

SENATE BILL 56

R2
SB 902/14 – FIN

(PRE-FILED)

6lr1072

By: **Senators Mathias and Astle**

Requested: November 4, 2015

Introduced and read first time: January 13, 2016

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

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

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 4–205 and 4–407
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2015 Supplement)

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

25 **Article – Transportation**

26 4–205.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 (2) Not less than 45 days before entering into any contract or agreement to
9 acquire or construct a revenue-producing transportation facilities project, subject to §
10 2–1246 of the State Government Article, the Authority shall provide, to the Senate Budget
11 and Taxation Committee, the House Committee on Ways and Means, and the House
12 Appropriations Committee, for review and comment, and to the Department of Legislative
13 Services, a description of the proposed project, a summary of the contract or agreement,
14 and a financing plan that details:

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

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

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

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

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

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

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

4 4-407.

5 (a) This section applies to:

6 (1) Caroline County;

7 (2) Cecil County;

8 (3) Dorchester County;

9 (4) Kent County;

10 (5) Queen Anne's County;

11 (6) Somerset County;

12 (7) Talbot County;

13 (8) Wicomico County; and

14 (9) Worcester County.

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

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

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

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

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

4 SECTION 3. AND BE IT FURTHER ENACTED, That, beginning in fiscal year 2017,
5 and each fiscal year thereafter, the Maryland Transportation Authority shall set aside and
6 accumulate in a separate fund the greater of \$1,000,000 or 5% of the cost estimate for the
7 environmental impact study for a third bridge to span the Chesapeake Bay, as specified in
8 Section 2 of this Act, until the amount sufficient to cover the cost estimate is accumulated.

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

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

22 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2016.