITY AND, ON REQUEST, TO THE PUBLIC ANY RECOMMENDATION OF THE AUTHORITY REGARDING THE PROPOSAL;

(ii) FOR A PERIOD OF AT LEAST 10 WORKING DAYS AFTER MAKING ANY RECOMMENDATION ON THE PROPOSAL, PROVIDE AN OPPORTUNITY FOR PUBLIC REVIEW AND WRITTEN COMMENT ON THE RECOMMENDATION;

(iii) PROVIDE TO THE PUBLIC ON ITS OFFICIAL WEB SITE:

1. ANY RECOMMENDATION OF THE AUTHORITY REGARDING THE PROPOSAL; AND

2. THE TIME, PLACE, AND DATE OF THE MEETING AT WHICH THE AUTHORITY WILL VOTE ON THE PROPOSAL; AND

(iv) PROVIDE TO EACH MEMBER OF THE AUTHORITY AND PROVIDE TO THE PUBLIC ON ITS OFFICIAL WEB SITE A SUMMARY AND ANALYSIS

(Over)

OF ANY PUBLIC COMMENTS RECEIVED UNDER ITEM (II) OF THIS PARAGRAPH BY THE AUTHORITY REGARDING THE AUTHORITY'S RECOMMENDATION.

(5) (I) AT ANY MEETING IN WHICH A RECOMMENDATION TO INCREASE TOLLS, FEES, OR OTHER CHARGES ON A FIXED TOLL TRANSPORTATION FACILITIES PROJECT OR A RECOMMENDATION TO INCREASE MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, FEES, OR OTHER CHARGES ON A VARIABLY PRICED TRANSPORTATION FACILITIES PROJECT IS SCHEDULED FOR CONSIDERATION, THE AUTHORITY SHALL PROVIDE THE PUBLIC A REASONABLE AMOUNT OF TIME TO COMMENT ON THE RECOMMENDATION BEFORE THE AUTHORITY VOTES ON THE RECOMMENDATION.

(II) IF THE AUTHORITY AMENDS ITS RECOMMENDATION AFTER RECEIVING PUBLIC COMMENT AT THE MEETING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AND THEN VOTES ON THE AMENDED RECOMMENDATION AT THAT MEETING, THE AUTHORITY IS NOT REQUIRED TO PROVIDE AN ADDITIONAL OPPORTUNITY FOR PUBLIC COMMENT UNDER PARAGRAPH (4) OF THIS SUBSECTION.

(6) (I) IF THE AUTHORITY DETERMINES THAT IT MUST INCREASE TOLLS, FEES, MILEAGE RATE RANGES, PRICING PERIODS, TOLLS ZONES, OR OTHER CHARGES WITHIN A TIME PERIOD OR IN A MANNER THAT WILL NOT PERMIT COMPLIANCE WITH PARAGRAPHS (3) AND (4) OF THIS SUBSECTION TO REMAIN IN COMPLIANCE WITH THE PROVISIONS OF ANY TRUST AGREEMENT, ESCROW DEPOSIT AGREEMENT, OR RESOLUTION THAT PROVIDES FOR THE PAYMENT OF BONDS ISSUED BY THE AUTHORITY, OR TO ENSURE THAT UNFORESEEN CIRCUMSTANCES DO NOT ADVERSELY AFFECT THE CONTINUITY

OF OPERATIONS AT ONE OR MORE TRANSPORTATION FACILITIES PROJECTS, THE AUTHORITY SHALL DETERMINE THAT AN EMERGENCY STATUS EXISTS.

(II) IF THE AUTHORITY DETERMINES THAT AN EMERGENCY STATUS EXISTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY SHALL ADOPT TEMPORARY ADJUSTMENTS TO TOLLS, FEES, MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, OR OTHER CHARGES THAT SHALL TAKE EFFECT IMMEDIATELY ON ADOPTION BY THE AUTHORITY OR ON THE EFFECTIVE DATE ESTABLISHED BY THE AUTHORITY.

(III) IF THE AUTHORITY ADOPTS ANY TEMPORARY ADJUSTMENTS TO TOLLS, FEES, MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, OR OTHER CHARGES UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE AUTHORITY SHALL:

1. PROVIDE NOTICE TO THE PUBLIC ON THE AUTHORITY'S OFFICIAL WEB SITE OF ANY TEMPORARY ADJUSTMENT ADOPTED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

2. COMMENCE THE PUBLIC NOTICE AND COMMENT PROCEDURES UNDER PARAGRAPHS (3) AND (4) OF THIS SUBSECTION IMMEDIATELY.

(IV) AN EMERGENCY STATUS DETERMINATION MAY NOT EXCEED 180 DAYS AND MAY BE SUBJECT TO ONE OR MORE ADDITIONAL CONDITIONS IMPOSED BY THE AUTHORITY.

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(V) WHEN THE EMERGENCY STATUS EXPIRES, THE  
TEMPORARY ADJUSTMENTS ADOPTED UNDER SUBPARAGRAPH (II) OF THIS  
PARAGRAPH SHALL END".