

# HOUSE BILL 888

R1

9lr3117  
CF SB 476

---

By: **Delegates Sossi and Smigiel**

Introduced and read first time: February 12, 2009

Assigned to: Environmental Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Chesapeake Bay Bridge Crossing – Environmental Impact**  
3 **Study for a Third Span**

4 FOR the purpose of explicitly stating the power of the Maryland Transportation  
5 Authority to conduct or coordinate a study of the environmental impact of a  
6 proposed transportation facility; requiring the Maryland Transportation  
7 Authority, in collaboration with certain other agencies, to commence the  
8 process, on or before a certain date, to conduct and complete an Environmental  
9 Impact Study for a third crossing of the Chesapeake Bay; requiring that the  
10 Environmental Impact Study be for a span at a certain location; and generally  
11 relating to an Environmental Impact Study for a third span of the Chesapeake  
12 Bay.

13 BY repealing and reenacting, with amendments,  
14 Article – Transportation  
15 Section 4–205  
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:

20 **Article – Transportation**

21 4–205.

22 (a) Subject to § 4–306 of this title and in addition to the powers otherwise  
23 specifically granted by law, the Authority has the powers described in this section.

24 (b) The Authority may acquire, hold, and dispose of property in the exercise  
25 of its powers and performance of its duties.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) Subject to the limitations described in paragraphs (2) and (3) of  
2 this subsection, the Authority may make any contracts and agreements necessary or  
3 incidental to the exercise of its powers and performance of its duties.

4 (2) Not less than 45 days before entering into any contract or  
5 agreement to acquire or construct a revenue-producing transportation facilities  
6 project, subject to § 2-1246 of the State Government Article, the Authority shall  
7 provide, to the Senate Budget and Taxation Committee, the House Committee on  
8 Ways and Means, and the House Appropriations Committee, for review and comment,  
9 and to the Department of Legislative Services, a description of the proposed project, a  
10 summary of the contract or agreement, and a financing plan that details:

11 (i) The estimated annual revenue from the issuance of bonds to  
12 finance the project; and

13 (ii) The estimated impact of the issuance of bonds to finance the  
14 project on the bonding capacity of the Authority.

15 (3) (i) 1. In this paragraph the following words have the  
16 meanings indicated.

17 2. "Public notice of procurement" includes a request for  
18 proposals issued by the Authority.

19 3. "Public-private partnership arrangement" means a  
20 lease agreement between the Authority and a private entity under which the private  
21 entity assumes control of the operation and maintenance of an existing or future  
22 revenue-producing highway, bridge, tunnel, or transit facility.

23 (ii) Not less than 45 days before issuing a public notice of  
24 procurement related to a public-private partnership arrangement, subject to § 2-1246  
25 of the State Government Article, the Authority shall provide, to the Senate Budget  
26 and Taxation Committee, the House Committee on Ways and Means, and the House  
27 Appropriations Committee, for review and comment, and to the Department of  
28 Legislative Services, a summary of the proposed procurement document to be used for  
29 solicitation of the public-private partnership arrangement.

30 (iii) Not less than 45 days before entering into any  
31 public-private partnership arrangement, subject to § 2-1246 of the State Government  
32 Article, the Authority shall provide, to the Senate Budget and Taxation Committee,  
33 the House Committee on Ways and Means, and the House Appropriations Committee,  
34 for review and comment, and to the Department of Legislative Services, a description  
35 of the proposed lease agreement and a financing plan, including:

36 1. The length of the proposed lease;

1                                      2.     The scope of any toll-setting authority to be granted  
2 to the private entity;

3                                      3.     The scope of payments to the Authority from the  
4 proposed public-private partnership arrangement;

5                                      4.     A cost-benefit analysis of the proposed public-private  
6 partnership arrangement; and

7                                      5.     Requirements pertaining to the ongoing operation and  
8 maintenance of the facility and contract oversight.

9                    (d)    (1)    Subject to paragraph (2) of this subsection, the Authority may  
10 employ and fix the compensation of attorneys, consulting engineers, accountants,  
11 construction and financial experts, superintendents, managers, and any other agents  
12 and employees that it considers necessary to exercise its powers and perform its  
13 duties. The compensation established by the Authority for executive management  
14 positions shall be consistent with the compensation of comparable positions in the  
15 Department of Transportation. The compensation established by the Authority shall  
16 be reported to the General Assembly each year as part of the Authority's presentation  
17 of its budget.

18                                      (2)    The expense of employing these persons may be paid only from  
19 revenues or from the proceeds of revenue bonds issued by the Authority.

20                    (e)    The Authority may apply for and receive grants from any federal agency  
21 for the planning, construction, operation, or financing of any transportation facilities  
22 project and may receive aid or contributions of money, property, labor, or other things  
23 of value from any source, to be held, used, and applied for the purposes for which the  
24 grants, aid, and contributions are made.

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

27                    (g)    The Authority may do anything else necessary or convenient to carry out  
28 the powers granted in this title, **INCLUDING CONDUCTING OR COORDINATING A**  
29 **STUDY OF THE ENVIRONMENTAL IMPACT OF A PROPOSED TRANSPORTATION**  
30 **FACILITY.**

31                    SECTION 2. AND BE IT FURTHER ENACTED, That, acting on behalf of the  
32 Maryland Department of Transportation, on or before January 1, 2010, the Maryland  
33 Transportation Authority, in collaboration with the Maryland Department of the  
34 Environment, the Maryland Department of Natural Resources, the United States  
35 Environmental Protection Agency, and any other relevant federal agency, shall take  
36 the steps necessary to commence the process to conduct and complete an  
37 Environmental Impact Study for a third bridge to span the Chesapeake Bay that is  
38 located either:

1                   (1)     adjacent to the existing dual bridges spanning the Chesapeake Bay  
2 between Anne Arundel County, Maryland and Kent Island, Queen Anne's County,  
3 Maryland; or

4                   (2)     at other locations in Maryland with termini on the Western and  
5 Eastern shores that are determined to be environmentally and economically feasible  
6 by the Maryland Department of Transportation.

7                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2009.