
By: **Chairman, Finance Committee (By Request - Departmental -
Transportation)**

Introduced and read first time: January 20, 2005

Rules suspended

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 2005

CHAPTER _____

1 AN ACT concerning

2 **State Highway Administration - Bus Passenger ~~Shelters and Advertising~~**
3 **Signs Shelter Program**

4 FOR the purpose of authorizing the State Highway Administration to enter into
5 certain agreements for the construction, operation, and maintenance of certain
6 public transit bus passenger shelters displaying certain commercial advertising
7 signs on State rights-of-way; authorizing the Administration to establish
8 certain conditions regarding advertising on bus passenger shelters and to
9 receive certain compensation; ~~providing for a right of termination of such~~
10 ~~agreements under certain circumstances~~ authorizing a municipal corporation,
11 county, or transit operator to enter into an agreement to construct, operate, and
12 maintain bus passenger shelters on a State right-of-way; providing that a
13 certain agreement may allow certain commercial advertising signs to be
14 displayed on bus passenger shelters; requiring a municipal organization, county,
15 or transit operator to apply to the Administration for certain permits under
16 certain circumstances; authorizing the Administration to issue a certain permit
17 if certain conditions are met; requiring a certain permit to include certain
18 provisions and serve as a certain agreement with the State; prohibiting the
19 Administration from unreasonably withholding approval of a certain permit
20 under certain circumstances; authorizing the Administration to enter into
21 certain agreements to construct, operate, and maintain bus passenger shelters
22 at certain fixed-route bus stops; defining certain terms; providing for the
23 application of this Act; and generally relating to commercial advertising signs on
24 bus passenger shelters located on State rights-of-way.

25 BY adding to

1 Article - Transportation
 2 Section 8-750 through 8-752, inclusive, to be under the new part "Part VII.
 3 Advertising Signs on Bus Passenger Shelters"
 4 Annotated Code of Maryland
 5 (2001 Replacement Volume and 2004 Supplement)

6 Preamble

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

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

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

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

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

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

23 **Article - Transportation**

24 PART VII. ~~ADVERTISING SIGNS ON BUS PASSENGER SHELTERS~~ BUS PASSENGER
 25 SHELTER PROGRAM.

26 8-750.

27 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

28 (B) "BUS PASSENGER SHELTER" MEANS A SHELTER LOCATED AT A
 29 DESIGNATED TRANSIT BUS STOP FOR THE CONVENIENCE OF PASSENGERS OF A
 30 PUBLIC TRANSPORTATION SYSTEM OWNED AND OPERATED BY A GOVERNMENTAL
 31 UNIT ~~OR~~, PUBLIC AUTHORITY, OR TRANSIT OPERATOR.

32 (C) "COMMERCIAL ADVERTISING SIGN" MEANS ANY SIGN, DISPLAY, OR DEVICE
 33 DESIGNED, INTENDED, OR USED TO ENCOURAGE OR PROMOTE THE PURCHASE OR
 34 USE OF GOODS OR SERVICES.

1 8-751.

2 THE ADMINISTRATION MAY, CONSISTENT WITH DIVISION II OF THE STATE
3 FINANCE AND PROCUREMENT ARTICLE, ENTER INTO AGREEMENTS FOR THE
4 CONSTRUCTION, OPERATION, AND MAINTENANCE OF BUS PASSENGER SHELTERS
5 DISPLAYING COMMERCIAL ADVERTISING SIGNS ON THE RIGHTS-OF-WAY OF STATE
6 HIGHWAYS, SUBJECT TO ~~EXISTING APPLICABLE~~ FEDERAL REQUIREMENTS AND TO
7 ANY TERMS AND CONDITIONS PRESCRIBED BY THE ADMINISTRATION, INCLUDING
8 THE PAYMENT OF COMPENSATION.

9 8-752.

10 (A) ~~IF THE ADMINISTRATION, AFTER CONSULTATION WITH THE TRANSIT
11 OPERATOR, DETERMINES THAT ANY BUS PASSENGER SHELTER DOES NOT SERVE
12 THE PUBLIC INTEREST OR IS IN VIOLATION OF FEDERAL OR STATE LAW, THE
13 ADMINISTRATION MAY TERMINATE THE PRIVILEGE OF MAINTAINING THAT BUS
14 PASSENGER SHELTER AND ANY COMMERCIAL ADVERTISING SIGNS ON THE BUS
15 PASSENGER SHELTER WITHOUT COMPENSATION TO THE VENDOR.~~

16 ~~(B) IF A BUS PASSENGER SHELTER POSES AN IMMINENT SAFETY THREAT,
17 THE ADMINISTRATION MAY REMOVE THE BUS PASSENGER SHELTER WITHOUT PRIOR
18 CONSULTATION WITH THE TRANSIT OPERATOR SUBJECT TO ANY APPLICABLE
19 PROVISIONS OF THIS SECTION, A MUNICIPAL CORPORATION OR A COUNTY THAT
20 OWNS OR OPERATES A TRANSIT SYSTEM OR IN WHICH A TRANSIT SYSTEM OPERATES
21 OR A TRANSIT OPERATOR MAY ENTER INTO AN AGREEMENT TO CONSTRUCT,
22 OPERATE, AND MAINTAIN BUS PASSENGER SHELTERS ON A STATE RIGHT-OF-WAY.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (III) SERVE AS AN AGREEMENT WITH THE STATE AS MAY BE
20 REQUIRED UNDER APPLICABLE FEDERAL REGULATION.

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

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

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

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

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

1 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect July 1, 2005.