

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 149 (Chair, Environment and Transportation Committee)(By
Request - Departmental - Transportation)

Environment and Transportation

Finance

**Transportation - Light Rail and Metro Subway - State Safety Oversight
Authority**

This departmental bill designates the Office of the Secretary of Transportation (TSO) as the State Safety Oversight (SSO) Authority for the Maryland Transit Administration's (MTA) light rail transit system and Metro subway in accordance with federal law. The bill also (1) authorizes TSO to adopt regulations to carry out its duties and (2) requires the deputy Secretary or the deputy Secretary's designee to have safety, regulatory, and enforcement authority over MTA's light rail transit system and Metro subway.

The bill takes effect June 1, 2017.

Fiscal Summary

State Effect: None. The bill clarifies and codifies an existing practice; TSO already exercises safety oversight authority over MTA.

Local Effect: The bill does not affect local governmental operations or finances.

Small Business Effect: The Maryland Department of Transportation has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law/Background: MTA operates a comprehensive transit system throughout the Baltimore-Washington metropolitan area, including more than 50 local bus lines in

Baltimore and other services such as the light rail, Metro subway, commuter buses, Maryland Area Rail Commuter trains, and mobility/paratransit vehicles. MTA is governed by the Maryland Transit Administrator, who is appointed by the Secretary of Transportation, subject to the approval of the Governor.

After the fatal Metrorail crash on the Red Line between Takoma and Fort Totten, the July 6, 2012 enactment of the Moving Ahead for Progress in the 21st Century Act (MAP-21) included provisions granting the Federal Transit Administration (FTA) new regulatory and enforcement responsibilities governing the federal SSO program. The purpose of the SSO program is to oversee safety at rail transit systems. MAP-21 and the SSO program require states to:

- designate an SSO agency (SSOA) that is a legal entity of the state and financially and legally independent from the rail system in the jurisdiction;
- obtain authority for the designated SSOA to oversee and enforce safety for each rail system in its jurisdiction;
- ensure the designated SSOA carries out an effective safety regulatory program; and
- ensure that the designated SSOA is staffed with qualified personnel.

After the enactment of MAP-21, FTA determined that the SSOA covering MTA was not in compliance with MAP-21 because it does not have explicit statutory authority. The Maryland Department of Transportation (MDOT) advises that the bill is needed to codify MTA's SSO program so that it meets federal requirements. MDOT also advises that the bill simply clarifies TSO's existing authority under the applicable federal laws and regulations. Finally, MDOT advises that FTA approves of the proposed arrangement even though TSO oversees MTA and both are funded by the Transportation Trust Fund.

Failure to comply with the MAP-21 requirements could result in the withholding of federal transit formula funding.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2017
mm/mcr Third Reader - March 15, 2017

Analysis by: Richard L. Duncan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: **Transportation –Light Rail and Metro Subway – State Safety Oversight Authority**

BILL NUMBER: HB 149

PREPARED BY: Maryland Department of Transportation / The Secretary’s Office
(Dept./Agency)

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

None