
By: **Delegates Hixson, Bozman, C. Davis, Gordon, Healey, Howard, Marriott,
and Patterson**

Introduced and read first time: February 20, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority - Transportation Facilities Projects -**
3 **Acquisition**

4 FOR the purpose of prohibiting the Maryland Transportation Authority from entering
5 into an agreement authorizing a private entity to acquire and operate a
6 transportation facilities project without certain approval from the General
7 Assembly; defining a certain term; and generally relating to the acquisition and
8 operation of transportation facilities projects.

9 BY repealing and reenacting, without amendments,
10 Article - Transportation
11 Section 4-101(a) and (i)
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2005 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 4-306
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2005 Supplement)

19 **Preamble**

20 WHEREAS, There is a public need for timely acquisition or construction of and
21 improvements to transportation facilities in the State that are compatible with State
22 and local transportation plans; and

23 WHEREAS, The public need may not be wholly satisfied by existing methods in
24 which transportation facilities are acquired, constructed, or improved; and

25 WHEREAS, Authorizing private entities to acquire and operate one or more
26 transportation facilities may result in the availability of improved transportation

1 facilities to the public in a more timely or less costly fashion, thereby serving the
2 public safety and welfare; and

3 WHEREAS, It is necessary and proper for the General Assembly to review and
4 approve the privatization of major transportation facilities projects under the
5 jurisdiction of the Maryland Transportation Authority; now, therefore,

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 4-101.

10 (a) In this title the following words have the meanings indicated.

11 (i) "Transportation facilities project" includes:

12 (1) The Susquehanna River Bridge, the Harry W. Nice Memorial
13 Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay
14 Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, the Fort
15 McHenry Tunnel, the Francis Scott Key Bridge, and the John F. Kennedy Memorial
16 Highway, together with their appurtenant causeways, approaches, interchanges,
17 entrance plazas, toll stations, and service facilities;

18 (2) A vehicle parking facility located in a priority funding area as defined
19 in § 5-7B-02 of the State Finance and Procurement Article;

20 (3) Any other project for transportation facilities that the Authority
21 authorizes to be acquired or constructed; and

22 (4) Any additions, improvements, or enlargements to any of these
23 projects, whenever authorized.

24 4-306.

25 (a) Except as provided in subsection (b) of this section, revenue bonds may be
26 issued by the Authority:

27 (1) Without obtaining the consent of any instrumentality, agency, or unit
28 of this State; and

29 (2) Without any proceedings or the happening of any conditions or things
30 other than those specifically required by this subtitle.

31 (b) (1) Revenue bonds secured by toll revenue may be issued in any amount
32 as long as the aggregate outstanding and unpaid principal balance of the revenue
33 bonds secured by toll revenue and revenue bonds of prior issues does not exceed
34 \$1,900,000,000 on June 30 of any year.

1 (2) Except as otherwise provided in this section and § 4-205 of this title,
2 without the approval of the General Assembly, the Authority may issue bonds to
3 refinance all or any part of the cost of a transportation facility project for which the
4 Authority previously issued bonds authorized under this subtitle.

5 (C) (1) IN THIS SUBSECTION, "ACQUIRE" MEANS THE PURCHASE, LEASE,
6 GRANT, OR OTHER TRANSFER OF A PROPERTY INTEREST.

7 (2) THE AUTHORITY MAY NOT ENTER INTO AN AGREEMENT THAT
8 AUTHORIZES A PRIVATE ENTITY TO ACQUIRE AND OPERATE A TRANSPORTATION
9 FACILITIES PROJECT UNTIL THE GENERAL ASSEMBLY HAS APPROVED, THROUGH
10 LEGISLATION, THE PRIVATE ACQUISITION AND OPERATION OF THE
11 TRANSPORTATION FACILITIES PROJECT.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
13 effect October 1, 2006.