

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 158

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Shelters” in line 2 down through “Signs” in line 3 and substitute “Shelter Program”; strike beginning with “providing” in line 9 down through “circumstances” in line 10 and substitute “authorizing a municipal corporation, county, or transit operator to enter into an agreement to construct, operate, and maintain bus passenger shelters on a State right-of-way; providing that a certain agreement may allow certain commercial advertising signs to be displayed on bus passenger shelters; requiring a municipal organization, county, or transit operator to apply to the Administration for certain permits under certain circumstances; authorizing the Administration to issue a certain permit if certain conditions are met; requiring a certain permit to include certain provisions and serve as a certain agreement with the State; prohibiting the Administration from unreasonably withholding approval of a certain permit under certain circumstances; authorizing the Administration to enter into certain agreements to construct, operate, and maintain bus passenger shelters at certain fixed-route bus stops”; and in line 10, after the second semicolon insert “providing for the application of this Act”.

AMENDMENT NO. 2

On page 1, after line 18, insert:

“Preamble

WHEREAS, The State of Maryland and its counties and municipal corporations operate public fixed route bus services along State highways; and

WHEREAS, The State is committed to increasing transit ridership on these bus services; and

WHEREAS, Clean and efficient facilities encourage transit ridership and well-maintained shelters at bus stops are an important part of a program to increase bus ridership; and

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WHEREAS, Maryland counties and municipal corporations historically have constructed and maintained bus passenger shelters on the rights-of-way of State highways; and

WHEREAS, The State wishes to create a consistent program that will further the goal of increased use of mass transit through providing enhanced facilities such as bus passenger shelters that are in compliance with applicable State, local, and federal law; now, therefore,.”.

AMENDMENT NO. 3

On page 1, in line 22, strike “ADVERTISING SIGNS ON BUS PASSENGER SHELTERS” and substitute “BUS PASSENGER SHELTER PROGRAM”;

On page 2, in line 2, strike “OR” and substitute a comma; in the same line, after “AUTHORITY” insert “, OR TRANSIT OPERATOR”; in line 11, strike “EXISTING” and substitute “APPLICABLE”; strike beginning with “IF” in line 15 down through “OPERATOR” in line 23 and substitute “SUBJECT TO ANY APPLICABLE PROVISIONS OF THIS SECTION, A MUNICIPAL CORPORATION OR A COUNTY THAT OWNS OR OPERATES A TRANSIT SYSTEM OR IN WHICH A TRANSIT SYSTEM OPERATES OR A TRANSIT OPERATOR MAY ENTER INTO AN AGREEMENT TO CONSTRUCT, OPERATE, AND MAINTAIN BUS PASSENGER SHELTERS ON A STATE RIGHT-OF-WAY.”

(B) AN AGREEMENT UNDER THIS SECTION MAY ALLOW COMMERCIAL ADVERTISING SIGNS TO BE DISPLAYED ON BUS PASSENGER SHELTERS CONSISTENT WITH APPLICABLE STATE, LOCAL, AND FEDERAL LAW.

(C) A MUNICIPAL CORPORATION SHALL APPLY TO THE ADMINISTRATION FOR A PERMIT TO ERECT BUS PASSENGER SHELTERS ON STATE RIGHTS-OF-WAY LOCATED WITHIN THE MUNICIPAL CORPORATION.

(D) (1) A COUNTY SHALL APPLY TO THE ADMINISTRATION FOR A PERMIT TO ERECT BUS PASSENGER SHELTERS ON STATE RIGHTS-OF-WAY LOCATED WITHIN THE COUNTY BUT NOT WITHIN A MUNICIPAL CORPORATION.

(2) WITH THE CONCURRENCE OF THE MUNICIPAL CORPORATION, A COUNTY SHALL APPLY TO THE ADMINISTRATION FOR A PERMIT TO ERECT BUS PASSENGER SHELTERS ON STATE RIGHTS-OF-WAY THAT ARE LOCATED WITHIN A MUNICIPAL CORPORATION.

(E) A TRANSIT OPERATOR SHALL APPLY TO THE ADMINISTRATION FOR A PERMIT TO ERECT BUS PASSENGER SHELTERS:

(1) ON STATE RIGHTS-OF-WAY LOCATED WITHIN A MUNICIPAL CORPORATION, WITH THE CONCURRENCE OF THE MUNICIPAL CORPORATION; AND

(2) ON STATE RIGHTS-OF-WAY LOCATED WITHIN AN UNINCORPORATED AREA, WITH THE CONCURRENCE OF THE COUNTY.

(F) (1) ON RECEIPT OF AN APPLICATION FOR A PERMIT TO ERECT A BUS PASSENGER SHELTER, THE ADMINISTRATION MAY ISSUE A PERMIT UNDER § 8-646 OF THIS TITLE AFTER DETERMINING THAT:

(I) THE LOCATION, DESIGN, AND CONSTRUCTION OF THE BUS PASSENGER SHELTER DO NOT INTERFERE WITH VEHICULAR OR PEDESTRIAN SAFETY; AND

(II) THE CONSTRUCTION OF THE BUS PASSENGER SHELTER, INCLUDING ANY COMMERCIAL ADVERTISING SIGNS DISPLAYED ON THE BUS PASSENGER SHELTER, CONFORMS WITH APPLICABLE STATE, LOCAL, AND FEDERAL LAW.

(2) A PERMIT FOR A BUS PASSENGER SHELTER SHALL:

(I) INCLUDE A PROVISION REQUIRING CONTINUED COMPLIANCE WITH THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION;

(II) INCLUDE A PROVISION THAT THE STATE IS NOT RESPONSIBLE TO ANY PARTY TO AN AGREEMENT UNDER THIS SECTION FOR ANY COSTS RESULTING FROM ENFORCEMENT OF THE PERMIT; AND

(III) SERVE AS AN AGREEMENT WITH THE STATE AS MAY BE

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REQUIRED UNDER APPLICABLE FEDERAL REGULATION.

(3) THE ADMINISTRATION MAY NOT UNREASONABLY WITHHOLD APPROVAL OF A PERMIT UNDER THIS SUBSECTION TO A MUNICIPAL CORPORATION, COUNTY, OR TRANSIT OPERATOR THAT HAS COMPLIED WITH THE PROVISIONS OF THIS SECTION.

(G) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATION MAY ENTER INTO AGREEMENTS TO CONSTRUCT, OPERATE, AND MAINTAIN BUS PASSENGER SHELTERS AT FIXED-ROUTE BUS STOPS USED BY THE MARYLAND TRANSIT ADMINISTRATION”;

after line 23, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This Act does not apply to a bus passenger shelter constructed, operated, or maintained under an agreement entered into by a municipal corporation, county, or transit operator before the effective date of this Act.

(b) A bus passenger shelter constructed, operated, or maintained under an agreement entered into by a municipal corporation, county, or transit operator before the effective date of this Act is subject to the authority of the State Highway Administration as the owner of the right-of-way.”;

and in line 24, strike “2.” and substitute “3.”.