

SENATE BILL 784

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R2

2001 Regular Session
11r2788
CF 11r1260

By: **Senators Forehand and Ruben**

Introduced and read first time: February 9, 2001

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public-Private Transportation Act of 2001**

3 FOR the purpose of authorizing a person to enter into an agreement with a certain
4 responsible public entity for the acquisition or construction of or improvement to
5 a transit facility; stating the public policy objectives of the General Assembly
6 regarding transit facilities; authorizing a person to request approval to acquire,
7 construct, improve, maintain, or operate a transit facility; authorizing certain
8 public entities to request proposals for the acquisition or construction of or
9 improvement to a transit facility; establishing a method for a person to request
10 approval to acquire, construct, improve, maintain, or operate a transit facility;
11 requiring certain items to be included in an application; establishing the
12 circumstances under which a responsible public entity may authorize the
13 acquisition or construction of or improvement to a transit facility; authorizing a
14 public entity to enter into certain service agreements; establishing certain
15 requirements related to the provision of certain notice to certain local
16 jurisdictions; authorizing a certain dedication of certain public property;
17 establishing the powers and duties of an operator of a certain transit facility;
18 authorizing a certain operator of a transit facility and a certain responsible
19 public entity to enter into a certain comprehensive agreement; requiring a
20 comprehensive agreement to contain certain provisions; authorizing a
21 responsible public entity to take action to obtain certain federal, State, or local
22 assistance; authorizing the Department of Transportation to bring an action for
23 a judgment by default under certain circumstances; authorizing certain
24 remedies on entry of a certain judgment by default; authorizing the exercise of
25 certain powers of condemnation; providing for the standards for cooperation of
26 certain entities when a transit facility will affect certain public service providers
27 under certain circumstances; providing for the operation of certain police powers
28 in certain transit facilities; providing for a certain method for a dedication of
29 certain assets after a certain date; providing for the sovereign immunity of
30 certain entities; providing for the application of certain procurement procedures
31 to a comprehensive agreement under certain circumstances; establishing a
32 certain jurisdiction for the Department; defining certain terms; and generally
33 relating to public-private transportation agreements.

34 BY adding to

1 Article - Transportation
2 Section 2-701 through 2-719 to be under the new subtitle "Subtitle 7.
3 Public-Private Transportation"
4 Annotated Code of Maryland
5 (1993 Replacement Volume and 2000 Supplement)

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

8 **Article - Transportation**

9 SUBTITLE 7. PUBLIC-PRIVATE TRANSPORTATION.

10 2-701.

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) "AFFECTED LOCAL JURISDICTION" MEANS ANY COUNTY OR MUNICIPAL
14 CORPORATION IN WHICH ALL OR A PORTION OF A QUALIFYING TRANSIT FACILITY IS
15 LOCATED.

16 (C) "COMPREHENSIVE AGREEMENT" MEANS THE AGREEMENT BETWEEN THE
17 OPERATOR AND THE RESPONSIBLE PUBLIC ENTITY REQUIRED BY § 2-709 OF THIS
18 SUBTITLE.

19 (D) "MATERIAL DEFAULT" MEANS A DEFAULT BY THE OPERATOR IN THE
20 PERFORMANCE OF THE OPERATOR'S DUTIES UNDER § 2-708(F) OF THIS SUBTITLE
21 THAT:

22 (1) JEOPARDIZES ADEQUATE SERVICE TO THE PUBLIC FROM A
23 QUALIFYING TRANSPORTATION FACILITY; AND

24 (2) REMAINS UNREMEDIED AFTER THE RESPONSIBLE PUBLIC ENTITY
25 HAS PROVIDED NOTICE TO THE OPERATOR AND A REASONABLE CURE PERIOD HAS
26 ELAPSED.

27 (E) "OPERATOR" MEANS THE PRIVATE ENTITY THAT IS RESPONSIBLE FOR THE
28 ACQUISITION, CONSTRUCTION, IMPROVEMENT, MAINTENANCE, OR OPERATION OF A
29 QUALIFYING TRANSIT FACILITY.

30 (F) (1) "PUBLIC ENTITY" MEANS THE STATE OR ANY AGENCY OF THE STATE,
31 A COUNTY, MUNICIPAL CORPORATION, OR OTHER POLITICAL SUBDIVISION.

32 (2) "PUBLIC ENTITY" DOES NOT INCLUDE A PUBLIC SERVICE COMPANY.

33 (G) "QUALIFYING TRANSIT FACILITY" MEANS A TRANSIT FACILITY ACQUIRED,
34 CONSTRUCTED, IMPROVED, MAINTAINED, OR OPERATED BY A PERSON IN
35 ACCORDANCE WITH THIS SUBTITLE.

1 (H) "RESPONSIBLE PUBLIC ENTITY" MEANS THE PUBLIC ENTITY THAT HAS
2 JURISDICTION TO ACQUIRE, CONSTRUCT, IMPROVE, MAINTAIN, OR OPERATE A
3 TRANSIT FACILITY.

4 (I) "REVENUES" MEANS THE USER FEES OR SERVICE PAYMENTS GENERATED
5 BY A QUALIFYING TRANSIT FACILITY.

6 (J) "SERVICE CONTRACT" MEANS A CONTRACT ENTERED INTO BETWEEN A
7 PUBLIC ENTITY AND THE OPERATOR PURSUANT TO § 2-705 OF THIS SUBTITLE.

8 (K) "SERVICE PAYMENTS" MEANS PAYMENTS TO THE OPERATOR OF A
9 QUALIFYING TRANSIT FACILITY PURSUANT TO A SERVICE CONTRACT.

10 (L) "TRANSIT FACILITY" HAS THE MEANING STATED IN § 3-101(K) OF THIS
11 ARTICLE.

12 (M) "USER FEES" MEANS THE RATES, FEES, OR OTHER CHARGES IMPOSED BY
13 THE OPERATOR OF A QUALIFYING TRANSIT FACILITY FOR THE USE OF ALL OR A
14 PORTION OF A QUALIFYING TRANSIT FACILITY PURSUANT TO THE COMPREHENSIVE
15 AGREEMENT.

16 2-702.

17 (A) THE GENERAL ASSEMBLY FINDS THAT:

18 (1) THERE IS A PUBLIC NEED FOR TIMELY ACQUISITION OR
19 CONSTRUCTION OF AND IMPROVEMENTS TO TRANSIT FACILITIES IN THE STATE
20 THAT ARE COMPATIBLE WITH STATE AND LOCAL TRANSPORTATION PLANS;

21 (2) THE PUBLIC NEED MAY NOT BE WHOLLY SATISFIED BY EXISTING
22 WAYS IN WHICH TRANSIT FACILITIES ARE ACQUIRED, CONSTRUCTED, OR IMPROVED;
23 AND

24 (3) AUTHORIZING PERSONS TO ACQUIRE, CONSTRUCT, IMPROVE,
25 MAINTAIN, OR OPERATE ONE OR MORE TRANSIT FACILITIES MAY RESULT IN THE
26 AVAILABILITY OF IMPROVED TRANSIT FACILITIES TO THE PUBLIC IN A MORE TIMELY
27 OR LESS COSTLY FASHION, THEREBY SERVING THE PUBLIC SAFETY AND WELFARE.

28 (B) AN ACTION SERVES THE PUBLIC PURPOSES OF THIS SUBTITLE IF THE
29 ACTION FACILITATES THE TIMELY ACQUISITION OR CONSTRUCTION OF, OR
30 IMPROVEMENT TO, A QUALIFYING TRANSIT FACILITY OR THE CONTINUED
31 OPERATION OF A QUALIFYING TRANSIT FACILITY.

32 (C) THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO PROMOTE ITS
33 UNDERLYING PURPOSES AND POLICIES.

34 2-703.

35 (A) A PERSON SEEKING AUTHORIZATION UNDER THIS SUBTITLE TO ACQUIRE,
36 CONSTRUCT, IMPROVE, MAINTAIN, OR OPERATE A TRANSIT FACILITY SHALL FIRST

1 OBTAIN APPROVAL OF THE RESPONSIBLE PUBLIC ENTITY UNDER § 2-704 OF THIS
2 SUBTITLE.

3 (B) THE APPROVAL PROCESS MAY BE INITIATED BY:

4 (1) A PERSON REQUESTING APPROVAL UNDER § 2-704(A) OF THIS
5 SUBTITLE; OR

6 (2) THE RESPONSIBLE PUBLIC ENTITY REQUESTING PROPOSALS UNDER
7 § 2-704(B) OF THIS SUBTITLE.

8 2-704.

9 (A) (1) A PERSON MAY REQUEST APPROVAL FROM THE RESPONSIBLE
10 PUBLIC ENTITY TO BUILD A QUALIFIED TRANSIT FACILITY.

11 (2) (I) A REQUEST MADE UNDER THIS SUBSECTION SHALL BE
12 ACCOMPANIED BY THE FOLLOWING MATERIAL AND INFORMATION:

13 1. A TOPOGRAPHIC MAP (1:2,000 OR OTHER APPROPRIATE
14 SCALE) INDICATING THE LOCATION OF THE TRANSIT FACILITY;

15 2. A DESCRIPTION OF THE TRANSIT FACILITY, INCLUDING
16 THE CONCEPTUAL DESIGN OF THE FACILITY AND ALL PROPOSED
17 INTERCONNECTIONS WITH OTHER TRANSIT FACILITIES;

18 3. THE PROJECTED TOTAL LIFE-CYCLE COST OF THE
19 TRANSIT FACILITY AND THE PROPOSED DATE FOR ACQUISITION OF THE TRANSIT
20 FACILITY OR THE BEGINNING OF CONSTRUCTION OF, OR IMPROVEMENTS TO, THE
21 TRANSIT FACILITY;

22 4. A STATEMENT SETTING FORTH THE METHOD BY WHICH
23 THE OPERATOR PROPOSES TO SECURE ALL PROPERTY INTERESTS REQUIRED FOR
24 THE TRANSIT FACILITY INCLUDING:

25 A. THE NAMES AND ADDRESSES, IF KNOWN, OF THE
26 CURRENT OWNERS OF THE PROPERTY NEEDED FOR THE TRANSIT FACILITY;

27 B. THE NATURE OF THE PROPERTY INTERESTS TO BE
28 ACQUIRED; AND

29 C. ANY PROPERTY THAT THE RESPONSIBLE PUBLIC ENTITY
30 IS EXPECTED TO BE REQUESTED TO CONDEMN;

31 5. INFORMATION RELATING TO THE CURRENT
32 TRANSPORTATION PLANS OF EACH AFFECTED LOCAL JURISDICTION;

33 6. A LIST OF ALL PERMITS AND APPROVALS REQUIRED FOR
34 ACQUISITION OR CONSTRUCTION OF OR IMPROVEMENTS TO THE TRANSIT FACILITY
35 FROM LOCAL, STATE, OR FEDERAL AGENCIES AND A PROJECTED SCHEDULE FOR
36 OBTAINING SUCH PERMITS AND APPROVALS;

1 7. A LIST OF PUBLIC UTILITY FACILITIES THAT WILL BE
2 CROSSED BY THE TRANSIT FACILITY AND A STATEMENT OF THE PLANS OF THE
3 OPERATOR TO ACCOMMODATE SUCH CROSSINGS;

4 8. A STATEMENT SETTING FORTH THE OPERATOR'S
5 GENERAL PLANS FOR FINANCING AND OPERATING THE TRANSIT FACILITY;

6 9. THE NAMES AND ADDRESSES OF THE PERSONS WHO MAY
7 BE CONTACTED FOR FURTHER INFORMATION CONCERNING THE REQUEST; AND

8 10. ADDITIONAL MATERIAL AND INFORMATION AS THE
9 RESPONSIBLE PUBLIC ENTITY MAY REASONABLY REQUEST.

10 (II) THE RESPONSIBLE PUBLIC ENTITY MAY WAIVE THE
11 REQUIREMENT TO PROVIDE ANY OF THE INFORMATION IN ITEM (I) OF THIS
12 PARAGRAPH.

13 (B) THE RESPONSIBLE PUBLIC ENTITY MAY REQUEST PROPOSALS FOR THE
14 ACQUISITION, CONSTRUCTION, IMPROVEMENT, OR OPERATION OF TRANSIT
15 FACILITIES.

16 (C) (1) THE RESPONSIBLE PUBLIC ENTITY MAY GRANT APPROVAL FOR THE
17 ACQUISITION, CONSTRUCTION, IMPROVEMENT, OR OPERATION OF A TRANSIT
18 FACILITY AS A QUALIFYING TRANSPORTATION FACILITY IF THE RESPONSIBLE
19 PUBLIC ENTITY DETERMINES THAT IT SERVES THE PUBLIC PURPOSE OF THIS
20 SUBTITLE.

21 (2) THE RESPONSIBLE PUBLIC ENTITY MAY DETERMINE THAT THE
22 ACQUISITION, CONSTRUCTION, IMPROVEMENT, OR OPERATION OF A TRANSIT
23 FACILITY AS A QUALIFYING TRANSIT FACILITY SERVES THE PUBLIC PURPOSE OF
24 THIS SUBTITLE IF:

25 (I) THERE IS A PUBLIC NEED FOR THE TYPE OF TRANSIT FACILITY
26 PROPOSED TO BE OPERATED AS A QUALIFYING TRANSIT FACILITY;

27 (II) THE TRANSIT FACILITY, THE PROPOSED INTERCONNECTIONS
28 WITH EXISTING TRANSIT FACILITIES, AND THE OPERATOR'S PLANS FOR OPERATION
29 OF THE QUALIFYING TRANSIT FACILITY ARE REASONABLE AND COMPATIBLE WITH
30 THE MARYLAND TRANSPORTATION PLAN, THE CONSOLIDATED TRANSPORTATION
31 PROGRAM, AND ANY RELEVANT LOCAL TRANSPORTATION PLAN;

32 (III) THE ESTIMATED COST OF THE TRANSIT FACILITY IS
33 REASONABLE IN RELATION TO SIMILAR FACILITIES; AND

34 (IV) THE OPERATOR'S PLANS WILL RESULT IN THE TIMELY
35 ACQUISITION OR CONSTRUCTION OF OR IMPROVEMENTS TO A TRANSIT FACILITY OR
36 MORE EFFICIENT OPERATION OF AN EXISTING TRANSIT FACILITY.

37 (3) IN EVALUATING A REQUEST, THE RESPONSIBLE PUBLIC ENTITY MAY
38 RELY ON INTERNAL STAFF REPORTS PREPARED BY PERSONNEL FAMILIAR WITH THE

1 OPERATION OF SIMILAR FACILITIES OR THE ADVICE OF OUTSIDE ADVISORS OR
2 CONSULTANTS HAVING RELEVANT EXPERIENCE.

3 (D) THE RESPONSIBLE PUBLIC ENTITY MAY CHARGE A REASONABLE FEE TO
4 COVER THE COSTS OF PROCESSING, REVIEWING, AND EVALUATING A REQUEST
5 INCLUDING REASONABLE ATTORNEY'S FEES AND FEES FOR FINANCIAL AND OTHER
6 NECESSARY ADVISORS OR CONSULTANTS.

7 (E) THE APPROVAL OF THE RESPONSIBLE PUBLIC ENTITY SHALL BE SUBJECT
8 TO THE OPERATOR ENTERING INTO A COMPREHENSIVE AGREEMENT WITH THE
9 RESPONSIBLE PUBLIC ENTITY.

10 (F) (1) IN CONNECTION WITH ITS APPROVAL OF THE OPERATION OF THE
11 TRANSIT FACILITY AS A QUALIFYING TRANSIT FACILITY, THE RESPONSIBLE PUBLIC
12 ENTITY SHALL ESTABLISH A DATE FOR THE ACQUISITION OF OR THE BEGINNING OF
13 CONSTRUCTION OF OR IMPROVEMENTS TO THE QUALIFYING TRANSIT FACILITY.

14 (2) THE RESPONSIBLE PUBLIC ENTITY MAY EXTEND THE DATE
15 ESTABLISHED UNDER THIS SUBSECTION.

16 2-705.

17 A PUBLIC ENTITY MAY CONTRACT WITH AN OPERATOR FOR TRANSPORTATION
18 SERVICES TO BE PROVIDED BY A QUALIFYING TRANSIT FACILITY IN EXCHANGE FOR
19 THE SERVICE PAYMENTS AND OTHER CONSIDERATION THAT THE PUBLIC ENTITY
20 DEEMS APPROPRIATE.

21 2-706.

22 (A) A PERSON REQUESTING APPROVAL FROM, OR SUBMITTING A PROPOSAL
23 TO, A RESPONSIBLE PUBLIC ENTITY UNDER § 2-704 OF THIS SUBTITLE SHALL NOTIFY
24 EACH AFFECTED LOCAL JURISDICTION BY FURNISHING A COPY OF THE PERSON'S
25 REQUEST OR PROPOSAL TO EACH AFFECTED LOCAL JURISDICTION.

26 (B) AN AFFECTED LOCAL JURISDICTION THAT IS NOT A RESPONSIBLE PUBLIC
27 ENTITY FOR THE RESPECTIVE QUALIFYING TRANSIT FACILITY SHALL, WITHIN 60
28 DAYS AFTER RECEIVING THE NOTICE UNDER THIS SUBSECTION, SUBMIT ANY
29 COMMENTS IT MAY HAVE, IN WRITING, ON THE PROPOSED QUALIFYING TRANSIT
30 FACILITY TO THE RESPONSIBLE PUBLIC ENTITY AND INDICATE WHETHER THE
31 FACILITY IS COMPATIBLE WITH THE LOCAL COMPREHENSIVE PLAN.

32 2-707.

33 (A) A PUBLIC ENTITY MAY DEDICATE ANY PROPERTY INTEREST THAT IT HAS
34 FOR PUBLIC USE AS A QUALIFIED TRANSIT FACILITY IF THE PUBLIC ENTITY FINDS
35 THAT THE DEDICATION OF THE PROPERTY INTEREST WILL SERVE THE PUBLIC
36 PURPOSE OF THIS SUBTITLE.

37 (B) IN CONNECTION WITH DEDICATION OF A PROPERTY INTEREST UNDER
38 THIS SECTION AND SUBJECT TO THE PROVISIONS OF THIS SUBTITLE, A PUBLIC

1 ENTITY MAY CONVEY ANY PROPERTY INTEREST THAT IT HAS TO THE OPERATOR FOR
2 THE CONSIDERATION THE PUBLIC ENTITY MAY DETERMINE.

3 (C) THE CONSIDERATION PROVIDED FOR IN SUBSECTION (B) OF THIS
4 SECTION, MAY INCLUDE THE AGREEMENT OF THE OPERATOR TO OPERATE THE
5 QUALIFYING TRANSIT FACILITY.

6 2-708.

7 (A) (1) AN OPERATOR MAY ACQUIRE, CONSTRUCT, IMPROVE, OR OPERATE A
8 QUALIFYING TRANSIT FACILITY.

9 (2) AN OPERATOR MAY OWN, LEASE, OR ACQUIRE ANY RIGHT TO USE OR
10 OPERATE A QUALIFYING TRANSIT FACILITY.

11 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
12 OPERATOR MAY IMPOSE USER FEES OR ENTER INTO SERVICE CONTRACTS IN
13 CONNECTION WITH THE USE OF THE QUALIFYING TRANSIT FACILITY.

14 (2) NO TOLLS OR USER FEES MAY BE IMPOSED BY THE OPERATOR ON
15 ANY EXISTING INTERSTATE HIGHWAY OR ON ANY FREE ROAD, BRIDGE, TUNNEL, OR
16 OVERPASS UNLESS THE ROAD, BRIDGE, TUNNEL, OR OVERPASS IS RECONSTRUCTED
17 TO PROVIDE FOR INCREASED CAPACITY.

18 (C) (1) THE OPERATOR MAY FINANCE THE QUALIFYING TRANSIT FACILITY
19 IN AN AMOUNT AND ON TERMS AND CONDITIONS AS MAY BE DETERMINED BY THE
20 OPERATOR.

21 (2) THE OPERATOR MAY ISSUE DEBT, EQUITY OR OTHER SECURITIES OR
22 OBLIGATIONS, ENTER INTO SALE AND LEASEBACK TRANSACTIONS, AND SECURE ANY
23 FINANCING WITH A PLEDGE OF, SECURITY INTEREST IN, OR LIEN ON, ANY OR ALL OF
24 ITS PROPERTY, INCLUDING ALL OF ITS PROPERTY INTERESTS IN THE QUALIFYING
25 TRANSIT FACILITY.

26 (D) SUBJECT TO APPLICABLE PERMIT REQUIREMENTS, THE OPERATOR SHALL
27 HAVE THE AUTHORITY TO CROSS ANY CANAL OR NAVIGABLE WATERCOURSE AS
28 LONG AS THE CROSSING DOES NOT UNREASONABLY INTERFERE WITH THE
29 NAVIGATION AND USE OF THE WATERWAY.

30 (E) IN OPERATING THE QUALIFYING TRANSIT FACILITY, THE OPERATOR MAY:

31 (1) MAKE CLASSIFICATIONS ACCORDING TO REASONABLE CATEGORIES
32 FOR ASSESSMENT OF USER FEES; AND

33 (2) WITH THE CONSENT OF THE RESPONSIBLE PUBLIC ENTITY, MAKE
34 AND ENFORCE REASONABLE RULES TO THE SAME EXTENT THAT THE RESPONSIBLE
35 PUBLIC ENTITY MAY MAKE AND ENFORCE RULES WITH RESPECT TO A SIMILAR
36 TRANSIT FACILITY.

37 (F) THE OPERATOR SHALL:

1 (1) ACQUIRE, CONSTRUCT, IMPROVE, MAINTAIN, OR OPERATE THE
2 QUALIFYING TRANSIT FACILITY IN A MANNER THAT:

3 (I) MEETS THE ENGINEERING STANDARDS OF THE RESPONSIBLE
4 PUBLIC ENTITY FOR TRANSIT FACILITIES OPERATED AND MAINTAINED BY THE
5 RESPONSIBLE PUBLIC ENTITY; AND

6 (II) IS IN ACCORDANCE WITH THE PROVISIONS OF THE
7 COMPREHENSIVE AGREEMENT;

8 (2) KEEP THE QUALIFYING TRANSIT FACILITY OPEN FOR USE BY THE
9 MEMBERS OF THE PUBLIC AT ALL TIMES AFTER ITS INITIAL OPENING UPON
10 PAYMENT OF THE APPLICABLE USER FEES OR SERVICE PAYMENTS, EXCEPT:

11 (I) FOR TEMPORARY CLOSURES BECAUSE OF EMERGENCIES;

12 (II) WITH THE CONSENT OF THE RESPONSIBLE PUBLIC ENTITY, FOR
13 PROTECTION OF PUBLIC SAFETY; OR

14 (III) DURING REASONABLE PERIODS OF TIME, FOR CONSTRUCTION
15 OR MAINTENANCE PROCEDURES;

16 (3) MAINTAIN, OR PROVIDE BY CONTRACT FOR THE MAINTENANCE OF,
17 THE QUALIFYING TRANSIT FACILITY;

18 (4) COOPERATE WITH THE RESPONSIBLE PUBLIC ENTITY IN
19 ESTABLISHING ANY INTERCONNECTION WITH THE QUALIFYING TRANSIT FACILITY
20 REQUESTED BY THE RESPONSIBLE PUBLIC ENTITY; AND

21 (5) COMPLY WITH THE PROVISIONS OF THE COMPREHENSIVE
22 AGREEMENT AND ANY SERVICE CONTRACT.

23 2-709.

24 (A) PRIOR TO ACQUIRING, CONSTRUCTING, IMPROVING, MAINTAINING, OR
25 OPERATING A QUALIFYING TRANSIT FACILITY, THE OPERATOR SHALL ENTER INTO A
26 COMPREHENSIVE AGREEMENT WITH THE RESPONSIBLE PUBLIC ENTITY.

27 (B) THE COMPREHENSIVE AGREEMENT SHALL PROVIDE FOR:

28 (1) DELIVERY OF PERFORMANCE AND PAYMENT BONDS IN
29 CONNECTION WITH THE CONSTRUCTION OF OR IMPROVEMENTS TO THE
30 QUALIFYING TRANSIT FACILITY, IN THE FORMS TO THE RESPONSIBLE PUBLIC
31 ENTITY;

32 (2) REVIEW OF PLANS AND SPECIFICATIONS FOR THE QUALIFYING
33 TRANSIT FACILITY BY THE RESPONSIBLE PUBLIC ENTITY AND APPROVAL BY THE
34 RESPONSIBLE PUBLIC ENTITY IF THE PLANS AND SPECIFICATIONS CONFORM TO
35 STANDARD CONDITIONS OF THE RESPONSIBLE PUBLIC ENTITY;

1 (3) INSPECTION OF, CONSTRUCTION OF, OR IMPROVEMENTS TO THE
2 QUALIFYING TRANSIT FACILITY BY THE RESPONSIBLE PUBLIC ENTITY TO ENSURE
3 CONFORMANCE WITH ENGINEERING STANDARDS ACCEPTABLE TO THE
4 RESPONSIBLE PUBLIC ENTITY;

5 (4) MAINTENANCE OF A POLICY OF PUBLIC LIABILITY INSURANCE OR
6 SELF-INSURANCE, IN FORM AND AMOUNT SATISFACTORY TO THE RESPONSIBLE
7 PUBLIC ENTITY AND REASONABLY SUFFICIENT TO INSURE COVERAGE OF TORT
8 LIABILITY TO THE PUBLIC AND EMPLOYEES AND TO ENABLE THE CONTINUED
9 OPERATION OF THE QUALIFYING TRANSIT FACILITY;

10 (5) MONITORING OF THE MAINTENANCE PRACTICES OF THE OPERATOR
11 BY THE RESPONSIBLE PUBLIC ENTITY AND THE TAKING OF ANY ACTIONS THE
12 RESPONSIBLE PUBLIC ENTITY FINDS APPROPRIATE TO ENSURE THAT THE
13 QUALIFYING TRANSIT FACILITY IS PROPERLY MAINTAINED;

14 (6) REIMBURSEMENT TO BE PAID TO THE RESPONSIBLE PUBLIC ENTITY
15 FOR SERVICES PROVIDED BY THE RESPONSIBLE PUBLIC ENTITY;

16 (7) FILING OF APPROPRIATE FINANCIAL STATEMENTS ON A PERIODIC
17 BASIS;

18 (8) A REASONABLE MAXIMUM RATE OF RETURN ON INVESTMENT FOR
19 THE OPERATOR; AND

20 (9) THE DATE OF TERMINATION OF THE OPERATOR'S AUTHORITY AND
21 DUTIES UNDER THIS SUBTITLE AND DEDICATION TO THE APPROPRIATE PUBLIC
22 ENTITY.

23 (C) (1) THE COMPREHENSIVE AGREEMENT SHALL PROVIDE FOR USER FEES
24 THAT MAY BE ESTABLISHED DURING THE PERIOD OF THE OPERATOR'S AUTHORITY
25 BY AGREEMENT OF THE PARTIES.

26 (2) USER FEES SHALL BE SET AT A LEVEL THAT, TAKING INTO ACCOUNT
27 ANY SERVICE PAYMENTS, ALLOWS THE OPERATOR THE RATE OF RETURN ON
28 INVESTMENT SPECIFIED IN THE COMPREHENSIVE AGREEMENT.

29 (3) A COPY OF ANY SERVICE CONTRACT ENTERED INTO SHALL BE FILED
30 WITH THE RESPONSIBLE PUBLIC ENTITY.

31 (4) A SCHEDULE OF THE CURRENT USER FEES SHALL BE MADE
32 AVAILABLE BY THE OPERATOR TO ANY MEMBER OF THE PUBLIC ON REQUEST.

33 (5) IN NEGOTIATING USER FEES UNDER THIS SUBSECTION, THE
34 PARTIES SHALL ESTABLISH FEES THAT ARE THE SAME FOR PERSONS USING THE
35 FACILITY UNDER LIKE CONDITIONS AND THAT WILL NOT MATERIALLY DISCOURAGE
36 USE OF THE QUALIFYING TRANSIT FACILITY.

37 (6) THE EXECUTION OF THE COMPREHENSIVE AGREEMENT OR ANY
38 AMENDMENT TO THE COMPREHENSIVE AGREEMENT SHALL CONSTITUTE

1 CONCLUSIVE EVIDENCE THAT THE USER FEES PROVIDED FOR IN THE AGREEMENT
2 COMPLY WITH THIS SUBTITLE.

3 (7) USER FEES ESTABLISHED IN THE COMPREHENSIVE AGREEMENT AS
4 A SOURCE OF REVENUES MAY BE IN ADDITION TO, OR IN LIEU OF, SERVICE
5 PAYMENTS.

6 (D) IN THE COMPREHENSIVE AGREEMENT, THE RESPONSIBLE PUBLIC ENTITY
7 MAY AGREE TO MAKE GRANTS OR LOANS TO THE OPERATOR FROM TIME TO TIME
8 FROM AMOUNTS RECEIVED FROM THE FEDERAL GOVERNMENT OR ANY AGENCY OR
9 INSTRUMENTALITY OF THE FEDERAL GOVERNMENT.

10 (E) (1) THE COMPREHENSIVE AGREEMENT SHALL INCORPORATE THE
11 DUTIES OF THE OPERATOR UNDER THIS SUBTITLE AND MAY CONTAIN SUCH OTHER
12 TERMS AND CONDITIONS THAT THE RESPONSIBLE PUBLIC ENTITY DETERMINES
13 SERVE THE PUBLIC PURPOSE OF THIS SUBTITLE.

14 (2) THE COMPREHENSIVE AGREEMENT MAY CONTAIN PROVISIONS
15 UNDER WHICH THE RESPONSIBLE PUBLIC ENTITY AGREES TO PROVIDE NOTICE OF
16 DEFAULT AND CURE RIGHTS FOR THE BENEFIT OF THE OPERATOR AND THE
17 PERSONS SPECIFIED IN THE COMPREHENSIVE AGREEMENT AS PROVIDING
18 FINANCING FOR THE QUALIFYING TRANSIT FACILITY.

19 (3) THE COMPREHENSIVE AGREEMENT MAY CONTAIN SUCH OTHER
20 LAWFUL TERMS AND CONDITIONS TO WHICH THE OPERATOR AND THE RESPONSIBLE
21 PUBLIC ENTITY MUTUALLY AGREE, INCLUDING PROVISIONS REGARDING
22 UNAVOIDABLE DELAYS OR PROVISIONS PROVIDING FOR A LOAN OF PUBLIC FUNDS
23 TO THE OPERATOR TO ACQUIRE, CONSTRUCT, IMPROVE, MAINTAIN, OR OPERATE
24 ONE OR MORE QUALIFYING TRANSIT FACILITIES.

25 (F) (1) THE COMPREHENSIVE AGREEMENT SHALL PROVIDE FOR THE
26 DISTRIBUTION OF ANY EARNINGS IN EXCESS OF THE MAXIMUM RATE OF RETURN AS
27 NEGOTIATED IN THE COMPREHENSIVE AGREEMENT.

28 (2) EXCESS EARNINGS MAY BE DISTRIBUTED TO:

29 (I) THE TRANSPORTATION TRUST FUND;

30 (II) THE RESPONSIBLE PUBLIC ENTITY;

31 (III) THE OPERATOR FOR DEBT REDUCTION; OR

32 (IV) AFFECTED LOCAL JURISDICTIONS.

33 (G) CHANGES IN THE TERMS OF THE COMPREHENSIVE AGREEMENT, AS MAY
34 BE AGREED UPON BY THE PARTIES FROM TIME TO TIME, SHALL BE ADDED TO THE
35 COMPREHENSIVE AGREEMENT BY WRITTEN AMENDMENT.

1 2-710.

2 (A) (1) THE RESPONSIBLE PUBLIC ENTITY MAY TAKE ANY ACTION TO
3 OBTAIN FEDERAL, STATE, OR LOCAL ASSISTANCE FOR A QUALIFYING TRANSIT
4 FACILITY THAT SERVES THE PUBLIC PURPOSE OF THIS SUBTITLE.

5 (2) THE RESPONSIBLE PUBLIC ENTITY MAY ENTER INTO ANY
6 CONTRACTS REQUIRED TO RECEIVE FEDERAL ASSISTANCE.

7 (B) IF THE RESPONSIBLE PUBLIC ENTITY IS A STATE AGENCY, ANY FUNDS
8 RECEIVED FROM THE STATE OR FEDERAL GOVERNMENT OR ANY AGENCY OF THE
9 STATE OR FEDERAL GOVERNMENT SHALL BE SUBJECT TO APPROPRIATION BY THE
10 GENERAL ASSEMBLY.

11 (C) THE RESPONSIBLE PUBLIC ENTITY MAY DETERMINE THAT IT SERVES THE
12 PUBLIC PURPOSE OF THIS SUBTITLE FOR ALL OR A PORTION OF THE COSTS OF A
13 QUALIFYING TRANSIT FACILITY TO BE PAID, DIRECTLY OR INDIRECTLY, FROM THE
14 PROCEEDS OF A GRANT OR LOAN MADE BY THE LOCAL, STATE, OR FEDERAL
15 GOVERNMENT OR ANY AGENCY OF THE LOCAL, STATE, OR FEDERAL GOVERNMENT.

16 2-711.

17 (A) (1) AFTER PROVIDING NOTICE TO THE OPERATOR AND TO THE SECURED
18 PARTIES THAT APPEAR IN THE OPERATOR'S RECORDS, THE DEPARTMENT MAY BRING
19 AN ACTION FOR A JUDGMENT BY DEFAULT IN A COURT OF COMPETENT
20 JURISDICTION IF A MATERIAL DEFAULT HAS OCCURRED.

21 (2) EXCEPT UPON AGREEMENT OF THE OPERATOR AND ANY OTHER
22 PARTIES IDENTIFIED IN THE COMPREHENSIVE AGREEMENT, A RESPONSIBLE PUBLIC
23 ENTITY MAY NOT EXERCISE ANY OF THE REMEDIES PROVIDED IN THIS SECTION OR
24 IN § 2-712(B) AND (C) OF THIS SUBTITLE UNLESS A JUDGMENT BY DEFAULT HAS BEEN
25 ENTERED BY A COURT OF COMPETENT JURISDICTION.

26 (B) ON ENTRY BY THE COURT OF A JUDGMENT BY DEFAULT UNDER TO
27 SUBSECTION (A) OF THIS SECTION, THE RESPONSIBLE PUBLIC ENTITY MAY:

28 (1) TAKE OVER THE TRANSIT FACILITY AND SUCCEED TO ALL OF THE
29 RIGHT, TITLE, AND INTEREST IN THE TRANSIT FACILITY, SUBJECT TO SUBSECTION
30 (C) OF THIS SECTION AND ANY LIENS ON REVENUES PREVIOUSLY GRANTED BY THE
31 OPERATOR TO ANY PERSON PROVIDING FINANCING;

32 (2) IF THE RESPONSIBLE PUBLIC ENTITY HAS THE POWER OF
33 CONDEMNATION, EXERCISE THE POWER OF CONDEMNATION TO ACQUIRE THE
34 QUALIFYING TRANSIT FACILITY, EXCEPT THAT A PERSON THAT HAS PROVIDED
35 FINANCING FOR THE QUALIFYING TRANSIT FACILITY, AND THE OPERATOR, TO THE
36 EXTENT OF ITS CAPITAL INVESTMENT, MAY PARTICIPATE IN THE CONDEMNATION
37 PROCEEDINGS WITH THE STANDING OF A PROPERTY OWNER;

38 (3) TERMINATE THE COMPREHENSIVE AGREEMENT AND EXERCISE ANY
39 OTHER RIGHTS AND REMEDIES THAT MAY BE AVAILABLE AT LAW OR IN EQUITY; AND

1 (4) MAKE OR CAUSE TO BE MADE ANY APPROPRIATE CLAIMS UNDER
2 THE PERFORMANCE OR PAYMENT BONDS REQUIRED BY § 2-708(B)(1) OF THIS
3 SUBTITLE.

4 (C) (1) IF THE RESPONSIBLE PUBLIC ENTITY ELECTS TO TAKE OVER A
5 QUALIFYING TRANSIT FACILITY UNDER SUBSECTION (B)(1) OF THIS SECTION, THE
6 RESPONSIBLE PUBLIC ENTITY SHALL:

7 (I) ACQUIRE, CONSTRUCT, IMPROVE, OPERATE, AND MAINTAIN
8 THE TRANSIT FACILITY;

9 (II) IMPOSE USER FEES FOR THE USE OF THE TRANSIT FACILITY;
10 AND

11 (III) COMPLY WITH ANY SERVICE CONTRACTS AS IF IT WERE THE
12 OPERATOR.

13 (2) ANY REVENUES THAT ARE SUBJECT TO A LIEN SHALL BE
14 COLLECTED FOR THE BENEFIT OF, AND PAID TO, SECURED PARTIES, AS THEIR
15 INTERESTS MAY APPEAR, TO THE EXTENT NECESSARY TO SATISFY THE OPERATOR'S
16 OBLIGATIONS TO SECURED PARTIES, INCLUDING THE MAINTENANCE OF RESERVES,
17 AND THE LIENS SHALL BE CORRESPONDINGLY REDUCED AND, WHEN PAID OFF,
18 RELEASED.

19 (3) BEFORE ANY PAYMENTS TO, OR FOR THE BENEFIT OF, SECURED
20 PARTIES, THE RESPONSIBLE PUBLIC ENTITY MAY USE REVENUES TO PAY CURRENT
21 OPERATION AND MAINTENANCE COSTS OF THE TRANSIT FACILITY, INCLUDING
22 COMPENSATION TO THE RESPONSIBLE PUBLIC ENTITY FOR ITS SERVICES IN
23 OPERATING AND MAINTAINING THE QUALIFYING TRANSIT FACILITY.

24 (4) (I) REMAINING REVENUES, AFTER ALL PAYMENTS FOR
25 OPERATION AND MAINTENANCE OF THE TRANSIT FACILITY AND PAYMENTS TO OR
26 FOR THE BENEFIT OF SECURED PARTIES HAVE BEEN MADE, SHALL BE PAID TO THE
27 OPERATOR, SUBJECT TO THE NEGOTIATED MAXIMUM RATE OF RETURN.

28 (II) THE RIGHT TO RECEIVE PAYMENT UNDER THIS PARAGRAPH
29 SHALL BE CONSIDERED JUST COMPENSATION FOR THE QUALIFYING TRANSIT
30 FACILITY.

31 (5) THE FULL FAITH AND CREDIT OF THE RESPONSIBLE PUBLIC ENTITY
32 SHALL NOT BE PLEDGED TO SECURE ANY FINANCING OF THE OPERATOR BY THE
33 ELECTION TO TAKE OVER THE QUALIFYING TRANSIT FACILITY.

34 (6) ASSUMPTION OF THE OPERATION OF THE QUALIFYING TRANSIT
35 FACILITY DOES NOT OBLIGATE THE RESPONSIBLE PUBLIC ENTITY TO PAY ANY
36 OBLIGATION OF THE OPERATOR FROM SOURCES OTHER THAN REVENUES.

1 2-712.

2 (A) (1) AT THE REQUEST OF THE OPERATOR, THE RESPONSIBLE PUBLIC
3 ENTITY MAY EXERCISE ANY POWER OF CONDEMNATION THAT IT HAS UNDER LAW
4 FOR THE PURPOSE OF ACQUIRING ANY REAL PROPERTY OR ESTATES OR INTERESTS
5 IN REAL PROPERTY TO THE EXTENT THAT THE RESPONSIBLE PUBLIC ENTITY FINDS
6 THAT THE ACTION SERVES THE PUBLIC PURPOSE OF THIS SUBTITLE.

7 (2) AN AMOUNT TO BE PAID IN A CONDEMNATION PROCEEDING UNDER
8 THIS SECTION SHALL BE PAID BY THE OPERATOR.

9 (B) EXCEPT AS PROVIDED IN SUBSECTION (A) OF THIS SECTION, UNTIL THE
10 COURT HAS ENTERED A FINAL ORDER OF DEFAULT UNDER § 2-711(A) OF THIS
11 SUBTITLE, THE POWER OF CONDEMNATION MAY NOT BE EXERCISED AGAINST A
12 QUALIFYING TRANSIT FACILITY.

13 (C) AFTER THE ENTRY OF A FINAL ORDER OF DEFAULT, ANY RESPONSIBLE
14 PUBLIC ENTITY HAVING THE POWER OF CONDEMNATION UNDER LAW MAY
15 EXERCISE THAT POWER AS PROVIDED IN § 2-711(B)(2) OF THIS SUBTITLE IN LIEU OF,
16 OR AT ANY TIME AFTER TAKING OVER THE TRANSIT FACILITY UNDER § 2-711(B)(1) OF
17 THIS SUBTITLE.

18 2-713.

19 (A) THE OPERATOR AND EACH PUBLIC SERVICE COMPANY, PUBLIC UTILITY,
20 RAILROAD, OR CABLE TELEVISION PROVIDER, WHOSE FACILITIES ARE TO BE
21 CROSSED OR AFFECTED BY A QUALIFYING TRANSIT FACILITY SHALL COOPERATE
22 FULLY WITH THE QUALIFYING TRANSIT FACILITY IN PLANNING AND ARRANGING
23 THE MANNER OF THE CROSSING OR RELOCATION OF THE FACILITIES.

24 (B) AN ENTITY SPECIFIED IN SUBSECTION (A) OF THIS SECTION, POSSESSING
25 THE POWER OF CONDEMNATION MAY EXERCISE THOSE POWERS IN CONNECTION
26 WITH THE MOVING OR RELOCATION OF FACILITIES TO BE CROSSED BY THE
27 QUALIFYING TRANSIT FACILITY OR THAT MUST BE RELOCATED TO THE EXTENT
28 THAT THE MOVING OR RELOCATION IS MADE NECESSARY OR DESIRABLE BY
29 CONSTRUCTION OF OR IMPROVEMENTS TO THE QUALIFYING TRANSIT FACILITY,
30 WHICH SHALL BE CONSTRUED TO INCLUDE CONSTRUCTION OF OR IMPROVEMENTS
31 TO TEMPORARY FACILITIES FOR THE PURPOSE OF PROVIDING SERVICE DURING THE
32 PERIOD OF CONSTRUCTION OR IMPROVEMENT.

33 (C) AN AMOUNT TO BE PAID FOR THE CROSSING, CONSTRUCTION, MOVING, OR
34 RELOCATING OF FACILITIES SHALL BE PAID FOR BY THE OPERATOR.

35 (D) (1) IF THE OPERATOR AND A PUBLIC SERVICE COMPANY, PUBLIC
36 UTILITY, RAILROAD, OR CABLE TELEVISION PROVIDER ARE NOT ABLE TO AGREE
37 WITH THE QUALIFYING TRANSIT FACILITY ON A PLAN FOR THE CROSSING OR
38 RELOCATION, THE DEPARTMENT MAY DETERMINE THE MANNER IN WHICH THE
39 CROSSING OR RELOCATION IS TO BE ACCOMPLISHED AND ANY DAMAGES DUE
40 ARISING OUT OF THE CROSSING OR RELOCATION.

1 (2) THE DEPARTMENT MAY EMPLOY EXPERT ENGINEERS WHO SHALL
2 EXAMINE THE LOCATION AND PLANS FOR THE CROSSING OR RELOCATION, HEAR
3 ANY OBJECTIONS AND CONSIDER MODIFICATIONS, AND MAKE A RECOMMENDATION
4 TO THE DEPARTMENT.

5 (3) IF AN EXPERT IS EMPLOYED UNDER THIS SUBSECTION, THE COST OF
6 THE EXPERT IS TO BE BORNE BY THE OPERATOR.

7 2-714.

8 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, LAW
9 ENFORCEMENT OFFICERS OF THE STATE AND EACH AFFECTED LOCAL
10 JURISDICTION, SHALL HAVE THE SAME POWERS AND JURISDICTION WITHIN THE
11 LIMITS OF A QUALIFYING TRANSIT FACILITY AS THEY HAVE IN THEIR RESPECTIVE
12 AREAS OF JURISDICTION.

13 (2) LAW ENFORCEMENT OFFICERS SHALL HAVE ACCESS TO THE
14 QUALIFYING TRANSIT FACILITY AT ANY TIME FOR THE PURPOSE OF EXERCISING
15 POWERS AND JURISDICTION UNDER THIS SUBSECTION.

16 (3) THE AUTHORITY GRANTED TO A LAW ENFORCEMENT OFFICER
17 UNDER THIS SUBSECTION DOES NOT EXTEND TO THE PRIVATE OFFICES, BUILDINGS,
18 GARAGES, AND OTHER IMPROVEMENTS OF THE OPERATOR TO ANY GREATER
19 DEGREE THAN THE POLICE POWER EXTENDS TO ANY OTHER PRIVATE BUILDINGS
20 AND IMPROVEMENTS.

21 (B) (1) TO THE EXTENT THE TRANSIT FACILITY IS A ROAD, BRIDGE, TUNNEL,
22 OVERPASS, OR SIMILAR TRANSIT FACILITY FOR MOTOR VEHICLES, THE TRAFFIC AND
23 MOTOR VEHICLE LAWS OF THE STATE OR LOCAL JURISDICTION SHALL APPLY IN THE
24 SAME MANNER THAT THEY APPLY TO CONDUCT ON SIMILAR TRANSPORTATION
25 FACILITIES IN THE STATE OR LOCAL JURISDICTION.

26 (2) PUNISHMENT FOR OFFENSES SHALL BE AS PRESCRIBED BY LAW FOR
27 CONDUCT OCCURRING ON SIMILAR TRANSIT FACILITIES IN THE STATE OR LOCAL
28 JURISDICTION.

29 2-715.

30 (A) THE RESPONSIBLE PUBLIC ENTITY SHALL TERMINATE THE OPERATOR'S
31 AUTHORITY AND DUTIES UNDER THIS SUBTITLE ON THE DATE SET FORTH IN THE
32 COMPREHENSIVE AGREEMENT.

33 (B) ON TERMINATION, THE AUTHORITY AND DUTIES OF THE OPERATOR
34 UNDER THIS SUBTITLE SHALL CEASE, AND THE QUALIFYING TRANSIT FACILITY
35 SHALL BE DEDICATED TO THE RESPONSIBLE PUBLIC ENTITY OR, IF THE QUALIFYING
36 TRANSIT FACILITY WAS INITIALLY DEDICATED BY AN AFFECTED LOCAL
37 JURISDICTION, TO THE AFFECTED LOCAL JURISDICTION, FOR PUBLIC USE.

1 2-716.

2 (A) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED AS OR DEEMED TO BE A
3 WAIVER OF THE SOVEREIGN IMMUNITY OF THE STATE, ANY RESPONSIBLE PUBLIC
4 ENTITY, OR ANY AFFECTED LOCAL JURISDICTION, OR ANY OFFICER OR EMPLOYEE
5 THEREOF WITH RESPECT TO THE PARTICIPATION IN, OR APPROVAL OF, ANY PART OF
6 THE QUALIFYING TRANSIT FACILITY OR ITS OPERATION, INCLUDING
7 INTERCONNECTION OF THE QUALIFYING TRANSIT FACILITY WITH ANY OTHER
8 TRANSIT FACILITY.

9 (B) COUNTIES AND MUNICIPAL CORPORATIONS IN WHICH A QUALIFYING
10 TRANSIT FACILITY IS LOCATED SHALL POSSESS SOVEREIGN IMMUNITY WITH
11 RESPECT TO THE CONSTRUCTION AND OPERATION OF THE QUALIFYING TRANSIT
12 FACILITY.

13 2-717.

14 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, DIVISION II
15 OF THE STATE FINANCE AND PROCUREMENT ARTICLE DOES NOT APPLY TO A
16 COMPREHENSIVE AGREEMENT DEVELOPED UNDER THIS SUBTITLE.

17 (B) (1) A UNIT OF STATE GOVERNMENT, AS DEFINED IN § 11-101(X) OF THE
18 STATE FINANCE AND PROCUREMENT ARTICLE, THAT IS A RESPONSIBLE PUBLIC
19 ENTITY SHALL DEVELOP PROCEDURES FOR THE DEVELOPMENT AND
20 IMPLEMENTATION OF COMPREHENSIVE AGREEMENTS THAT ARE CONSISTENT WITH
21 § 13-103 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

22 (2) A UNIT OF STATE GOVERNMENT SHALL ENSURE THAT A
23 COMPREHENSIVE AGREEMENT DEVELOPED UNDER THIS SUBTITLE IS CONSISTENT
24 WITH THE PROCEDURES DEVELOPED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS
25 SUBSECTION.

26 2-718.

27 THE DEPARTMENT SHALL HAVE EXCLUSIVE JURISDICTION TO ADJUDICATE
28 ALL MATTERS SPECIFICALLY COMMITTED TO ITS JURISDICTION BY THIS SUBTITLE.

29 2-719.

30 THIS SUBTITLE MAY BE CITED AS THE PUBLIC-PRIVATE TRANSPORTATION ACT
31 OF 2001.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2001.