SENATE BILL 902

R2 4lr1636

By: **Senators Hershey, Astle, Brinkley, Colburn, Edwards, Kittleman, Klausmeier, Mathias, and Pugh**

Introduced and read first time: January 31, 2014
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Transportation – Chesapeake Bay Bridge Crossing – Environmental Impact Study – Cost Estimate and Payment

FOR the purpose of providing that a certain provision of law regarding the construction of a toll road, toll highway, or toll bridge does not apply to a crossing of the Chesapeake Bay; explicitly stating the power of the Maryland Transportation Authority to conduct or coordinate a study of the environmental impact of proposed transportation facilities; requiring the Authority, in collaboration with certain other agencies, to develop a cost estimate for an Environmental Impact Study for a third crossing of the Chesapeake Bay; requiring the Authority to set aside a certain sum of money each year for the Environmental Impact Study; requiring the Authority to conduct the Environmental Impact Study; specifying that this Act may not be construed to preclude the Authority from taking certain action to conduct the Environmental Impact Study during a certain time period; specifying that the Environmental Impact Study center around a bridge span crossing the Chesapeake Bay at a certain location; and generally relating to an Environmental Impact Study for a third bridge to span the Chesapeake Bay.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–205 and 4–407
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

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

Article – Transportation

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

4–205.

(a) Subject to § 4–306 of this title and in addition to the powers otherwise specifically granted by law, the Authority has the powers described in this section.

(b) The Authority may acquire, hold, and dispose of property in the exercise of its powers and performance of its duties.

(c) (1) Subject to the limitations described in paragraph (2) of this subsection, the Authority may make any contracts and agreements necessary or incidental to the exercise of its powers and performance of its duties.

(2) Not less than 45 days before entering into any contract or agreement to acquire or construct a revenue–producing transportation facilities project, subject to § 2–1246 of the State Government Article, the Authority shall provide, to the Senate Budget and Taxation Committee, the House Committee on Ways and Means, and the House Appropriations Committee, for review and comment, and to the Department of Legislative Services, a description of the proposed project, a summary of the contract or agreement, and a financing plan that details:

(i) The estimated annual revenue from the issuance of bonds to finance the project; and

(ii) The estimated impact of the issuance of bonds to finance the project on the bonding capacity of the Authority.

(d) (1) Subject to paragraph (2) of this subsection, the Authority may employ and fix the compensation of attorneys, consulting engineers, accountants, construction and financial experts, superintendents, managers, and any other agents and employees that it considers necessary to exercise its powers and perform its duties. The compensation established by the Authority for executive management positions shall be consistent with the compensation of comparable positions in the Department of Transportation. The compensation established by the Authority shall be reported to the General Assembly each year as part of the Authority's presentation of its budget.

(2) The expense of employing these persons may be paid only from revenues or from the proceeds of revenue bonds issued by the Authority.

(e) The Authority may apply for and receive grants from any federal agency for the planning, construction, operation, or financing of any transportation facilities project and may receive aid or contributions of money, property, labor, or other things of value from any source, to be held, used, and applied for the purposes for which the grants, aid, and contributions are made.

(f) The Authority may adopt rules and regulations to carry out the provisions of this title.

(g) The Authority may do anything else necessary or convenient to carry out the powers granted in this title**, INCLUDING CONDUCTING OR COORDINATING A STUDY OF THE ENVIRONMENTAL IMPACT OF A PROPOSED TRANSPORTATION FACILITY**.

4–407.

(a) This section applies to:

(1) Caroline County;

(2) Cecil County;

(3) Dorchester County;

(4) Kent County;

(5) Queen Anne's County;

(6) Somerset County;

(7) Talbot County;

(8) Wicomico County; and

(9) Worcester County.

(B) THIS SECTION DOES NOT APPLY TO A TOLL ROAD, TOLL HIGHWAY, OR TOLL BRIDGE CROSSING THE CHESAPEAKE BAY.

[(b)**] (C)** A State agency, including the Maryland Transportation Authority, may not construct any toll road, toll highway, or toll bridge in the counties enumerated in this section without the express consent of a majority of the governments of the affected counties.

SECTION 2. AND BE IT FURTHER ENACTED, That, acting on behalf of the Maryland Department of Transportation, the Maryland Transportation Authority, in collaboration with the Maryland Department of the Environment, the Maryland Department of Natural Resources, the United States Environmental Protection Agency, and any other relevant federal agency, shall develop a cost estimate for an Environmental Impact Study for a third bridge to span the Chesapeake Bay that is located either:

(1) adjacent to the existing dual bridges spanning the Chesapeake Bay between Anne Arundel County, Maryland, and Kent Island, Queen Anne's County, Maryland; or

(2) at other locations in Maryland with termini on the Western Shore and Eastern Shore that are determined to be environmentally and economically feasible by the Maryland Department of Transportation.

SECTION 3. AND BE IT FURTHER ENACTED, That, beginning in fiscal year 2016, and each fiscal year thereafter, the Maryland Transportation Authority shall set aside and accumulate in a separate fund the greater of $1,000,000 or 5% of the cost estimate for the Environmental Impact Study for a third bridge to span the Chesapeake Bay, as specified under Section 2 of this Act, until the amount sufficient to cover the cost estimate is accumulated.

SECTION 4. AND BE IT FURTHER ENACTED, That, the Maryland Transportation Authority, acting on behalf of the Maryland Department of Transportation and in collaboration with the Maryland Department of the Environment, the Maryland Department of Natural Resources, the United States Environmental Protection Agency, and any other relevant federal agency, shall take the steps necessary to commence the process and complete the Environmental Impact Study for a third bridge to span the Chesapeake Bay, as specified under Section 2 of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act may not be construed to preclude the Maryland Transportation Authority from taking the steps necessary to commence the process and complete the Environmental Impact Study for a third bridge to span the Chesapeake Bay, as specified under Section 2 of this Act, prior to the accumulation of an amount in the fund established under Section 3 of this Act that is sufficient to pay for the estimated cost of the Environmental Impact Study.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.