

CHAPTER 567

(Senate Bill 182)

AN ACT concerning

Maryland Transportation Authority — ~~Bonding Authority~~

FOR the purpose of requiring the Maryland Transportation Authority each year to develop, adopt, and submit to the General Assembly at certain times a certain financial forecast for its operations; requiring the financial forecast to include certain components; modifying a certain limit on the issuance of certain debt by the Maryland Transportation Authority; authorizing the Authority to issue certain notes of a certain maturity secured by a pledge of a certain line of credit; altering certain required General Fund appropriations for the financing of a certain highway; authorizing the Authority to issue certain notes for the financing of a certain highway; authorizing the Authority to use certain amounts from a certain loan or line of credit for the financing of a certain highway; authorizing the Governor to transfer up to a certain amount from the Transportation Trust Fund to the Authority for the financing of a certain highway; requiring that certain amounts be repaid by the Authority to the Transportation Trust Fund from certain appropriations; requiring the Authority each year to develop, adopt, and submit to the General Assembly at certain times a certain financial plan of expenditures and funding for the construction of a certain highway; requiring the financial plan to include certain components include certain information in a certain required report to certain committees of the General Assembly; stating the intent of the General Assembly that the Authority provide certain cash flow changes for financing a certain highway; making certain provisions of this Act contingent on the taking effect of certain legislation; and generally relating to the Maryland Transportation Authority revenue bonds and the issuance of debt and the financing of the Intercounty Connector.

BY adding to

Article – Transportation
Section 4-210 and 4-320.1
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation
Section 4-306 and 4-321
Annotated Code of Maryland
(2001 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 4-321(e)(2)

Annotated Code of Maryland

(2001 Replacement Volume and 2007 Supplement)

(As enacted by Section 1 of this Act)

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

Article – Transportation

4-210.

(A) EACH YEAR, THE AUTHORITY SHALL DEVELOP AND ADOPT A ~~10-YEAR~~ 6-YEAR FINANCIAL FORECAST FOR THE OPERATIONS OF THE AUTHORITY.

(B) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE AUTHORITY SHALL SUBMIT TO THE GENERAL ASSEMBLY:

(1) A DRAFT OF THE FINANCIAL FORECAST ON SUBMISSION OF THE BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY; AND

(2) THE FINANCIAL FORECAST AS APPROVED BY THE AUTHORITY ON OR BEFORE JULY 1 OF EACH YEAR.

(C) THE FINANCIAL FORECAST SHALL INCLUDE THE FOLLOWING COMPONENTS:

(1) A SCHEDULE OF OPERATING EXPENSES;

(2) A SCHEDULE OF REVENUES, INCLUDING CONCESSIONS INCOME, INVESTMENT INCOME, OTHER INCOME, AND TRANSFERS FROM THE DEPARTMENT;

(3) A SCHEDULE OF TOLL REVENUES, INCLUDING THE AVERAGE TOLL PER VEHICLE, THE AVERAGE TOLL INCREASE, THE NUMBER OF PAID VEHICLES, AND THE TOLL REVENUE ~~BY TOLL FACILITY~~ BY TOLL FACILITY AND BY FISCAL YEAR;

(4) A SCHEDULE OF PLANNED BOND ISSUANCES, INCLUDING A DETAILED SUMMARY OF BONDS ISSUED TO FUND THE CAPITAL PROGRAM AND BONDS ISSUED TO FUND CAPITALIZED INTEREST;

(5) A SCHEDULE OF DEBT SERVICE IN EACH FISCAL YEAR FOR EACH BOND ISSUANCE OF ALL DEBT ISSUED ~~OR PLANNED TO BE ISSUED~~ BY THE AUTHORITY, INCLUDING ~~REVENUE BONDS AND CONDUIT FINANCING~~ DEBT SERVICE ESTIMATES OF PLANNED BOND ISSUANCES; AND

(6) A SUMMARY SCHEDULE FOR THE AUTHORITY THAT INCLUDES:

- (I) THE TOTAL CASH BALANCE;**
- (II) THE AMOUNT OF THE CASH BALANCE THAT IS ENCUMBERED;**
- (III) THE ANNUAL CASH SURPLUS OR DEFICIT;**
- (IV) REVENUES;**
- (V) TRANSFERS TO THE DEPARTMENT FROM THE AUTHORITY;**
- (VI) TRANSFERS ~~FROM~~ TO THE AUTHORITY ~~TO~~ FROM THE DEPARTMENT;**
- (VII) BOND SALES;**
- (VIII) EXPENDITURES FOR DEBT SERVICE;**
- (IX) OPERATING EXPENSES;**
- (X) CAPITAL EXPENSES;**
- (XI) MAINTENANCE AND OPERATIONS EXPENSE RESERVE ACCOUNTS;**
- (XII) FORECASTED BOND INTEREST RATES;**
- (XIII) TOTAL BONDS OUTSTANDING; AND**

(XIV) FINANCIAL COVERAGE RATIOS, INCLUDING THE RATIO OF TOTAL CASH TO TOLL REVENUES, THE DEBT SERVICE COVERAGE RATIO, AND THE RATE COVENANT COMPLIANCE RATIO.

(D) THE FINANCIAL FORECAST SHALL INCLUDE, FOR EACH OF THE COMPONENTS SPECIFIED IN SUBSECTION (C) OF THIS SECTION:

(1) ACTUAL INFORMATION FOR THE LAST FULL FISCAL YEAR;
AND

(2) FORECASTS OF THE INFORMATION FOR EACH OF THE ~~10~~ 6 SUBSEQUENT FISCAL YEARS, INCLUDING THE CURRENT FISCAL YEAR, THE FISCAL YEAR FOR THE PROPOSED BUDGET, AND THE NEXT ~~8~~ 4 SUBSEQUENT FISCAL YEARS.

4-306.

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

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

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

(b) (1) **(I) ~~Revenue~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, REVENUE** bonds secured by toll revenue may be issued in any amount as long as the aggregate outstanding and unpaid principal balance of the revenue bonds secured by toll revenue and revenue bonds of prior issues does not exceed [\$1,900,000,000] **\$3,000,000,000** on June 30 of any year.

(II) THE MAXIMUM AGGREGATE AMOUNT OF REVENUE BONDS THAT MAY BE OUTSTANDING AND UNPAID UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REDUCED BY THE AMOUNT OF:

1. ANY LOAN EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT; AND

2. ANY LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT, TO THE EXTENT THE STATE DRAWS ON THE LINE OF CREDIT.

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

4–320.1.

(A) THE AUTHORITY MAY ISSUE BOND ANTICIPATION NOTES SECURED BY A PLEDGE OF A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(B) NOTES ISSUED UNDER THIS SECTION SHALL HAVE A MATURITY DATE OF UP TO 3 YEARS AFTER THE DATE OF ISSUE.

(C) A PLEDGE OF A LINE OF CREDIT AS AUTHORIZED UNDER THIS SECTION DOES NOT CONSTITUTE THE PLEDGE OF FUTURE FEDERAL REVENUES, AND NOTES ISSUED UNDER THIS SECTION ARE NOT SUBJECT TO § 3–601(D) OF THIS ARTICLE OR § 4–320 OF THIS SUBTITLE.

4–321.

(a) In this section, “Intercounty Connector” means the east–west multimodal highway in Montgomery and Prince George’s counties between Interstate 270 and Interstate 95/U.S. Route 1, as described in the 2005 – 2010 Consolidated Transportation Plan.

(b) The State and the Authority shall finance the Intercounty Connector as provided in this section.

(c) The Authority shall:

(1) Issue not more than an aggregate principal amount of \$750,000,000 in bonds secured by a pledge of future federal aid; and

(2) Issue revenue bonds under this subtitle that are not secured by a pledge of future federal aid.

(d) The Governor shall transfer from the Transportation Trust Fund to the Authority for the Intercounty Connector \$22,000,000 in fiscal 2005 and \$38,000,000 in fiscal 2006.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(1) From the Transportation Trust Fund, at least \$30,000,000 each year for fiscal years 2007 through 2010;

(2) From the General Fund, an aggregate appropriation by fiscal year [2010] 2012 equal to \$264,913,000, [with a payment of at least \$50,000,000 each year for fiscal years 2007 through 2010; and] AS FOLLOWS:

(I) \$53,000,000 FOR FISCAL YEAR 2007 AND FOR EACH OF FISCAL YEARS 2009 THROUGH 2011; AND

(II) \$52,913,000 FOR FISCAL YEAR 2012; AND

(3) At least \$10,000,000 federal aid from any source in amounts as deemed prudent.

(F) (1) IN ADDITION TO OTHER AMOUNTS PROVIDED TO FINANCE THE INTERCOUNTY CONNECTOR UNDER THIS SECTION, THE AUTHORITY MAY:

(I) ISSUE BOND ANTICIPATION NOTES FOR THE INTERCOUNTY CONNECTOR SECURED BY A PLEDGE OF A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT AS AUTHORIZED UNDER § 4-320.1 OF THIS SUBTITLE; AND

(II) USE UP TO AN AMOUNT APPROVED BY THE U.S. DEPARTMENT OF TRANSPORTATION FROM A LOAN OR LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN ADDITION TO AMOUNTS TRANSFERRED TO THE AUTHORITY UNDER SUBSECTIONS (D) AND (E)(1) OF THIS SECTION, THE GOVERNOR MAY TRANSFER UP TO \$75,000,000 FROM THE TRANSPORTATION TRUST FUND TO THE AUTHORITY FOR THE INTERCOUNTY CONNECTOR.

(II) ANY AMOUNTS TRANSFERRED FROM THE TRANSPORTATION TRUST FUND UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE REPAID BY THE AUTHORITY TO THE TRANSPORTATION TRUST FUND FROM THE GENERAL FUND APPROPRIATIONS TO THE AUTHORITY FOR FISCAL YEAR 2011 AND FISCAL YEAR 2012 UNDER SUBSECTION (E)(2) OF THIS SECTION.

[(f)] (G) (1) On or before December 1 of each year UNTIL COMPLETION OF CONSTRUCTION OF THE INTERCOUNTY CONNECTOR, in accordance with §

2-1246 of the State Government Article, the Authority shall submit a report on the status of the Intercounty Connector to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Committee on Ways and Means.

(2) The report required under this subsection shall include:

(i) An update on the progress of the project and a comparison of the actual progress to the project schedule provided to the committees in January 2005;

(ii) The revised estimate of the total project cost of the project and a statement of the reasons for any cost savings or cost overruns, relative to the estimate of \$2,447,000,000 provided to the committees in January 2005; and

(iii) A description of any changes to the financing plan for the project, including the impact of cost savings or cost overruns, and, consistent with the intent of the General Assembly to limit the overall amount of debt used for financing the Intercounty Connector, the specific identification of sources of funds that may be applied to address any cost overruns;

~~(H) (1) EACH YEAR UNTIL COMPLETION OF ALL CASH FLOW FOR THE INTERCOUNTY CONNECTOR, THE AUTHORITY SHALL DEVELOP AND ADOPT AN UPDATED DETAILED FINANCIAL PLAN OF EXPENDITURES AND FUNDING FOR THE INTERCOUNTY CONNECTOR.~~

~~(2) IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE AUTHORITY SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY ON THE FINANCIAL PLAN FOR THE INTERCOUNTY CONNECTOR:~~

~~(I) ON SUBMISSION OF THE BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY; AND~~

~~(H) ON OR BEFORE JULY 1 OF EACH YEAR.~~

~~(3) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE REVENUES AND EXPENDITURES FOR EACH FISCAL YEAR BEGINNING WITH FISCAL YEAR 2004 AND CONTINUING THROUGH ANTICIPATED COMPLETION OF THE INTERCOUNTY CONNECTOR.~~

~~(4) THE REPORT SHALL INCLUDE:~~

~~(I) (IV) PLANNED EXPENDITURES BY YEAR, CATEGORIZED BY PLANNING AND ENGINEERING, RIGHT-OF-WAY ACQUISITIONS, AND CONSTRUCTION;~~

- ~~(II)~~ (V) **FUNDING SOURCES BY YEAR, CATEGORIZED BY:**
- ISSUANCES;**
- FUND;**
1. **GRANT ANTICIPATION REVENUE VEHICLE BOND**
 2. **TRANSFERS FROM THE TRANSPORTATION TRUST**
 3. **TRANSFERS FROM THE GENERAL FUND;**
 4. **FEDERAL FUNDS;**
 5. **AUTHORITY CASH RESERVES;**
 6. **AUTHORITY REVENUE BOND ISSUANCES;**
 7. **DRAWS ON A *LOAN OR* LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT;**
 8. **BOND ANTICIPATION NOTES; AND**
 9. **ANY OTHER REVENUE SOURCE;**

~~(III) NONOWNERSHIP-RELATED PROJECT COMPONENTS, BY COMPONENT, SUCH AS ENVIRONMENTAL MITIGATION, TEMPORARY CONSTRUCTION EASEMENTS, CONSTRUCTION ON ANY NON-STATE OWNED ROAD, AND ANY OTHER CATEGORY IDENTIFIED BY THE AUTHORITY IN ITS TAX DUE DILIGENCE REVIEW;~~

~~(IV) (VI) A SCHEDULE OF DEBT SERVICE FOR THE GRANT ANTICIPATION REVENUE VEHICLE BOND ISSUANCES AND AUTHORITY REVENUE BOND ISSUANCES; AND~~

~~(V) (VII) FINANCING ASSUMPTIONS, INCLUDING MATURITIES OF BOND ISSUANCES AND FORECASTED INTEREST RATES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

4-321.

(e) The Governor shall transfer to the Authority for the Intercounty Connector:

(2) From the General Fund, an aggregate appropriation by fiscal year [2012] 2011 equal to \$264,913,000, as follows:

(i) \$53,000,000 for fiscal year 2007 [and for each of fiscal years 2009 through 2011; and];

(II) \$85,000,000 FOR FISCAL YEAR 2009;

(III) \$63,000,000 FOR FISCAL YEAR 2010; AND

[(ii)] (IV) [\$52,913,000] \$63,913,000 for fiscal year [2012] 2011; and

SECTION 2. 3. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that the Maryland Transportation Authority implement cash flow changes for financing the Intercounty Connector as follows:

(1) for fiscal year 2009, the principal amount of the second tranche of Grant Anticipation Revenue Vehicle ("GARVEE") bonds may be increased by \$17,000,000 to a total of \$425,000,000, plus any bond premium generated in conjunction with that issuance of GARVEE bonds;

(2) for fiscal year 2010:

(i) the Authority may issue up to a \$75,000,000 ~~3-year~~ bond anticipation note secured by a pledge of a line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act, and General Fund appropriations to the Authority ~~in fiscal years 2011 and 2012~~ may be invested for the purpose of generating sufficient interest income to offset the interest cost of the ~~3-year~~ bond anticipation note; and

(ii) the Authority may use up to \$75,000,000 from its fiscal year 2010 unencumbered cash balance and return a like amount to its unencumbered cash balance ~~in fiscal year 2011 and fiscal year 2012~~ from the General Fund appropriations ~~received in those fiscal years~~; and

(3) the Authority may borrow up to \$75,000,000 interest free from the Transportation Trust Fund, to be repaid by the Authority from General Fund appropriations ~~received in fiscal years 2011 and 2012~~.

(b) Funds received by the Authority from a loan or line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act may be substituted for Maryland Transportation Authority toll-backed revenue bonds in the financing of the Intercounty Connector.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act is contingent on the taking effect of legislation to increase the State income tax rate applicable to net taxable income of individuals in excess of \$1,000,000 to at least 6.25% beginning January 1, 2008, and if legislation to increase the State income tax rate applicable to net taxable income of individuals in excess of \$1,000,000 to at least 6.25% beginning January 1, 2008, does not become effective, Section 2 of this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION ~~2~~ ~~3~~ 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this Act, this Act shall take effect July 1, 2008.

Approved by the Governor, May 22, 2008.