

# HOUSE BILL 922

R2

9lr2405

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By: Delegates Rudolph, James, ~~and Riley~~ Riley, Hixson, Doory, Howard, F. Turner, Barve, Bartlett, Ross, Kaiser, Myers, Walker, Olszewski, Stukes, George, Boteler, Frick, Gilchrist, Shank, Ivey, Rice, Murphy, Elmore, and Cardin

Introduced and read first time: February 12, 2009

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Transportation Authority – Fixing or Revising Tolls and Fees –**  
3 **Notice and Public Comment**

4 FOR the purpose of requiring the Maryland Transportation Authority to provide  
5 certain information relating to a proposal to fix or revise a fee or other charge to  
6 certain committees of the General Assembly by a certain date; altering the date  
7 by which the Authority is required to provide certain information relating to a  
8 proposal to fix or revise a toll to certain committees of the General Assembly;  
9 requiring the Authority to provide a certain public comment period before the  
10 Authority may vote to implement a proposal to fix or revise a toll, fee, or other  
11 charge ~~may take effect~~; requiring that the public comment period commence on  
12 the date on which the Authority publishes certain information in the Maryland  
13 Register; requiring the Authority to hold public hearings during the public  
14 comment period ~~in different regions of the State~~ at or near the transportation  
15 facilities projects affected by a proposal to fix or revise a toll, fee, or other  
16 charge; requiring the Authority to accept oral and written testimony from the  
17 public at each hearing; requiring at least one hearing during the public  
18 comment period to be held in the evening; and generally relating to a process for  
19 notice and public comment before the Maryland Transportation Authority may  
20 fix or revise a toll, fee, or other charge on a transportation facilities project.

21 BY repealing and reenacting, with amendments,  
22 Article – Transportation

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### 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 Section 4-312  
2 Annotated Code of Maryland  
3 (2008 Replacement Volume)

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

6 **Article – Transportation**

7 4-312.

8 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of  
9 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may be  
10 continued to be charged on the John F. Kennedy Memorial Highway and any project  
11 constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds)  
12 of Chapter 608 of the Acts of the General Assembly of 1976.

13 (2) As to all or any part of any transportation facilities project, the  
14 Authority may:

15 (i) Fix, revise, charge, and collect rentals, rates, fees, tolls, and  
16 other charges and revenues for its use or for its services; and

17 (ii) Contract with any person who desires its use for any  
18 purpose and fix the terms, conditions, rentals, rates, fees, tolls, or other charges or  
19 revenues for this use.

20 (b) The rentals, rates, fees, tolls, and other charges and revenues designated  
21 as security for any bonds issued under this subtitle shall be fixed and adjusted from  
22 time to time, either with respect to a particular transportation facilities project or in  
23 respect of the aggregate of the charges and revenues from other transportation  
24 facilities projects under the control of the Authority, as may be specified by law or in  
25 any applicable resolution or trust agreement, so as to provide funds that, together  
26 with any other available revenues, are sufficient as long as the bonds are outstanding  
27 and unpaid to:

28 (1) Pay the costs of maintaining, repairing, and operating the  
29 transportation facilities project or projects financed in whole or in part by one or more  
30 series of outstanding and unpaid bonds, to the extent that payment is not otherwise  
31 provided;

32 (2) Pay the principal of and the interest on these bonds as they become  
33 due and payable;

34 (3) Create reasonable reserves that are anticipated will be needed for  
35 these purposes; and

1           (4)    Provide funds for paying the cost of replacements, renewals, and  
2 improvements.

3           (c)    (1)    Except as otherwise provided in this subsection, the rentals, rates,  
4 fees, tolls, and other charges and revenues are not subject to supervision or regulation  
5 by any instrumentality, agency, or unit of this State or any of its political subdivisions.

6           (2)    This subtitle does not permit the exercise of any power or the  
7 undertaking of any activity that would conflict with the provisions and limitations of  
8 the federal Urban Mass Transportation Act of 1964.

9           (3)    Tolls for the use of the bridge carrying the John F. Kennedy  
10 Memorial Highway over the Susquehanna River may not be less than the comparable  
11 tolls charged for the use of the Susquehanna River Bridge.

12           (4)    [Prior] ~~AT LEAST 60 DAYS PRIOR to fixing or revising tolls, FEES,~~  
13 ~~OR OTHER CHARGES~~ **BEFORE THE AUTHORITY MAY VOTE TO IMPLEMENT A**  
14 **PROPOSAL TO FIX OR REVISE TOLLS, FEES, OR OTHER CHARGES** on any part of  
15 any transportation facilities project, the Authority shall provide, in accordance with §  
16 2-1246 of the State Government Article, to the Senate Budget and Taxation  
17 Committee, Senate Finance Committee, House Appropriations Committee, and House  
18 Ways and Means Committee information on the proposed [toll] **TOLLS, FEES, OR**  
19 **OTHER** charges, including:

20                   (i)    The annual revenues generated by the [toll] **TOLLS, FEES,**  
21 **OR OTHER** charges;

22                   (ii)   The proposed use of the revenues; and

23                   (iii)  The proposed commuter discount rates, **IF APPLICABLE.**

24           (5)    **(I)    THE AUTHORITY SHALL PROVIDE A 60-DAY PERIOD**  
25 **FOR PUBLIC COMMENT BEFORE THE AUTHORITY MAY VOTE TO IMPLEMENT A**  
26 **PROPOSAL TO FIX OR REVISE A TOLL, FEE, OR OTHER CHARGE ON ANY PART OF**  
27 **ANY TRANSPORTATION FACILITIES PROJECT ~~MAY TAKE EFFECT.~~**

28                   **(II)   THE PUBLIC COMMENT PERIOD SHALL COMMENCE ON**  
29 **THE DATE ON WHICH THE AUTHORITY PUBLISHES THE FOLLOWING**  
30 **INFORMATION IN THE MARYLAND REGISTER:**

31                           **1.    THE INFORMATION PROVIDED TO THE GENERAL**  
32 **ASSEMBLY UNDER PARAGRAPH (4) OF THIS SUBSECTION;**

33                           **2.    THE CURRENT AND PROPOSED TOLLS, FEES, OR**  
34 **OTHER CHARGES FOR EACH TYPE OF VEHICLE AT EACH TRANSPORTATION**  
35 **FACILITIES PROJECT, IF APPLICABLE;**

1                   **3. THE ESTIMATED ECONOMIC IMPACT OF THE**  
 2 **PROPOSAL TO FIX OR REVISE A TOLL, FEE, OR OTHER CHARGE ON BUSINESS,**  
 3 **INDUSTRY, AND TRADE GROUPS AND THE GENERAL PUBLIC; AND**

4                   **4. PROCEDURES FOR THE 60-DAY PUBLIC COMMENT**  
 5 **PERIOD, INCLUDING THE DATE, TIME, AND LOCATION OF EACH PUBLIC HEARING**  
 6 **TO BE HELD UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH.**

7                   **(III) 1. DURING THE PUBLIC COMMENT PERIOD, THE**  
 8 **AUTHORITY SHALL HOLD PUBLIC HEARINGS ~~IN DIFFERENT REGIONS OF THE~~**  
 9 **~~STATE CONCERNING~~ AT OR NEAR THE TRANSPORTATION FACILITIES PROJECTS**  
 10 **AFFECTED BY THE PROPOSAL TO FIX OR REVISE A TOLL, FEE, OR OTHER**  
 11 **CHARGE.**

12                   **2. AT EACH HEARING THE AUTHORITY SHALL**  
 13 **ACCEPT ORAL AND WRITTEN TESTIMONY FROM THE PUBLIC.**

14                   **3. AT LEAST ONE HEARING DURING THE PUBLIC**  
 15 **COMMENT PERIOD SHALL BE HELD IN THE EVENING.**

16                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 17 July 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.