

MARYLAND REGISTER

# Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 7/24/2015

2. COMAR Codification

**Title Subtitle Chapter Regulation**

11	07	02	01 and .04
11	07	05	02 and .04
11	07	10	02
11	07	11	02 and .04

3. Name of Promulgating Authority

Department of Transportation

4. Name of Regulations Coordinator

Natalie I Henson

Telephone Number

410-865-1091

Mailing Address

7201 Corporate Center Drive

**City State Zip Code**

Hanover MD 21076

Email

nwolfe@mdot.state.md.us

**5. Name of Person to Call About this Document**

Patrick A. Fleming

**Telephone No.**

410-537-1089

**Email Address**

pflaming2@mdta.maryland.gov

**6. Check applicable items:**

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 04-17-2014.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R  
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

Yes  No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Kimberly Millender, Assistant Attorney General, (telephone #410-537-1012) on 12/05/2014. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Bruce W. Gartner

**Title**

**Telephone No.**

**Date**

12/08/2014

**Title 11**  
**DEPARTMENT OF TRANSPORTATION**

**Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY**

**11.07.02 Vehicle Size and Width Restrictions**

**Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY**

**11.07.05 Public Notice of Toll Schedule Revisions**

**Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY**

**11.07.10 Parking on Maryland Transportation Authority Property**

**Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY**

**11.07.11 Public Use of Interstate 95 Service Plazas**

Authority: Transportation Article, §21-1410, Annotated Code of Maryland;  
Transportation Article, §§4-205, 4-312, 21-1401, 21-1414, and 27-110, Annotated  
Code of Maryland; Transportation Article, §§4-204, 4-205, 4-208, 4-208.1, 21-1402,  
21-1403, 21-1407, and 26-301 et seq., Annotated Code of Maryland; Transportation  
Article, §4-205, Annotated Code of Maryland

**Notice of Proposed Action**

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The Executive Director of the Maryland Transportation Authority proposes to amend Regulations .01 & .04 under COMAR 11.07.02 Vehicle Size and Width Restrictions; Regulations .02 & .04 under COMAR 11.07.05 Public Notice of Toll Schedule Revisions; Regulation .02 under COMAR 11.07.10 Parking on Maryland Transportation Authority Property; and Regulation .02 under COMAR 11.07.11 Public Use of Interstate 95 Service Plazas, and repeal Regulations .06 & .07 under COMAR 11.07.10 Parking on Maryland Transportation Authority Property; and Regulation .16 under COMAR 11.07.11 Public Use of Interstate 95 Service Plazas.

This action was considered by the Chairman and members of the Maryland Transportation Authority at an open meeting held on November 20, 2014 notice of which was published pursuant to General Provisions Article § 3-301, Annotated Code of Maryland.

## **Statement of Purpose**

The purpose of this action is to conform regulations to current business practice, to make the regulations' definitions consistent with statute, to remove redundant language from the regulations and to eliminate the regulations pertaining to and the references in other regulations to citations and penalties for parking on Maryland Transportation Authority Property and for infractions at the Interstate 95 Service Plazas.

## **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

## **Estimate of Economic Impact**

The proposed action has no economic impact.

## **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

## **Impact on Individuals with Disabilities**

The proposed action has an impact on individuals with disabilities as follows:  
The amendments to 11.07.11.05 broaden what animals are allowed in the Interstate 95 Service Plazas from the current regulation which only allows "guide dogs for the blind or hearing impaired" to include "service animals as defined in Human Services Article, §7-701, Annotated Code of Maryland"

## **Opportunity for Public Comment**

Comments may be sent to Patrick A. Fleming, Manager of Government Relations, Maryland Transportation Authority, 2310 Broening Highway, Baltimore, MD 21224, or call 410-537-1089, or email to pfleming2@mdta.maryland.gov, or fax to 410-537-5653. Comments will be accepted through August 23, 2015. A public hearing has not been scheduled.

## **Open Meeting**

Final action on the proposal will be considered by the Maryland Transportation Authority during a public meeting to be held on August 28, 2015, at 2310 Broening Highway, Baltimore, MD 21224.

## **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

special - Maryland Transportation Authority toll revenue and bonds

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These changes to regulations adjust definitions and regulation text to conform to current business practice and statute.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These changes to regulations adjust definitions and regulation text to conform to current business practice and statute.

G. Small Business Worksheet:

Attached Document:

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## **Title 11 DEPARTMENT OF TRANSPORTATION**

### **Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY**

#### **Chapter 02 Vehicle Size and Width Restrictions**

Authority: Transportation Article, §21-1410, Annotated Code of Maryland

##### **.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1) "Baltimore Harbor Tunnel Thruway" means I-895 which extends from the interchange with I-95 south of Baltimore, [includes] *including its approaches* [the approach spur which extends from intersections with MD Routes 2 and 3 south of Baltimore to the Thruway, includes the Baltimore Harbor Tunnel under the Patapsco River, and ends with the interchange with I-95 north of the tunnel].

(2) (text unchanged)

##### **.04 Exceptions.**

A. (text unchanged)

B. Motor vehicles, semitrailers, trailers more than 96 inches but not more than 102 inches in width, and motor vehicles pulling tandem trailers may use the Baltimore Harbor Tunnel Thruway in a northbound direction, but shall exit at the Child Street exit ramp, subject to the following conditions:

(1) The person or entity desiring to use the northbound Baltimore Harbor Tunnel Thruway shall make a written request for [an exemption permit] *a hauling permit* to the Maryland [Transportation Authority] *Maryland State Highway Administration as specified in COMAR 11.04.02.05*;

(2) The permit may be granted [in] *at the discretion of the Maryland Transportation Authority*, and shall be for a specific duration as established by the Maryland Transportation Authority;

(3) The permit is revocable whenever the Maryland Transportation Authority believes it is necessary to safeguard Maryland Transportation Authority *property and* employees, the traveling public, or the [Baltimore Harbor Tunnel and its thruway] *adjacent communities*; and

(4) The Maryland *State Highway Administration's and Maryland Transportation Authority's* decision issuing or denying a permit is final.

## Chapter 05 Public Notice of Toll Schedule Revisions

Authority: Transportation Article, §§4-205, 4-312, 21-1401, 21-1414, and 27-110, Annotated Code of Maryland

### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (4) (text unchanged)

(5) "Fixed-price toll facility" means [a] *an Authority* highway[, bridge, or tunnel] where vehicles are subject to a toll that remains constant over time until the toll schedule is changed consistent with the provisions of this chapter.

(6) — (7) (text unchanged)

(8) "Toll" means the charge due as established by the Authority for passage of a vehicle through an Authority highway[ or transportation facilities project].

(9) "Toll zone" means the [Authority highway or transportation facilities project] *area* between two access points used to calculate the toll on a variably priced toll facility.

[(10) "Transportation facilities project" has the meaning stated in Transportation Article, §4-101, Annotated Code of Maryland.

(11)](10) (text unchanged)

### .04 Procedures for Increases on Variably Priced Toll Facilities.

A. (text unchanged)

B. The Executive Director[ of the Authority] may set or adjust the mileage rate, pricing period, or toll zones consistent with the ranges established by the Authority in accordance with §A of this regulation. The Authority shall post notice of such action by the Executive Director on the Authority's official website at least 10 days prior to the effective date.

## Chapter 10 Parking on Maryland Transportation Authority Property

Authority: Transportation Article, §§4-204, 4-205, 4-208, 4-208.1, 21-1402, 21-1403, 21-1407, and 26-301 et seq., Annotated Code of Maryland

### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) Authority Property.

(a) (text unchanged)

(b) "Authority property" includes a:

(i) (text unchanged)

(ii) [Vehicular crossing] *Authority highway* as defined in Transportation Article, §21-1401, Annotated Code of Maryland.

[(4) "Citation" means a charging document issued under Transportation Article, §26-302, Annotated Code of Maryland, by which an authorized member of the police specifies the offense of which the vehicle operator stands accused.

(5)] (4) — [(9)] (8) (text unchanged)

## Chapter 11 Public Use of Interstate 95 Service Plazas

Authority: Transportation Article, §4-205, Annotated Code of Maryland

### .02 Parking.

A. A vehicle may not be left unattended in parking areas or on the premises of service stations for more than 24 hours, unless authorized by the Maryland Transportation Authority [Northern Region Administrator].

B. — C. (text unchanged)

### .05 Animals.

A. Animals are not permitted inside buildings, with the exception of [guide dogs for the blind or hearing impaired or] dogs used for governmental security purposes *or service animals as defined in Human Services Article, §7-701, Annotated Code of Maryland.*

B. All [pets] *animals* must remain on a leash and be attended at all times.

C. [Pets] *Animals* shall be appropriately cleaned up after, with waste disposed in proper waste containers.

D. [Pet]*Animal* bathing is prohibited.

E. — F. (text unchanged)