

HOUSE BILL 199

R2

9lr1142

By: **Delegates Carr, Ali, Anderson, Barkley, Carter, V. Clagett, Feldman, Gilchrist, Glenn, Griffith, Healey, Hecht, Holmes, James, Jennings, Kaiser, Lafferty, Manno, Montgomery, Morhaim, Niemann, Norman, Reznik, Rice, Riley, Rudolph, Shewell, Simmons, Sossi, Stifler, F. Turner, Valderrama, Waldstreicher, and Weldon**

Introduced and read first time: January 26, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transit Administration – Public Hearings**

3 FOR the purpose of prohibiting the Administration from changing a bus timetable or
4 certain bus or rail service until a public hearing is held on the matter; altering
5 the time period during which the Administration may implement a policy
6 change on certain matters; requiring the Administration to revise, correct, and
7 reissue certain notice and to provide notice to certain persons under certain
8 circumstances; providing that certain notice shall be deemed defective; and
9 generally relating to public hearings held by the Maryland Transit
10 Administration.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 7–506
14 Annotated Code of Maryland
15 (2008 Replacement Volume)

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

18 **Article – Transportation**

19 7–506.

20 (a) (1) Except as provided in subsection (b) of this section, until a public
21 hearing is held on the matter, the Administration may not:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) Fix or revise any fare or rate charged the general public;
- 2 (ii) Establish or abandon any bus or rail route listed on a
3 published timetable;
- 4 (iii) Change a bus or rail route alignment listed on a published
5 timetable, unless the change is needed because of temporary construction or changes
6 in the road network; [or]

7 (IV) **CHANGE A BUS TIMETABLE;**

8 (V) **CHANGE THE FREQUENCY, NUMBER OF DAYS, OR DAYS**
9 **OF SERVICE FOR A BUS OR RAIL ROUTE; OR**

10 [(iv)] (VI) Establish or abandon a rail transit station.

11 (2) The Administration may only implement a change described in
12 paragraph (1) of this subsection during the time period that begins 6 weeks after the
13 public hearing and ends [6 months] **10 WEEKS** after the public hearing.

14 (3) (i) If the Administration gives inadequate **OR DEFECTIVE**
15 notice of a public hearing on a change described in paragraph (1) of this subsection,
16 the Administration may not implement the change unless **THE NOTICE IS REVISED,**
17 **CORRECTED, AND REISSUED AND** a legally sufficient public hearing is held.

18 (ii) For the purposes of this paragraph, notice shall be
19 considered inadequate **OR DEFECTIVE** if:

20 1. The Administration does not comply with the
21 newspaper publication requirements under subsection (d) of this section; [or]

22 **2. THE ADMINISTRATION DOES NOT COMPLY WITH**
23 **THE NOTICE REQUIREMENTS FOR AFFECTED JURISDICTIONS PRESCRIBED**
24 **UNDER SUBSECTION (D) OF THIS SECTION;**

25 [2.] **3.** At least 30% of the Administration's facilities
26 are not posted as required under subsection (d) of this section; **OR**

27 **4. THE NOTICE CONTAINS ERRONEOUS**
28 **INFORMATION.**

29 (4) A public hearing required under paragraph (1) of this subsection
30 shall be at a place and time that is reasonably accessible and convenient to the
31 patrons of the service to be affected.

1 (5) The Administration shall accept written comments for 30 days
2 after a hearing held on a change described in paragraph (1) of this subsection.

3 (b) The Administration may add service on a new alignment branching off of
4 an existing route without holding a public hearing, if the addition of the new
5 alignment does not alter the existing route.

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

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

10 (ii) The People's Counsel, as a representative of the general
11 public; and

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

13 (2) The request for a hearing shall:

14 (i) Be in writing;

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

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

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

21 (d) (1) The Administration shall give at least a 30-day notice before a
22 hearing.

23 (2) The notice shall be:

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

26 (ii) Posted in all of the Administration's offices, stations, and
27 terminals and all of the vehicles and rolling stock used in revenue service by the mode
28 of transportation that will be affected by the proposed action described in subsection
29 (a) of this section; **AND**

30 **(III) DELIVERED TO THE GOVERNING BODY OF EACH**
31 **JURISDICTION AFFECTED BY A CHANGE IN TRANSIT SERVICE OR FARE OR RATE**
32 **DESCRIBED UNDER SUBSECTION (A)(1) OF THIS SECTION.**

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

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

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

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

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

10 (f) The People's Counsel shall appear and represent the public interest at
11 each hearing called by the Administration under this section.

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