

# SENATE BILL 907

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CF HB 672

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By: **Senators Middleton, Astle, Conway, DeGrange, Ferguson, Gladden, Guzzone, Kagan, King, Klausmeier, Madaleno, Manno, McFadden, Miller, Muse, Nathan-Pulliam, Peters, Pugh, Ramirez, Raskin, Rosapepe, Zirkin, and Zucker**

Introduced and read first time: February 5, 2016

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Harry W. Nice Memorial Potomac River Bridge – Replacement**

3 FOR the purpose of requiring the State and the Maryland Transportation Authority to  
4 finance a multilane replacement bridge for the Harry W. Nice Memorial Potomac  
5 River Bridge; specifying certain requirements for the replacement bridge; stating the  
6 intent of the General Assembly; establishing the Harry W. Nice Memorial Potomac  
7 River Bridge Replacement Fund; requiring the Authority to make a deposit of a  
8 certain amount to the Fund, in certain fiscal years, to finance the design and  
9 construction of the replacement bridge; prohibiting the Authority from depositing  
10 certain proceeds into the fund; requiring the Authority to submit an annual report  
11 to certain committees of the General Assembly; and generally relating to the  
12 replacement bridge for the Harry W. Nice Memorial Potomac River Bridge.

13 BY adding to  
14 Article – Transportation  
15 Section 4–322  
16 Annotated Code of Maryland  
17 (2015 Replacement Volume and 2015 Supplement)

18 Preamble

19 WHEREAS, The Maryland Transportation Authority (MdTA) received federal  
20 approval of a National Environmental Policy Act (NEPA) study in 2012 that supported the  
21 replacement of the Harry W. Nice Memorial Potomac River Bridge and the creation of a  
22 new crossing that provides for two lanes of traffic in each direction in order to match the  
23 existing highway facilities in Maryland and Virginia on each side of the Potomac River on  
24 U.S. 301; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The Nice Bridge is the only MdTA facility that forces users to drive on  
2 a highway or bridge without a barrier or median separation between opposing directions of  
3 traffic at all times; and

4 WHEREAS, In 2014 MdTA publicly stated that the 75-year-old Harry W. Nice  
5 Memorial Potomac River Bridge has a deck that will reach the end of its useful life by 2025  
6 and will need replacement; and

7 WHEREAS, The Harry W. Nice Memorial Potomac River Bridge serves as a critical  
8 evacuation route in the event of a national disaster or security alert, links the region's  
9 military facilities, contractors, suppliers, and businesses, and provides the only direct,  
10 logical alternative to I-95 (the primary and increasingly burdened north-south  
11 thoroughfare that traverses all of the states along the East Coast of the United States) for  
12 travel between the Washington Metropolitan Area and Richmond, Virginia, in the event of  
13 a major incident or closure on I-95; and

14 WHEREAS, A project limited to the replacement of the deck of the Harry W. Nice  
15 Memorial Potomac River Bridge without the availability of an additional Potomac River  
16 crossing will place an undue hardship on vital U.S. Defense Department facilities in the  
17 area and on other users of the bridge and also could require detours for users of more than  
18 100 miles; and

19 WHEREAS, MdTA already has committed \$53 million to the planning, designing,  
20 preliminary engineering, and right-of-way acquisition costs associated with a Harry W.  
21 Nice Memorial Potomac River Bridge replacement project; and

22 WHEREAS, In order to meet a target opening date of no later than December 31,  
23 2030, for the replacement bridge for the Harry W. Nice Memorial Potomac River Bridge, it  
24 is imperative that MdTA include the project in its capital program in the near future so  
25 that planning and design work on the project may proceed and its subsequent construction  
26 commence in a timely manner; and

27 WHEREAS, The users of the Harry W. Nice Memorial Potomac River Bridge have  
28 waited patiently while the State has undertaken major system expansion and system  
29 preservation projects in every other region of the State served by MdTA; now, therefore,

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

32 **Article – Transportation**

33 **4-322.**

34 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
35 **INDICATED.**

1           **(2) "FUND" MEANS THE HARRY W. NICE MEMORIAL POTOMAC**  
2 **RIVER BRIDGE REPLACEMENT FUND.**

3           **(3) "HARRY W. NICE MEMORIAL POTOMAC RIVER BRIDGE" MEANS**  
4 **THE 1.7 MILE-LONG BRIDGE FOR SINGLE-LANE VEHICULAR TRAFFIC IN EACH**  
5 **DIRECTION LOCATED ON U.S. 301 THAT CROSSES THE POTOMAC RIVER BETWEEN**  
6 **CHARLES COUNTY, MARYLAND, AND KING GEORGE COUNTY, VIRGINIA.**

7           **(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE AUTHORITY:**

8           **(1) PROMPTLY UNDERTAKE:**

9           **(I) ALL STEPS NECESSARY TO COMPLETE PRELIMINARY**  
10 **DESIGN, ENGINEERING, AND RIGHT-OF-WAY ACQUISITION, AS AUTHORIZED UNDER**  
11 **THE 2016 CONSOLIDATED TRANSPORTATION PLAN, FOR THE HARRY W. NICE**  
12 **MEMORIAL POTOMAC RIVER BRIDGE REPLACEMENT PROJECT; AND**

13           **(II) ANY OTHER REQUIREMENTS THAT MUST BE MET BEFORE**  
14 **THE AUTHORITY SOLICITS BIDS AND LETS A PROCUREMENT CONTRACT FOR THE**  
15 **CONSTRUCTION OF THE HARRY W. NICE MEMORIAL POTOMAC RIVER BRIDGE**  
16 **REPLACEMENT BRIDGE;**

17           **(2) CONSTRUCT A REPLACEMENT BRIDGE FOR THE HARRY W. NICE**  
18 **MEMORIAL POTOMAC RIVER BRIDGE IN ACCORDANCE WITH THIS SECTION; AND**

19           **(3) NOT UNDERTAKE AS A LONG-TERM PREFERRED OPTION TO**  
20 **ADDRESS TRAFFIC CONGESTION ON AND THE CONDITION OF THE EXISTING HARRY**  
21 **W. NICE MEMORIAL POTOMAC RIVER BRIDGE A PROJECT THAT IS LIMITED TO**  
22 **REDECKING AND MAINTAINING THE EXISTING BRIDGE.**

23           **(C) THE STATE AND THE AUTHORITY SHALL FINANCE A MULTILANE**  
24 **REPLACEMENT BRIDGE FOR THE HARRY W. NICE MEMORIAL POTOMAC RIVER**  
25 **BRIDGE AS PROVIDED IN THIS SECTION.**

26           **(D) THE REPLACEMENT BRIDGE FOR THE HARRY W. NICE MEMORIAL**  
27 **POTOMAC RIVER BRIDGE SHALL:**

28           **(1) INCLUDE AT LEAST TWO LANES IN EACH DIRECTION; AND**

29           **(2) BE CONSTRUCTED AND COMMENCE OPERATION ON OR BEFORE**  
30 **DECEMBER 31, 2030.**

1           **(E) (1) THERE IS A HARRY W. NICE MEMORIAL POTOMAC RIVER**  
2 **BRIDGE REPLACEMENT FUND.**

3           **(2) THE FUND SHALL BE ESTABLISHED AS AN IRREVOCABLE**  
4 **TAX-EXEMPT TRUST, IN ACCORDANCE WITH § 115 OF THE INTERNAL REVENUE**  
5 **CODE OR OTHER APPLICABLE FEDERAL STATUTE.**

6           **(3) THE PURPOSE OF THE FUND IS TO ASSIST THE STATE IN**  
7 **FINANCING THE DESIGN AND CONSTRUCTION OF THE REPLACEMENT BRIDGE FOR**  
8 **THE HARRY W. NICE MEMORIAL POTOMAC RIVER BRIDGE.**

9           **(4) (I) IN FISCAL YEAR 2018 AND IN EACH FISCAL YEAR**  
10 **THEREAFTER, THE AUTHORITY SHALL DEPOSIT IN THE FUND \$75,000,000 FROM**  
11 **THE RENTALS, RATES, FEES, TOLLS, AND OTHER CHARGES AND REVENUES THE**  
12 **AUTHORITY ACCUMULATES FROM TRANSPORTATION FACILITIES PROJECTS UNDER**  
13 **THE JURISDICTION OF THE AUTHORITY.**

14           **(II) THE AUTHORITY MAY NOT CREDIT BOND PROCEEDS TO THE**  
15 **FUND AS PART OF THE ANNUAL DEPOSIT REQUIRED FROM THE AUTHORITY UNDER**  
16 **SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

17           **(III) ANY INTEREST EARNED ON THE MONEY DEPOSITED IN THE**  
18 **FUND SHALL ACCRUE TO THE FUND.**

19           **(IV) THE MONEY IN THE FUND MAY NOT BE USED BY THE**  
20 **AUTHORITY OR APPROPRIATED BY THE STATE FOR ANY PURPOSE OTHER THAN FOR**  
21 **THE DESIGN AND CONSTRUCTION OF THE REPLACEMENT BRIDGE FOR THE HARRY**  
22 **W. NICE MEMORIAL POTOMAC RIVER BRIDGE.**

23           **(F) (1) ON OR BEFORE DECEMBER 1 EACH YEAR UNTIL COMPLETION OF**  
24 **CONSTRUCTION OF THE REPLACEMENT BRIDGE FOR THE HARRY W. NICE**  
25 **MEMORIAL POTOMAC RIVER BRIDGE, IN ACCORDANCE WITH § 2-1246 OF THE**  
26 **STATE GOVERNMENT ARTICLE, THE AUTHORITY SHALL SUBMIT A REPORT ON THE**  
27 **STATUS OF THE HARRY W. NICE MEMORIAL POTOMAC RIVER BRIDGE AND THE**  
28 **FUND TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE**  
29 **APPROPRIATIONS COMMITTEE, AND THE HOUSE COMMITTEE ON WAYS AND**  
30 **MEANS.**

31           **(2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL**  
32 **INCLUDE:**

33           **(I) AN UPDATE ON THE PROGRESS OF THE PROJECT;**

1                   **(II) ANY REVISED ESTIMATE OF THE TOTAL COST OF THE**  
2 **PROJECT AND A STATEMENT OF THE REASONS FOR ANY COST SAVINGS OR COST**  
3 **INCREASES;**

4                   **(III) A DESCRIPTION OF ANY CHANGES TO ANY FINANCING PLAN**  
5 **FOR THE PROJECT;**

6                   **(IV) PLANNED EXPENDITURES BY YEAR, CATEGORIZED BY**  
7 **PLANNING AND ENGINEERING, RIGHT-OF-WAY ACQUISITION, UTILITY RELOCATION,**  
8 **PERMITS, DESIGN, CONSTRUCTION, AND OTHER CATEGORIES AS DETERMINED BY**  
9 **THE AUTHORITY;**

10                   **(V) FUNDING SOURCES BY YEAR, CATEGORIZED BY:**

11                           **1. FEDERAL FUNDS;**

12                           **2. AUTHORITY CASH RESERVES;**

13                           **3. AUTHORITY REVENUE BOND ISSUANCES;**

14                           **4. BOND ANTICIPATION NOTES; AND**

15                           **5. ANY OTHER REVENUE SOURCE; AND**

16                   **(VI) ANY OTHER INFORMATION CONCERNING THE HARRY W.**  
17 **NICE MEMORIAL POTOMAC RIVER BRIDGE AND THE REPLACEMENT BRIDGE FOR**  
18 **THE HARRY W. NICE MEMORIAL POTOMAC RIVER BRIDGE THAT THE AUTHORITY**  
19 **CONSIDERS PERTINENT.**

20                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21                   October 1, 2016.