

SB0277/179435/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 277
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Metro” and substitute “Metro/Transit”; strike beginning with “establishing” in line 3 down through the semicolon in line 4; in line 5, after the semicolon insert “requiring the Secretary, under certain circumstances, to withhold a certain percentage of certain funds;”; strike beginning with “regarding” in line 11 down through “projects;” in line 12 and substitute “; requiring the Governor to withhold or reduce a certain portion of a certain appropriation under certain circumstances; requiring the Governor to release a certain portion of a certain appropriation under certain circumstances;”; strike beginning with “providing” in line 13 down through “funds;” in line 14 and substitute “requiring the Governor to include a certain appropriation in the State budget for a certain purpose from the Transportation Trust Fund;”; in line 16, strike “from the Account”; strike beginning with “providing” in line 17 down through the semicolon in line 19; strike beginning with “altering” in line 20 down through the semicolon in line 21 and substitute “requiring the Governor to include a certain appropriation in the State budget from the Transportation Trust Fund to the Maryland Transit Administration; requiring the Administration to prepare a Central Maryland Regional Transit Plan in consultation with the Central Maryland Regional Transit Plan Commission and the Baltimore Metropolitan Council; specifying the contents of the Plan; requiring the Plan to include certain details and be maintained and updated in a certain manner; establishing the Commission to assist the Administration with the preparation of the Plan; requiring the Administration to assess the ongoing, unconstrained capital needs of the Administration; specifying certain requirements for the assessment; requiring the Administration to submit the assessment to certain committees of the General Assembly on or before certain dates; providing for the termination of certain provisions of this Act; stating the intent of the General Assembly; providing for the application of this Act; requiring the Washington Metropolitan Area Transit Authority to undertake a certain study and report certain”

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findings to certain entities on or before a certain date;; in line 26, strike “capital”; and in the same line, after “the” insert “Maryland Transit Administration and the”.

On page 2, in line 2, after “(b),” insert “(c)(2)(i).”; in the same line, strike “and 8–402(a) and (b)”; in line 7, strike “3–216(c)(2)(i) and”; after line 9, insert:

“BY adding to

Article - Transportation

Section 7-205, 7-301.1, and 7-309

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)”;

and strike in their entirety lines 10 through 19, inclusive.

On page 3, strike in their entirety lines 3 through 17, inclusive.

On page 7, in lines 7, 17, and 22, strike “2.”, “3.”, and “4.”, respectively, and substitute “4.”, “8.”, and “9.”, respectively; in line 22, strike “2” and substitute “4”; and in line 23, after the period insert “Section 2 of this Act shall remain effective for a period of 4 years and 1 month and, at the end of June 30, 2022, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.

AMENDMENT NO. 2

On page 2, in line 34, strike the brackets; and strike beginning with the second comma in line 34 down through “**ACCOUNT**” in line 35.

AMENDMENT NO. 3

On page 4, after line 7, insert:

“(3) (I) FOR ANY FISCAL YEAR IN WHICH THE TOTAL MARYLAND OPERATING ASSISTANCE PROVIDED IN THE APPROVED WASHINGTON

METROPOLITAN AREA TRANSIT AUTHORITY BUDGET INCREASES BY MORE THAN 3% OVER THE TOTAL OPERATING ASSISTANCE PROVIDED IN THE PRIOR FISCAL YEAR'S APPROVED WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BUDGET, THE SECRETARY SHALL WITHHOLD AN AMOUNT EQUAL TO 35% OF THE FUNDS AVAILABLE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

(II) FOR PURPOSES OF CALCULATING A BUDGET INCREASE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE FOLLOWING ITEMS MAY NOT BE INCLUDED:

1. THE COST OF ANY SERVICE, EQUIPMENT, OR FACILITY THAT IS REQUIRED BY LAW;

2. A CAPITAL PROJECT APPROVED BY THE BOARD OF DIRECTORS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY; AND

3. ANY PAYMENTS OR OBLIGATIONS ARISING FROM OR RELATED TO LEGAL DISPUTES OR PROCEEDINGS BETWEEN OR AMONG THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AND ANY OTHER PERSON.”.

AMENDMENT NO. 4

On page 5, strike in their entirety lines 19 through 27, inclusive, and substitute:

“(2) (1) THE GOVERNOR IS NOT REQUIRED TO MAKE THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IN A FISCAL YEAR UNLESS THE DEPARTMENT CERTIFIES TO THE GOVERNOR IN WRITING BEFORE THE BEGINNING OF THE IMMEDIATELY PRECEDING FISCAL YEAR THAT THE

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WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY HAS SUBMITTED TO THE DEPARTMENT:

1. PERFORMANCE AND CONDITION ASSESSMENTS AND REPORTS REGARDING:

A. THE SAFETY AND RELIABILITY OF RAPID HEAVY RAIL AND BUS SYSTEMS;

B. THE FINANCIAL PERFORMANCE OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AS IT RELATES TO RAIL AND BUS OPERATIONS, INCLUDING FARE BOX RECOVERY, SERVICE PER RIDER, AND COST PER SERVICE HOUR;

C. THE MONTHLY RIDERSHIP OF RAIL AND BUS SYSTEMS BROKEN DOWN BY METRORAIL STATION, METRORAIL LINE, BUS STOP, AND BUS LINE;

D. STRATEGIES TO REDUCE COSTS AND IMPROVE THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S OPERATIONAL EFFICIENCY; AND

E. THE COMPARISON OF ANNUAL CAPITAL INVESTMENTS AND APPROVED BUDGETS; AND

2. THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S:

A. ANNUAL BUDGET;

B. ANNUAL INDEPENDENT FINANCIAL AUDIT;

C. ANNUAL NATIONAL TRANSIT DATABASE PROFILE;

AND

D. INDIVIDUAL AUDIT REPORTS.

(II) IF THE COMMONWEALTH OF VIRGINIA OR THE DISTRICT OF COLUMBIA REDUCE THE AMOUNT OF DEDICATED CAPITAL FUNDING FOR THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, THE GOVERNOR MAY REDUCE THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION BY A PROPORTIONAL AMOUNT.

(III) 1. THE GOVERNOR SHALL WITHHOLD 35% OF THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

A. THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY HAS RECEIVED A MODIFIED AUDIT OPINION AS A RESULT OF AN ANNUAL INDEPENDENT AUDIT CONDUCTED IN ACCORDANCE WITH ARTICLE XVI, SECTION 70 OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY COMPACT UNDER § 10-204 OF THIS SUBTITLE; AND

B. THE DEPARTMENT HAS NOT CERTIFIED TO THE GOVERNOR IN WRITING BEFORE THE BEGINNING OF THE IMMEDIATELY PRECEDING FISCAL YEAR THAT THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY HAS SUBMITTED IN WRITING TO THE BOARD OF DIRECTORS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AND THE MARYLAND GENERAL ASSEMBLY A SATISFACTORY CORRECTIVE PLAN THAT ADDRESSES THE REASONS FOR THE MODIFIED AUDIT OPINION.

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2. THE GOVERNOR SHALL RELEASE THE PORTION OF THE APPROPRIATION WITHHELD UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY SUBMITS IN WRITING TO THE BOARD OF DIRECTORS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE MARYLAND GENERAL ASSEMBLY A SATISFACTORY CORRECTIVE ACTION PLAN THAT ADDRESSES THE REASONS FOR THE MODIFIED AUDIT OPINION.”;

in line 30, after “(4)” insert “(I)”; in the same line, strike “THE” and substitute “**FOR THE FIRST FISCAL YEAR IN WHICH THE MANDATED APPROPRIATION UNDER THIS SUBSECTION APPLIES, THE**”; strike beginning with the first “THE” in line 31 down through “3%” in line 34 and substitute “**THE AMOUNT APPROPRIATED IN THE FISCAL YEAR 2019 STATE BUDGET AS ENACTED FOR THE WASHINGTON SUBURBAN TRANSIT DISTRICT TO PAY THE CAPITAL COSTS OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**”; and after line 34, insert:

“(II) FOR EACH FISCAL YEAR AFTER THE FIRST FISCAL YEAR IN WHICH THE MANDATED APPROPRIATION UNDER THIS SUBSECTION APPLIES, THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE EQUAL TO THE AMOUNT OF THE APPROPRIATION FOR THE PRECEDING FISCAL YEAR INCREASED BY 3%.”.

AMENDMENT NO. 5

On pages 5 and 6, strike in their entirety the lines beginning with line 35 on page 5 through line 5 on page 6, inclusive.

AMENDMENT NO. 6

On page 6, in line 6, strike “(3)” and substitute:

“(G) (1) THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FOR THE PURPOSES SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION OF \$167,000,000 FROM THE REVENUES AVAILABLE FOR THE STATE CAPITAL PROGRAM IN THE TRANSPORTATION TRUST FUND.

(2)”;

in line 7, strike “\$125,000,000” and substitute “**\$167,000,000**”; in line 10, strike “(4)” and substitute “**(3)**”; and in the same line, strike “(3)” and substitute “**(2)**”.

AMENDMENT NO. 7

On pages 6 and 7, strike in their entirety the lines beginning with line 13 on page 6 through line 6 on page 7, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

7-205.

(A) FOR FISCAL YEAR 2020, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FROM THE TRANSPORTATION TRUST FUND FOR THE OPERATION OF THE ADMINISTRATION THAT IS EQUAL TO THE APPROPRIATION FOR THE OPERATION OF THE ADMINISTRATION IN THE FISCAL YEAR 2019 STATE BUDGET AS INTRODUCED, INCREASED BY AT LEAST 4.4%.

(B) FOR EACH OF FISCAL YEARS 2021 AND 2022, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FROM THE

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TRANSPORTATION TRUST FUND FOR THE OPERATION OF THE ADMINISTRATION THAT IS EQUAL TO THE APPROPRIATION FOR THE OPERATION OF THE ADMINISTRATION IN THE STATE BUDGET FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, INCREASED BY AT LEAST 4.4%.

(C) (1) FOR EACH OF FISCAL YEARS 2020 THROUGH 2022, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FOR THE CAPITAL NEEDS OF THE ADMINISTRATION OF AT LEAST \$29,100,000 FROM THE REVENUES AVAILABLE FOR THE STATE CAPITAL PROGRAM IN THE TRANSPORTATION TRUST FUND.

(2) THE APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT SUPPLANT ANY OTHER CAPITAL FUNDING OTHERWISE AVAILABLE FOR THE ADMINISTRATION.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

7-301.1.

(A) IN THIS SECTION, “CORE SERVICE AREA” MEANS:

(1) AN AREA IN ANNE ARUNDEL COUNTY, BALTIMORE CITY, BALTIMORE COUNTY, HARFORD COUNTY, AND HOWARD COUNTY THAT IS SERVED BY LIGHT RAIL, METRO, OR FIXED BUS ROUTE SERVICE; AND

(2) AS DETERMINED BY THE DEPARTMENT, ANY OTHER AREA IN WHICH THE POPULATION COMMUTES TO AN AREA DESCRIBED IN ITEM (1) OF

THIS SUBSECTION IN ORDER TO USE LIGHT RAIL, METRO, OR FIXED BUS ROUTE SERVICE.

(B) IN ADDITION TO THE REQUIREMENTS OF §§ 7-301 AND 7-302 OF THIS SUBTITLE, ON OR BEFORE OCTOBER 1, 2020, THE ADMINISTRATION SHALL, IN CONSULTATION WITH THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN COMMISSION AND THE BALTIMORE METROPOLITAN COUNCIL, PREPARE A CENTRAL MARYLAND REGIONAL TRANSIT PLAN TO MEET THE TRANSIT NEEDS OF THE CORE SERVICE AREA.

(C) THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN SHALL:

(1) DEFINE GOALS FOR OUTCOMES TO BE ACHIEVED THROUGH THE PROVISION OF PUBLIC TRANSPORTATION;

(2) IN ORDER TO BEST ACHIEVE THE GOALS DEFINED IN ITEM (1) OF THIS SUBSECTION, IDENTIFY OPTIONS FOR:

(i) IMPROVEMENTS TO EXISTING TRANSPORTATION ASSETS;

(ii) IMPROVEMENTS TO LEVERAGE NON-ADMINISTRATION TRANSPORTATION OPTIONS AVAILABLE TO PUBLIC TRANSPORTATION; AND

(iii) CORRIDORS FOR NEW PUBLIC TRANSPORTATION ASSETS;

(3) PRIORITIZE CORRIDORS FOR PLANNING OF NEW PUBLIC TRANSPORTATION ASSETS;

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(4) EVALUATE THE PLAN'S CONSISTENCY WITH LOCAL LAND USE AND TRANSPORTATION PLANS AND THE MARYLAND TRANSPORTATION PLAN AND IDENTIFY OPPORTUNITIES FOR ACHIEVING GREATER CONSISTENCY;

(5) BE REVIEWED, REVISED, AND UPDATED AT LEAST EVERY 5 YEARS; AND

(6) ADDRESS A 30-YEAR TIME FRAME.

(D) (1) THERE IS A CENTRAL MARYLAND REGIONAL TRANSIT PLAN COMMISSION.

(2) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

(I) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY, OR THE COUNTY EXECUTIVE'S DESIGNEE;

(II) THE MAYOR OF BALTIMORE CITY, OR THE MAYOR'S DESIGNEE;

(III) THE COUNTY EXECUTIVE OF BALTIMORE COUNTY, OR THE COUNTY EXECUTIVE'S DESIGNEE;

(IV) THE COUNTY EXECUTIVE OF HARFORD COUNTY, OR THE COUNTY EXECUTIVE'S DESIGNEE;

(V) THE COUNTY EXECUTIVE OF HOWARD COUNTY, OR THE COUNTY EXECUTIVE'S DESIGNEE;

(VI) ONE REPRESENTATIVE FROM A CENTRAL MARYLAND BUSINESS OR TRANSPORTATION ORGANIZATION, APPOINTED BY THE PRESIDENT OF THE SENATE;

(VII) ONE REPRESENTATIVE FROM A CENTRAL MARYLAND BUSINESS OR TRANSPORTATION ORGANIZATION, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(VIII) THE FOLLOWING INDIVIDUALS APPOINTED BY THE GOVERNOR:

1. ONE REPRESENTATIVE FROM A CENTRAL MARYLAND BUSINESS ORGANIZATION;

2. ONE REPRESENTATIVE FROM THE CITIZEN ADVISORY COUNCIL;

3. ONE REPRESENTATIVE FROM A DISABLED RIDERS GROUP; AND

4. ONE REPRESENTATIVE FROM THE MARC RIDERS ADVISORY COUNCIL.

(3) THE COMMISSION SHALL PARTICIPATE IN THE DEVELOPMENT OF:

(I) A STRATEGY FOR MEANINGFUL PUBLIC INVOLVEMENT IN THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN; AND

(II) THE GOALS FOR OUTCOMES OF THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN.

7-309.

(A) THE ADMINISTRATION SHALL, AT LEAST EVERY 3 YEARS, ASSESS THE ONGOING, UNCONSTRAINED CAPITAL NEEDS OF THE ADMINISTRATION.

(B) IN UNDERTAKING THE ASSESSMENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATION SHALL:

(1) COMPILE AND PRIORITIZE CAPITAL NEEDS WITHOUT REGARD TO COST;

(2) IDENTIFY THE BACKLOG OF REPAIRS AND REPLACEMENTS NEEDED TO ACHIEVE A STATE OF GOOD REPAIR FOR ALL ADMINISTRATION ASSETS, INCLUDING A SEPARATE ANALYSIS OF THESE NEEDS OVER THE FOLLOWING 10 YEARS; AND

(3) IDENTIFY THE NEEDS TO BE MET IN ORDER TO ENHANCE SERVICE AND ACHIEVE SYSTEM PERFORMANCE GOALS.

(C) ON OR BEFORE JULY 1, 2019, AND ON OR BEFORE JULY 1 EVERY 3 YEARS THEREAFTER, THE ADMINISTRATION SHALL, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, SUBMIT THE ASSESSMENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.”.

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On page 7, strike in their entirety lines 8 through 10, inclusive, and substitute:

“(a) Section 1 of this Act is contingent on:

(1) the Commonwealth of Virginia enacting legislation providing for dedicated capital funding for the Washington Metropolitan Area Transit Authority of at least \$154,000,000; and

(2) the District of Columbia enacting legislation providing for dedicated capital funding for the Washington Metropolitan Area Transit Authority of at least \$178,000,000.”

AMENDMENT NO. 9

On page 7, after line 16, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, after accounting for the capital funding dedicated to Metro by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia, the federal government contribute a proportional amount to the Washington Metropolitan Area Transit Authority.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act may not be construed to limit the authority of the Governor to appropriate general funds for transfer to the Transportation Trust Fund.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) (1) The Washington Metropolitan Area Transit Authority shall study the costs and benefits of using capital funds to fund infrastructure improvements to enhance pedestrian and bicycle access to Metrorail stations and accelerate joint development at Metrorail stations in Maryland.

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(2) The study required under paragraph (1) of this subsection shall include projections of increased ridership revenue derived from improved access and accelerated joint development, as well as the degree to which such infrastructure improvements would increase the value of real property owned by the Authority.

(b) (1) The Authority shall study the projected ridership of a new Metrorail station at National Harbor.

(2) The study required under paragraph (1) of this subsection shall identify the feasibility of an extension of a Metrorail line to National Harbor via the Woodrow Wilson Bridge and include the estimated operating and capital costs associated with the extension.

(c) (1) The Authority shall study the budget, powers, and limitations of its inspector general and compare the budget, powers, and limitations to those of other inspectors general in the federal government, other transit systems, and state and local governments.

(2) The report resulting from the study required under paragraph (1) of this subsection shall include:

(i) recommendations for strengthening the Authority's office of the inspector general; and

(ii) a discussion of whether any recommended reforms must be made through the Authority's board of directors or by amendment to the Authority Compact.

(d) The Authority shall study the opportunities at each Metrorail station in Maryland:

(1) to reduce the parking lot and bus bay footprints:

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(i) to expand pedestrian and bicycle access; and

(ii) for the development of commercial, residential, and office uses;

(2) to develop the air rights; and

(3) to attract various public uses, such as public schools.

(e) The Authority shall, in consultation with the Maryland Transit Administration and other locally operated transit systems and bus services, study opportunities to attract ridership in partnership with public school systems and institutions of higher education.

(f) On or before June 30, 2019, the Authority shall report the findings of each of the studies required under this section to the Authority board and each of the Compact signatories.”.