

HOUSE BILL 1185

R2

(81r0065)

ENROLLED BILL

—*Ways and Means and Appropriations / Budget and Taxation*—

Introduced by **Chair, Ways and Means Committee and Chair, Appropriations Committee (By Request – Departmental – Transportation)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Transit Administration – Public Transit Services – Efficiency and**
3 **Performance Standards**

4 FOR the purpose of repealing certain provisions of law relating to the percentage of
5 operating costs that must be recovered from certain revenues for certain public
6 transit services; ~~establishing a certain goal~~ *certain requirements* for the
7 percentage of operating costs that must be recovered from certain revenues for
8 certain public transit services; requiring the Administration to submit a certain
9 annual report on farebox recovery to certain committees of the General
10 Assembly; requiring the ~~Maryland Transit~~ Administration to implement certain
11 performance indicators to track service efficiency for certain public transit
12 services; requiring the Administration to submit a certain annual report on
13 certain performance indicators to certain committees of the General Assembly;
14 requiring the Administration to provide for certain periodic management audits

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 to be used when evaluating the performance of certain public transit services;
 2 repealing certain termination provisions that relate to the percentage of
 3 operating costs that must be recovered from certain revenues for certain public
 4 transit services; altering a certain definition; requiring the Maryland Transit
 5 Administration to submit a certain report to certain committees of the General
 6 Assembly on or before a certain date; and generally relating to performance
 7 standards for public transit services.

8 BY repealing and reenacting, with amendments,
 9 Article – Transportation
 10 Section ~~7-208 and 7-902~~, 7-902, and 10-207(a)(4)
 11 Annotated Code of Maryland
 12 (2001 Replacement Volume and 2007 Supplement)

13 BY repealing and reenacting, with amendments,
 14 Chapter 210 of the Acts of the General Assembly of 2000, as amended by Chapter
 15 447 of the Acts of the General Assembly of 2004
 16 Section 5

17 BY repealing and reenacting, with amendments,
 18 Chapter 211 of the Acts of the General Assembly of 2000, as amended by Chapter
 19 447 of the Acts of the General Assembly of 2004
 20 Section 5

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 7-208.

25 (a) [(1)] Subject to the authority of the Secretary and, where applicable, the
 26 Maryland Transportation Authority, the Administration has jurisdiction:

27 [(i)] (1) Consistent with the provisions of Division II of the
 28 State Finance and Procurement Article, for planning, developing, constructing,
 29 acquiring, financing, and operating the transit facilities authorized by this title; and

30 [(ii)] (2) Over the services performed by and the rentals, rates,
 31 fees, fares, and other charges imposed for the services performed by transit facilities
 32 owned or controlled by the Administration.

33 [(2) (i)] For fiscal years 1988 through 1992 and each fiscal year
 34 thereafter, the Administration shall recover from fares and other operating revenues
 35 at least 50 percent of the total operating costs for the mass transit bus and rail
 36 services under its jurisdiction. It is the intent of the General Assembly that the

1 provisions of this paragraph shall apply on a system-wide basis and not on an
2 individual transit line basis. However, given the anticipated efficiency of light rail
3 technology, the Department is encouraged, after 2 years of light rail operation, to
4 recover from fares and other operating revenues at least 60 percent of the total
5 operating costs for light rail services.

6 (ii) The Administration shall obtain the fare recovery ratio
7 through the establishment of reasonable fares in the Baltimore region and the
8 implementation of cost containment measures as deemed necessary to meet the
9 standard required under this paragraph.]

10 **(B) (1) FOR FISCAL YEAR 2009 AND EACH FISCAL YEAR THEREAFTER,**
11 **THE ~~ADMINISTRATION'S GOAL~~ ADMINISTRATION SHALL BE TO SEPARATELY**
12 **RECOVER FROM FARES AND OTHER OPERATING REVENUES AT LEAST 35**
13 **PERCENT OF THE TOTAL OPERATING COSTS FOR:**

14 **(I) THE ADMINISTRATION'S BUS, LIGHT RAIL, AND METRO**
15 **SUBWAY SERVICES IN THE BALTIMORE REGION; AND**

16 **(II) ALL PASSENGER RAILROAD SERVICES UNDER THE**
17 **ADMINISTRATION'S CONTROL.**

18 **(2) THE ADMINISTRATION SHALL SUBMIT, IN ACCORDANCE WITH**
19 **§ 2-1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL REPORT TO THE**
20 **SENATE BUDGET AND TAXATION COMMITTEE, HOUSE WAYS AND MEANS**
21 **COMMITTEE, AND HOUSE APPROPRIATIONS COMMITTEE BY DECEMBER 1 OF**
22 **EACH YEAR THAT INCLUDES:**

23 **(I) SEPARATE FAREBOX RECOVERY RATIOS FOR THE PRIOR**
24 **FISCAL YEAR FOR:**

25 **1. BUS, LIGHT RAIL, AND METRO SUBWAY SERVICES**
26 **PROVIDED BY THE ADMINISTRATION IN THE BALTIMORE REGION;**

27 **2. COMMUTER BUS SERVICE PROVIDED UNDER**
28 **CONTRACT TO THE ADMINISTRATION IN THE BALTIMORE REGION; AND**

29 **3. MARYLAND AREA RAIL COMMUTER (MARC)**
30 **SERVICE PROVIDED UNDER CONTRACT TO THE ADMINISTRATION;**

31 **(II) A DISCUSSION OF THE SUCCESS OR FAILURE TO**
32 **ACHIEVE THE FAREBOX RECOVERY ~~GOAL~~ REQUIREMENT ESTABLISHED IN**
33 **PARAGRAPH (1) OF THIS SUBSECTION; AND**

1 **(III) COMPARISONS OF FAREBOX RECOVERY RATIOS FOR**
2 **THE ADMINISTRATION'S MASS TRANSIT SERVICES AND OTHER SIMILAR TRANSIT**
3 **SYSTEMS NATIONWIDE.**

4 ~~(B)~~ **(C)** **(1) FOR FISCAL YEAR 2009 AND EACH FISCAL YEAR**
5 **THEREAFTER, THE ADMINISTRATION SHALL IMPLEMENT PERFORMANCE**
6 **INDICATORS TO TRACK SERVICE EFFICIENCY FOR THE ADMINISTRATION'S MASS**
7 **TRANSIT SERVICES, INCLUDING:**

8 **(I) OPERATING EXPENSES PER REVENUE VEHICLE MILE;**

9 **(II) OPERATING EXPENSES PER PASSENGER TRIP; AND**

10 **(III) PASSENGER TRIPS PER REVENUE VEHICLE MILE.**

11 **(2) THE ADMINISTRATION SHALL SUBMIT, IN ACCORDANCE WITH**
12 **§ 2-1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL PERFORMANCE**
13 **REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, HOUSE WAYS**
14 **AND MEANS COMMITTEE, AND HOUSE APPROPRIATIONS COMMITTEE BY**
15 **DECEMBER 1 OF EACH YEAR ON:**

16 **(I) THE STATUS OF THE PERFORMANCE INDICATORS**
17 **LISTED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE PRIOR FISCAL YEAR,**
18 **INCLUDING A DISCUSSION OF THE FAILURE OR SUCCESS IN MEETING THE**
19 **GOALS ESTABLISHED FOR THE PRIOR FISCAL YEAR BY THE ADMINISTRATION;**

20 **(II) THE STATUS OF MANAGING-FOR-RESULTS GOALS OF**
21 **THE ADMINISTRATION AS THEY PERTAIN TO MASS TRANSIT SERVICE IN THE**
22 **BALTIMORE AREA;**

23 **(III) COMPARISONS OF PERFORMANCE INDICATORS FOR THE**
24 **ADMINISTRATION'S MASS TRANSIT SERVICES AND OTHER SIMILAR SYSTEMS**
25 **NATIONWIDE; AND**

26 **(IV) THE ADMINISTRATION'S GOALS FOR EACH OF THE**
27 **MEASURES IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE NEXT FISCAL**
28 **YEAR.**

29 ~~(C)~~ **(D)** **(1) THE ADMINISTRATION SHALL PROVIDE FOR AN**
30 **INDEPENDENT MANAGEMENT AUDIT OF THE OPERATIONAL COSTS AND**
31 **REVENUES OF THE ADMINISTRATION'S MASS TRANSIT SERVICES EVERY 4**
32 **YEARS.**

1 **(2) THE AUDIT SHALL PROVIDE DATA ON FARES, COST**
2 **CONTAINMENT MEASURES, COMPARISONS WITH OTHER SIMILAR MASS TRANSIT**
3 **SYSTEMS, AND OTHER INFORMATION NECESSARY IN EVALUATING THE**
4 **OPERATIONS OF THE ADMINISTRATION'S MASS TRANSIT SYSTEM.**

5 **(3) THE FINDINGS FROM THE AUDIT SHALL BE USED AS A**
6 **BENCHMARK FOR THE ANNUAL PERFORMANCE REPORTS.**

7 **[(b)] ~~(D)~~ (E)** The determinations of the Secretary, Administration, or
8 Maryland Transportation Authority as to the type of service performed or the rentals,
9 rates, fees, fares, and other charges imposed are not subject to judicial review or to the
10 processes of any court.

11 **[(c)] ~~(E)~~ (F)** Notwithstanding any other provision of this title or the
12 Public Utility Companies Article, the Public Service Commission does not have any
13 jurisdiction over transit facilities owned or controlled by the Administration or over
14 any contractor operating these facilities.

15 **[(d)] ~~(F)~~ (G)** Except as provided in this title, the Administration does not
16 have any jurisdiction over transportation in the District by private carriers.

17 7-902.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) "Level of service" includes the number of round trips operated on a
20 route and the number of stations along a route.

21 (3) "Route" means a passenger railroad service line described under
22 subsections (b) through (d) of this section.

23 (b) The Administration shall continue to operate the following passenger
24 railroad services at levels of service at least equivalent to the level of service
25 established as of July 1, 1981:

26 (1) The CSX line between Brunswick and the District of Columbia;

27 (2) The Amtrak line between Penn Station in Baltimore and the
28 District of Columbia; and

29 (3) The CSX line between Camden Station in Baltimore and the
30 District of Columbia.

31 (c) The Administration shall continue to operate the passenger railroad
32 service on the Amtrak line between Perryville and Penn Station in Baltimore at the
33 level of service at least equivalent to the level of service established as of May 1, 1991.

1 (d) The Administration shall continue to operate the passenger services on
2 the CSX line between Frederick and Point of Rocks at the level of service at least
3 equivalent to the level of service established as of December 17, 2001.

4 [(e) The Administration shall recover at least 50 percent of total operating
5 costs for all passenger railroad services under its control from fares and operating
6 revenues. Notwithstanding § 7–208 of this title, the Maryland Transit Administration
7 shall calculate for passenger rail services a separate farebox recovery ratio for the
8 administrative purposes of determining a separate cost recovery ratio for each of the
9 aforementioned transit modes from the calculation for mass transit, Metro, and light
10 rail.]

11 [(f)] (E) (1) The Administration may not close a station on any route
12 before June 30, 2008.

13 (2) Notwithstanding the provisions of this section, the Administration
14 may close the Jessup Station on the CSX line between Camden Station in Baltimore
15 and the District of Columbia at any time if the Administration finds that the ridership
16 at the Jessup Station does not warrant keeping the station open.

17 [(g)] (F) The Administration shall adopt regulations to facilitate the
18 transportation of bicycles on board passenger railroad services.

19 [(h)] (G) Before closing a station on a passenger railroad service line
20 described in subsection (b) of this section, the Maryland Transit Administration shall
21 review and report, in accordance with § 2–1246 of the State Government Article, to the
22 Governor and the General Assembly, on the following:

23 (1) With respect to the Dickerson and Boyds MARC stations on the
24 CSX line between Brunswick and the District of Columbia:

25 (i) The impact on traffic congestion along the Interstate 270,
26 Md State Route 117, and Md State Route 28 corridors as a result of the station
27 closures;

28 (ii) The impact of future growth in upper Montgomery and
29 southern Frederick counties, particularly in Clarksburg over the next 5 years, and the
30 projected ridership for the Boyds and Dickerson stations as a result of that future
31 growth;

32 (iii) The impact of the projected growth in upper Montgomery
33 and southern Frederick counties on traffic congestion along the Interstate 270, Md
34 State Route 117, and Md State Route 28 corridors and the transit alternatives that are
35 contemplated to meet any increased demand;

- 1 (iv) The methodology used to compute average daily ridership;
- 2 (v) The impact on projected ridership on the line if the stations
3 are closed and later reopened due to impending growth;
- 4 (vi) The projected ridership if train stops are increased from
5 three stops each to nine stops each for trains arriving at Washington Union Station
6 and from four stops each to ten stops each (to discharge passengers only) for trains
7 departing Washington Union Station;
- 8 (vii) Under an expanded schedule, the estimated increase in
9 train service as a result of increasing the number of stops;
- 10 (viii) Options to increase ridership at stations with low ridership,
11 including investing in a ridership campaign to promote stations with low ridership;
- 12 (ix) The projected ridership after investing in a ridership
13 campaign to promote the stations;
- 14 (x) The schedule for installing ticket vending machines at the
15 stations and whether such vending machines have already been purchased;
- 16 (xi) Whether a vending machine that is scheduled to be installed
17 at another station could temporarily be used at either or both of these stations;
- 18 (xii) The impact on riders boarding at these stations if vending
19 machines are not installed at the stations;
- 20 (xiii) An evaluation of potential increased bus service to the
21 stations, and parking lot expansion near the stations, including any possible options
22 for parking lot expansion;
- 23 (xiv) Specific efforts undertaken to:
- 24 1. Attract new riders on the lines and to retain riders
25 already using the lines; and
- 26 2. Improve access for individuals with disabilities;
- 27 (xv) Potential alternatives to closing stations that would achieve
28 greater efficiency on the Brunswick and Camden CSX lines;
- 29 (xvi) Potential sources of alternative funding for the operating
30 and capital costs of keeping the stations open, including collaboration with local
31 governments; and

1 (xvii) The description of the \$300,000 passenger warning system
2 for the Dickerson Station and whether other possible, less costly, passenger warning
3 systems were considered and the reasons why such systems were not employed; and

4 (2) With regard to the St. Denis Station on the CSX line between
5 Camden Station in Baltimore and the District of Columbia:

6 (i) The information required under items (1)(vii) through (xvi)
7 of this subsection;

8 (ii) The implications of closing a passenger railroad service
9 facility that is a State or federally designated historic landmark or that is located in a
10 State or federally designated historic district;

11 (iii) The impact on traffic congestion along the Interstate 95,
12 Interstate 295, and Md State Route 100 corridors as a result of the station closure;

13 (iv) The effect of closing the St. Denis Station on ridership at the
14 Halethorpe Station, including the effect on traffic and parking at the Halethorpe
15 Station and in Arbutus;

16 (v) The projected ridership at the St. Denis Station if train stops
17 are increased up to nine stops; and

18 (vi) The projected ridership at the St. Denis Station if service to
19 and from Baltimore is resumed.

20 [(i)] (H) (1) Until a public hearing is held on the matter, the
21 Administration may not establish or abandon a station on a route.

22 (2) The Administration shall give notice of a hearing at least 30 days
23 before the hearing.

24 (3) The notice shall be:

25 (i) Published once a week for 2 successive weeks in two or more
26 newspapers of wide circulation throughout the Administration's commuter rail service
27 area; and

28 (ii) Posted in all of the Administration's offices, stations, and
29 terminals and all of its commuter rail rolling stock in revenue service.

30 (4) The 30-day period begins when the notice first appears in the
31 newspaper.

32 (5) (i) If the Administration gives inadequate notice of a public
33 hearing on a matter described in paragraph (1) of this subsection, the Administration

1 may not establish or abandon a station unless a legally sufficient public hearing is
2 held.

3 (ii) For the purposes of this paragraph, notice shall be
4 considered inadequate if:

5 1. The Administration does not comply with the
6 newspaper publication requirement under paragraph (3)(i) of this subsection; or

7 2. At least 30% of the Administration's facilities are not
8 posted as required under paragraph (3)(ii) of this subsection.

9 (6) The Administration may implement a change of policy on a matter
10 described in paragraph (1) of this subsection only during the time period beginning 6
11 weeks after the date of the public hearing and ending 6 months after the date of the
12 public hearing.

13 10-207.

14 (a) (4) "Service deficit" means costs less:

15 (i) The greater of:

16 1. Revenues collected under this section and § 10-205(b)
17 of this subtitle; or

18 2. [40] 35 percent of the costs; and

19 (ii) All federal operating assistance.

20 **Chapter 210 of the Acts of 2000, as amended by Chapter 447 of the Acts of 2004**

21 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2000. [It shall remain effective for a period of 8 years and, at the end of June
23 30, 2008, with no further action required by the General Assembly, this Act shall be
24 abrogated and of no further force and effect.]

25 **Chapter 211 of the Acts of 2000, as amended by Chapter 447 of the Acts of 2004**

26 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2000. [It shall remain effective for a period of 8 years and, at the end of June
28 30, 2008, with no further action required by the General Assembly, this Act shall be
29 abrogated and of no further force and effect.]

1 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,
2 2009, the Maryland Transit Administration shall report to the Senate Budget and
3 Taxation Committee, the House Ways and Means Committee, and the House
4 Appropriations Committee, in accordance with § 2-1246 of the State Government
5 Article, regarding the number of trips made on Baltimore core services, including bus,
6 Metro subway, and light rail services, for which no revenue is received by the Maryland
7 Transit Administration. The report also shall detail the categories of free rides and
8 provide an estimate of the annual number of free trips. This data shall exclude trips
9 taken by passengers who use a Maryland Transit Administration pass product,
10 including reduced fare weekly, daily, or monthly passes.

11 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
12 effect July 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.