

# HOUSE BILL 28

R1

9lr0733

(PRE-FILED)

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By: **Delegate Sossi**

Requested: October 3, 2008

Introduced and read first time: January 14, 2009

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Closure of Transportation Facility**

3 FOR the purpose of prohibiting the Secretary of Transportation from closing to the  
4 public all or part of a transportation facility of the Maryland Transportation  
5 Authority without prior approval from the Authority unless the Secretary  
6 provides a certain certification to the Governor and provides certain notice and  
7 information to the public; requiring the Secretary to provide notice of a proposed  
8 closure of a transportation facility to certain members of the General Assembly  
9 and allow the members to participate in the deliberations concerning the  
10 closure; providing an exception concerning the Secretary's authority to close a  
11 transportation facility under certain circumstances; and generally relating to  
12 the closure of certain transportation facilities of the Maryland Transportation  
13 Authority.

14 BY repealing and reenacting, without amendments,  
15 Article – Transportation  
16 Section 4–202 and 4–205(f) and (g)  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume)

19 BY repealing and reenacting, with amendments,  
20 Article – Transportation  
21 Section 4–401  
22 Annotated Code of Maryland  
23 (2008 Replacement Volume)

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

26 **Article – Transportation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-202.

2 (a) The Secretary of Transportation is the Chairman of the Authority.

3 (b) (1) In addition to the Chairman, the Authority consists of eight  
4 members appointed by the Governor with the advice and consent of the Senate.

5 (2) The appointed members of the Authority may not be employees of  
6 the Executive Branch of the State government.

7 (3) Of the appointed members:

8 (i) One shall have expertise in structural engineering;

9 (ii) One shall have expertise in transportation planning;

10 (iii) One shall have expertise in land use planning; and

11 (iv) One shall have expertise in finance.

12 (4) The appointed members of the Authority shall reflect the racial,  
13 gender, and geographic diversity of the population of the State.

14 (c) (1) Each appointed member serves for a term of 4 years and until a  
15 successor is appointed and qualifies.

16 (2) The terms of the appointed members are staggered as required by  
17 the terms provided for members of the Authority on January 1, 2007.

18 (3) An appointed member may not serve more than three consecutive  
19 terms.

20 (4) A member appointed to fill a vacancy in an unexpired term serves  
21 only for the remainder of that term.

22 (d) A member of the Authority is entitled to:

23 (1) The compensation provided in the State budget; and

24 (2) Reimbursement for expenses, in accordance with the Standard  
25 State Travel Regulations of the Department of Budget and Management.

26 4-205.

27 (f) The Authority may adopt rules and regulations to carry out the  
28 provisions of this title.

1 (g) The Authority may do anything else necessary or convenient to carry out  
2 the powers granted in this title.

3 4-401.

4 (A) If the Authority considers it necessary or desirable to insure the proper  
5 operation and maintenance of any transportation facilities project, it may designate,  
6 establish, limit, and control the entrances and exits of the project and may prohibit  
7 entrance or exit from any undesignated point.

8 (B) (1) **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**  
9 **WITHOUT PRIOR APPROVAL OF THE AUTHORITY, THE SECRETARY MAY NOT**  
10 **CLOSE TO THE PUBLIC ALL OR PART OF A TRANSPORTATION FACILITY UNLESS**  
11 **THE SECRETARY:**

12 (I) **CERTIFIES IN WRITING TO THE GOVERNOR THAT THE**  
13 **CLOSURE IS NECESSARY BECAUSE ALL OR PART OF THE TRANSPORTATION**  
14 **FACILITY IS OR MAY BECOME UNSAFE AND REQUIRES MAINTENANCE OR**  
15 **REPAIR; AND**

16 (II) **PROMPTLY PROVIDES TO THE PUBLIC NOTICE OF THE**  
17 **CLOSURE AND INFORMATION ABOUT ALTERNATIVE TRAVEL ROUTES.**

18 (2) **THE SECRETARY SHALL PROVIDE NOTICE TO EACH MEMBER**  
19 **OF THE GENERAL ASSEMBLY WHO REPRESENTS A LEGISLATIVE DISTRICT THAT**  
20 **WOULD BE IMPACTED DIRECTLY BY THE PROPOSED CLOSURE OF A**  
21 **TRANSPORTATION FACILITY AND INVITE THE MEMBER TO PARTICIPATE IN THE**  
22 **DELIBERATIONS ABOUT THE PROPOSAL.**

23 (C) **THIS SECTION DOES NOT PROHIBIT THE SECRETARY FROM**  
24 **ORDERING THE IMMEDIATE CLOSURE OF ALL OR PART OF A TRANSPORTATION**  
25 **FACILITY IF THE SECRETARY DETERMINES THAT WITHOUT EMERGENCY REPAIR**  
26 **THE TRANSPORTATION FACILITY POSES AN IMMINENT AND GRAVE DANGER TO**  
27 **THE PUBLIC HEALTH AND SAFETY.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2009.