

MARYLAND REGISTER

Proposed Action on Regulations

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| Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations | Date Filed with AELR Committee | TO BE COMPLETED BY DSD |
| | 07/17/2020 | Date Filed with Division of State Documents |
| | | Document Number |
| | | Date of Publication in MD Register |

1. Desired date of publication in Maryland Register: 8/14/2020

2. COMAR Codification

Title Subtitle Chapter Regulation

11 07 05 02 and .05

3. Name of Promulgating Authority

Department of Transportation

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 04/23/2020.

Repeal of Existing Regulations

Notice of Proposed Action

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The Executive Director of the Maryland Transportation Authority proposes to amend regulations .02 and .05 of COMAR 11.07.05 (Department of Transportation, Maryland Transportation Authority, Public Notice of Toll Schedule Revisions). The proposal was unanimously approved by the MDTA Board at their open meeting on June 25, 2020. This action was considered The proposal was unanimously approved by the MDTA Board at their open meeting on June 25, 2020.

Statement of Purpose

The purpose of this action is to provide flexibility in managing dynamic tolled facilities by allowing for the creation of soft rate caps, operational metrics, and the use of dynamic pricing within an approved toll range. The changes establish the ability to set soft rate caps and defines certain terms.

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 no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to , , , , or call , or email to , or fax to . Comments will be accepted through . A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2021
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
No

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

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

The MDTA is a self-sufficient non-budgeted State agency and receives no money from the State's General Fund or the Transportation Trust Fund. The MDTA is exclusively financed by toll revenues, and such revenue is reinvested in the operation and maintenance of the toll facilities.

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

The regulations do not have an economic impact because they do not change current tolling practices or rates. In 2018, the Board of Public Works approved two contracts for the MDTA's third generation tolling system (3G). Since then, MDTA has been actively working on the design and testing of its new system. When the new system is launched in fiscal year 2021, MDTA will have the ability to improve the fairness of toll charged to customers through new classifications and offer customers new tolling and payment options not previously available. The proposed changes to COMAR allow MDTA to utilize some of these new tolling options. Any future plan to utilize dynamic pricing requires legislative and public notification and comment periods in accordance with 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.

The regulations do not have an economic impact on small businesses because they do not change current tolling practices or rates. In 2018, the Board of Public Works approved two contracts for the MDTA's third generation tolling system (3G). Since then, MDTA has been actively working on the design and testing of its new system. When the new system is launched in fiscal year 2021, MDTA will have the ability to improve the fairness of toll charged to customers through new classifications and offer customers new tolling and payment options not previously available. The proposed changes to COMAR allow MDTA to utilize some of these new tolling options. Any future plan to utilize dynamic pricing requires legislative and public notification and comment periods in accordance with statute.

G. Small Business Worksheet:

Attached Document:

11.07.05 (downloaded April 23, 2020)

Title 11 DEPARTMENT OF TRANSPORTATION

Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

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)—(7) (text unchanged)

(8) *“Operational metrics” means the performance criteria established to monitor real-time traffic conditions and may include, but are not limited to, traffic speed, traffic volume, travel delay durations or distances, and/or any combination of these performance criteria.*

[8] (9) (text unchanged)

(10) *“Soft rate cap” means a maximum toll rate on a variably priced toll facility with dynamic pricing within the approved toll rate range that may only be exceeded when required to achieve established operational metrics.*

[(10)—(14)] (12)—(16) (text unchanged)

[15] (17) *“Tolling algorithm” means an automated program or mathematical formula that utilizes [real-time traffic data] operational metrics, predicted traffic patterns, any other selected data points or information, or any combination thereof to [adjust] set dynamic pricing mileage rates.*

[16] (18) (text unchanged)

.05 Procedures for Increases on Variably Priced Toll Facilities Using Dynamic Pricing.

A. (text unchanged)

B. The Authority may, in accordance with §A of this regulation, establish a toll rate range with respect to the dynamic pricing mileage rate for any variably priced toll facility with dynamic pricing. A toll rate range established by the Authority in accordance with §A of this regulation may distinguish among classes of users and may be automatically adjusted from time to time according to an index, escalation factor identified by the Authority, or any combination, at the time such toll *rate* range is established.

C. [The Executive Director may, or may contract with a toll facility operator to, adopt or create a tolling algorithm to adjust the dynamic pricing mileage rate and calculate the actual toll, provided that at all times such dynamic pricing mileage rate is within the toll rate range established by the Authority.] *The Executive Director may set or adjust the soft rate cap, operational metrics, or toll zones consistent with the toll rate range 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.*

D. [The Authority may, but is not required to, authorize the Executive Director to include in any contract entered into with a toll facility operator further limitations on the means and extent to which the dynamic pricing mileage rate may be adjusted from time to time, provided that at all times such dynamic pricing mileage rate remains within the toll rate range established by the Authority.] *The Authority or a toll facility operator may utilize a tolling algorithm to set a dynamic pricing mileage rate in real time or in established time increments. If a soft rate cap is established, the dynamic pricing mileage rate must be at or below the soft rate cap when operational metrics are being met. If operational metrics are not being met, the dynamic pricing mileage rate may exceed the soft rate cap but must still remain at or below the maximum rate allowed by the toll rate range.*