

## Article - Transportation

[Previous][Next]

§2–103.

(a) (1) The Secretary is responsible for the budget of the Office of the Secretary and for the budget of each unit in the Department.

(2) The budget request that the Secretary submits for the Department shall contain, for each modal administration, separate items for:

- (i) Capital expenditures; and
- (ii) Operating expenditures.

(3) Whenever the proposed budget of the Governor includes for the Department total capital and operating expenditures that exceed the expenditures proposed in the Consolidated Transportation Program, the Department shall submit to the General Assembly, subject to § 2–1246 of the State Government Article, a reconciliation report that specifically sets forth the proposed projects for which the additional expenditures are requested.

(b) Except with respect to the Maryland Transportation Authority, the Maryland Port Commission and the Maryland Port Administration, the Secretary:

(1) May adopt rules and regulations for the Department and any of its units to carry out those provisions of this article that are subject to the jurisdiction of the Department; and

(2) Shall review and may approve, disapprove, or revise the rules and regulations of each unit in the Department.

(c) The Secretary may create and determine the size of any advisory unit for the Department as he considers appropriate.

(d) The Office of the Secretary shall have a seal to authenticate copies of records or papers of the Department.

(e) (1) The Secretary is responsible for all planning activities of the Department and for the development and maintenance of a continuing, comprehensive, and integrated transportation planning process.

(2) In accordance with § 2–103.1 of this subtitle, the Secretary shall develop and, with the approval of the Governor, shall adopt a State Report on Transportation to guide program development and to foster efficient and economical transportation services throughout the State.

(3) On or before the 3rd Wednesday of January of each year, the Secretary

shall submit the State Report on Transportation to the General Assembly, subject to § 2–1246 of the State Government Article.

(e–1) (1) Before the Department begins the process of establishing, altering, or eliminating a Metropolitan Planning Organization for transportation planning purposes for an area in the State designated under federal law as an urbanized area, the Department shall give notice of the pending process by certified mail, return receipt requested, to each member of the General Assembly representing:

(i) A State legislative district, any portion of which is located in the urbanized area; and

(ii) A State legislative district that is located within 1 mile of the border of the urbanized area.

(2) The Department shall hold a public hearing in the designated urbanized area to address issues related to the establishment, alteration, or elimination of a Metropolitan Planning Organization if a member of the General Assembly who is provided notice under paragraph (1) of this subsection requests the public hearing within 45 days of receipt of the notice.

(f) (1) Except as provided in paragraph (2) of this subsection, the Secretary may transfer, assign, and reassign any staff, power, or duty from any unit in the Department to his office or to another unit in the Department. If a transfer, assignment, or reassignment occurs, the appropriation for the respective staff, power, or duty also shall be transferred.

(2) This subsection does not apply to:

(i) The powers or duties of the State Roads Commission that are set forth in Article III, § 40B of the Maryland Constitution; or

(ii) The powers or duties that are vested by law in:

1. The Board of Airport Zoning Appeals;

2. The Transportation Professional Services Selection Board;

3. The Maryland Transportation Authority; or

4. The Maryland Port Commission and Maryland Port Administration.

(g) (1) Except as provided in paragraph (2) of this subsection, the Secretary may exercise or perform any power or duty that any unit in the Department may exercise or perform.

(2) This subsection does not apply to:

(i) The powers or duties that are set forth in Article III, § 40B of the Maryland Constitution; or

(ii) The powers or duties that do not require by law the approval or action of the Secretary and are vested by law in:

1. The Board of Airport Zoning Appeals;
2. The Transportation Professional Services Selection Board;
3. The Maryland Transportation Authority; or
4. The Maryland Port Commission and Maryland Port Administration.

(h) Consistent with the State budget, Division II of the State Finance and Procurement Article, and other applicable provisions of law, the Secretary may contract with any person to provide services, supplies, construction, and maintenance for the Department or for any transportation related purposes.

(i) (1) The Secretary may apply for and receive from the federal government or any person any grants-in-aid or gifts for any transportation related purpose.

(2) To the extent permitted by the State budget, the Secretary may make grants-in-aid to:

(i) Any governmental transportation agency in this State, including any county agency, bicounty agency, multijurisdiction agency, or municipal agency; or

(ii) Any other person for any transportation related purpose.

[Previous][Next]