

HOUSE BILL 199

R2

9lr1142
CF SB 506

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2009

CHAPTER _____

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 reducing under certain circumstances certain bus or rail service until a public
5 hearing is held on the matter; ~~altering the time period during which the~~
6 ~~Administration may implement a policy change on certain matters;~~ requiring
7 the Administration to ~~revise, correct, and reissue~~ make a reasonable effort to
8 correct certain notice and to provide notice under a certain process to certain
9 persons before implementing a certain change under certain circumstances;
10 providing that certain notice shall be deemed defective; authorizing the
11 Administration to establish a process for providing certain notice; and generally
12 relating to public hearings held by the Maryland Transit Administration.

13 BY repealing and reenacting, with amendments,

14 Article – Transportation

15 Section 7–506

16 Annotated Code of Maryland

17 (2008 Replacement Volume)

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

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.



1 **Article - Transportation**

2 7-506.

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

5 (i) Fix or revise any fare or rate charged the general public;

6 (ii) Establish or abandon any bus or rail route listed on a
7 published timetable;

8 (iii) Change a bus or rail route alignment listed on a published
9 timetable, unless the change is needed because of temporary construction or changes
10 in the road network; [or]

11 (iv) ~~CHANGE A BUS TIMETABLE;~~

12 ~~(v) CHANGE REDUCE THE FREQUENCY, NUMBER OF DAYS,~~
13 **OR DAYS OF SERVICE FOR A COMMUTER BUS OR COMMUTER RAIL ROUTE**
14 **WITHOUT SUBSTITUTING A COMPARABLE LEVEL OF SERVICE, UNLESS THE**
15 **REDUCTION IS TEMPORARY OR A RESULT OF:**

16 **1. A NATURAL DISASTER;**

17 **2. WEATHER OR OTHER EMERGENCY CONDITIONS;**

18 **3. SCHEDULE ADJUSTMENTS REQUIRED BY A THIRD**
19 **PARTY THAT OPERATES SERVICE ON THE SAME RIGHT-OF-WAY; OR**

20 **4. OTHER CIRCUMSTANCES BEYOND THE CONTROL**
21 **OF THE ADMINISTRATION; OR**

22 [(iv)] ~~(vi)~~ (v) Establish or abandon a rail transit station.

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

26 (3) (i) If the Administration gives inadequate **OR DEFECTIVE**
27 notice of a public hearing on a change described in paragraph (1) of this subsection,
28 the Administration may not implement the change unless ~~THE NOTICE IS REVISED,~~
29 ~~CORRECTED, AND REISSUED~~ **ADMINISTRATION MAKES A REASONABLE EFFORT**
30 **TO CORRECT THE INADEQUACY OR DEFECT AND** a legally sufficient public hearing
31 is held.

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

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

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

8 [2.] **3.** At least 30% of the Administration's facilities are not
9 posted as required under subsection (d) of this section; **OR**

10 **4. THE NOTICE CONTAINS ERRONEOUS**
11 **INFORMATION.**

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

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

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

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

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

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

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

27 (2) The request for a hearing shall:

28 (i) Be in writing;

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

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

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

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

7 (2) The notice shall be:

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

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

14 (iii) ~~DELIVERED~~ **PROVIDED TO THE GOVERNING BODY OF**
15 **EACH JURISDICTION COUNTY OR MUNICIPAL CORPORATION AFFECTED BY A**
16 **CHANGE IN TRANSIT SERVICE OR FARE OR RATE DESCRIBED UNDER**
17 **SUBSECTION (A)(1) OF THIS SECTION.**

18 (3) **THE ADMINISTRATION MAY ESTABLISH A PROCESS FOR**
19 **PROVIDING NOTICE TO LOCAL GOVERNMENTS UNDER PARAGRAPH (2)(III) OF**
20 **THIS SUBSECTION.**

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

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

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

26 (2) Any report received from the Public Service Commission under §
27 7-507 of this subtitle; and

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

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

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