

SENATE BILL 463

R2

71r1902

By: **Senator Pugh (By Request) and Senators Della, Dyson, Jones, Kasemeyer, McFadden, Raskin, and Stone**

Introduced and read first time: February 2, 2007

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transit Administration – Public Hearings**

3 FOR the purpose of requiring, except under certain circumstances, the Maryland
4 Transit Administration to hold a public hearing before changing a bus or rail
5 route alignment or bus stop location; requiring the Administration to hold a
6 public hearing before establishing or abandoning a rail transit station; limiting
7 the time period during which the Administration may implement a policy
8 change on certain matters; establishing notice requirements that must be met
9 for a public hearing on certain matters before the Administration may
10 implement policy changes on those matters; requiring a public hearing to be at
11 a certain location and time; requiring the People’s Counsel to the Public Service
12 Commission to appear at certain hearings called by the Administration; making
13 a stylistic change; and generally relating to public hearings held by the
14 Maryland Transit Administration.

15 BY repealing and reenacting, with amendments,
16 Article – Transportation
17 Section 7–506
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2006 Supplement)

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

22 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-506.

2 (a) (1) Until a public hearing is held on the matter, the Administration
3 may not:

4 [(1)] (I) Fix or revise any fare or rate charged the general public; [or]

5 [(2)] (II) Establish or abandon any **BUS OR RAIL** route;

6 (III) **CHANGE A BUS OR RAIL ROUTE ALIGNMENT OR BUS**
7 **STOP LOCATION, UNLESS THE CHANGE IS NEEDED BECAUSE OF TEMPORARY**
8 **CONSTRUCTION OR CHANGES IN THE ROAD NETWORK; OR**

9 (IV) **ESTABLISH OR ABANDON A RAIL TRANSIT STATION.**

10 (2) **THE ADMINISTRATION MAY ONLY IMPLEMENT A CHANGE OF**
11 **POLICY ON A MATTER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION**
12 **DURING THE TIME PERIOD THAT BEGINS 6 WEEKS AFTER THE PUBLIC HEARING**
13 **AND ENDS 6 MONTHS AFTER THE PUBLIC HEARING.**

14 (3) (I) **IF THE ADMINISTRATION GIVES INADEQUATE NOTICE**
15 **OF A PUBLIC HEARING ON A MATTER DESCRIBED IN PARAGRAPH (1) OF THIS**
16 **SUBSECTION, THE ADMINISTRATION MAY NOT IMPLEMENT A CHANGE OF**
17 **POLICY ON THE MATTER UNLESS A LEGALLY SUFFICIENT PUBLIC HEARING IS**
18 **HELD.**

19 (II) **FOR THE PURPOSES OF THIS PARAGRAPH, NOTICE**
20 **SHALL BE CONSIDERED INADEQUATE IF:**

21 1. **THE ADMINISTRATION DOES NOT COMPLY WITH**
22 **THE NEWSPAPER PUBLICATION REQUIREMENTS UNDER SUBSECTION (C) OF**
23 **THIS SECTION; OR**

24 2. **AT LEAST 30% OF THE ADMINISTRATION'S**
25 **FACILITIES ARE NOT POSTED AS REQUIRED UNDER SUBSECTION (C) OF THIS**
26 **SECTION.**

27 (4) **A PUBLIC HEARING REQUIRED UNDER PARAGRAPH (1) OF**
28 **THIS SUBSECTION SHALL BE AT A PLACE AND TIME THAT IS REASONABLY**

1 **ACCESSIBLE AND CONVENIENT TO THE PATRONS OF THE SERVICE TO BE**
2 **AFFECTED.**

3 (b) (1) The following persons may request the Administration to hold a
4 hearing on any rentals, rates, fares, fees, or other charges of the Administration or any
5 service rendered by the transit facilities owned or controlled by the Administration:

6 (i) Any person served by or using the transit facilities;

7 (ii) The People's Counsel to the Public Service Commission, as a
8 representative of the general public; and

9 (iii) Any private carrier operating in the District.

10 (2) The request for a hearing shall:

11 (i) Be in writing;

12 (ii) State the matter sought to be heard; and

13 (iii) Set forth clearly the grounds for the request.

14 (3) As soon as possible after the Administration receives a request for
15 a hearing, a designated employee of the Administration shall confer on the matter
16 with the person requesting the hearing. After the conference, if the Administration
17 considers the matter meritorious and of general significance, it may call a hearing.

18 (c) (1) The Administration shall give at least [30 days] **A 30-DAY** notice
19 before a hearing.

20 (2) The notice shall be:

21 (i) Published once a week for 2 successive weeks in two or more
22 newspapers of daily circulation throughout the District; and

23 (ii) Posted in all of the Administration's offices, stations, and
24 terminals and all of its vehicles and rolling stock in revenue service.

25 (3) The 30-day period begins when the notice first appears in the
26 newspaper.

1 (d) Before calling a hearing under this section, the Administration shall file
2 at its main office and make available for public inspection:

3 (1) Its report on the subject matter of the hearing;

4 (2) Any report received from the Public Service Commission under §
5 7-507 of this subtitle; and

6 (3) If the hearing was requested under subsection (b) of this section,
7 the written request for the hearing and all documents filed in support of it.

8 (e) [If the] **THE** People's Counsel to the Public Service Commission
9 [considers the public interest to be involved, the People's Counsel] shall appear and
10 represent the public interest at each hearing called by the Administration under this
11 section.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 2007.