

HOUSE BILL 1185

R2

8lr0065

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

Introduced and read first time: February 8, 2008

Assigned to: Ways and Means

Reassigned: Ways and Means and Appropriations, February 14, 2008

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2008

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 for the percentage of operating costs
7 that must be recovered from certain revenues for certain public transit services;
8 requiring the Administration to submit a certain annual report on farebox
9 recovery to certain committees of the General Assembly; requiring the
10 ~~Maryland Transit~~ Administration to implement certain performance indicators
11 to track service efficiency for certain public transit services; requiring the
12 Administration to submit a certain annual report on certain performance
13 indicators to certain committees of the General Assembly; requiring the
14 Administration to provide for certain periodic management audits to be used
15 when evaluating the performance of certain public transit services; and
16 generally relating to performance standards for public transit services.

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 7–208 and 7–902
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2007 Supplement)

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.



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

Article – Transportation

7–208.

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

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

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

[(2) (i)] For fiscal years 1988 through 1992 and each fiscal year thereafter, the Administration shall recover from fares and other operating revenues at least 50 percent of the total operating costs for the mass transit bus and rail services under its jurisdiction. It is the intent of the General Assembly that the provisions of this paragraph shall apply on a system-wide basis and not on an individual transit line basis. However, given the anticipated efficiency of light rail technology, the Department is encouraged, after 2 years of light rail operation, to recover from fares and other operating revenues at least 60 percent of the total operating costs for light rail services.

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

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

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

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

(2) THE ADMINISTRATION SHALL SUBMIT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, AN ANNUAL REPORT TO THE

SENATE BUDGET AND TAXATION COMMITTEE, HOUSE WAYS AND MEANS COMMITTEE, AND HOUSE APPROPRIATIONS COMMITTEE BY DECEMBER 1 OF EACH YEAR THAT INCLUDES:

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

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

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

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

(II) A DISCUSSION OF THE SUCCESS OR FAILURE TO ACHIEVE THE FAREBOX RECOVERY GOAL ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION; AND

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

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

(I) OPERATING EXPENSES PER REVENUE VEHICLE MILE;

(II) OPERATING EXPENSES PER PASSENGER TRIP; AND

(III) PASSENGER TRIPS PER REVENUE VEHICLE MILE.

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

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

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

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

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

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

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

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

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

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

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

7-902.

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

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

1 (3) “Route” means a passenger railroad service line described under
2 subsections (b) through (d) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (iv) The methodology used to compute average daily ridership;

15 (v) The impact on projected ridership on the line if the stations
16 are closed and later reopened due to impending growth;

17 (vi) The projected ridership if train stops are increased from
18 three stops each to nine stops each for trains arriving at Washington Union Station
19 and from four stops each to ten stops each (to discharge passengers only) for trains
20 departing Washington Union Station;

21 (vii) Under an expanded schedule, the estimated increase in
22 train service as a result of increasing the number of stops;

23 (viii) Options to increase ridership at stations with low ridership,
24 including investing in a ridership campaign to promote stations with low ridership;

25 (ix) The projected ridership after investing in a ridership
26 campaign to promote the stations;

27 (x) The schedule for installing ticket vending machines at the
28 stations and whether such vending machines have already been purchased;

29 (xi) Whether a vending machine that is scheduled to be installed
30 at another station could temporarily be used at either or both of these stations;

31 (xii) The impact on riders boarding at these stations if vending
32 machines are not installed at the stations;

33 (xiii) An evaluation of potential increased bus service to the
34 stations, and parking lot expansion near the stations, including any possible options
35 for parking lot expansion;

(xiv) Specific efforts undertaken to:

1. Attract new riders on the lines and to retain riders already using the lines; and

2. Improve access for individuals with disabilities;

(xv) Potential alternatives to closing stations that would achieve greater efficiency on the Brunswick and Camden CSX lines;

(xvi) Potential sources of alternative funding for the operating and capital costs of keeping the stations open, including collaboration with local governments; and

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

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

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

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

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

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

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

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

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

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

(3) The notice shall be:

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

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

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

(5) (i) If the Administration gives inadequate notice of a public hearing on a matter described in paragraph (1) of this subsection, the Administration may not establish or abandon a station unless a legally sufficient public hearing is held.

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.