

HOUSE BILL 947

R1

9lr0563

By: **Montgomery County Delegation**

Introduced and read first time: February 12, 2009

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation - Highway User Revenues - Highway Maintenance**

3 **MC 903-09**

4 FOR the purpose of altering the allocation of certain transportation revenues among
5 political subdivisions; requiring that a certain portion of certain transportation
6 revenues be allocated to Montgomery County; requiring the State Highway
7 Administration to transfer to Montgomery County all responsibility for
8 maintenance of certain State highways located in Montgomery County on or
9 before a certain date; and generally relating to the allocation of highway user
10 revenues to political subdivisions and the maintenance of State highways in
11 Montgomery County.

12 BY repealing and reenacting, without amendments,
13 Article - Transportation
14 Section 8-304(a), 8-401(a) and (d), and 8-402
15 Annotated Code of Maryland
16 (2008 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article - Transportation
19 Section 8-403, 8-404, and 8-405
20 Annotated Code of Maryland
21 (2008 Replacement Volume)

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

24 **Article - Transportation**

25 8-304.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The Administration and any political subdivision may agree to transfer
2 title to, jurisdiction over, or responsibility for maintenance of:

3 (1) A county road to this State; or

4 (2) A State highway to the political subdivision.

5 8-401.

6 (a) In this subtitle the following words have the meanings indicated.

7 (d) "Highway user revenues" means the funds credited to the Gasoline and
8 Motor Vehicle Revenue Account of the Transportation Trust Fund.

9 8-402.

10 (a) There is a Gasoline and Motor Vehicle Revenue Account in the
11 Transportation Trust Fund.

12 (b) All revenues collected from the following, after deductions provided by
13 law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

14 (1) All of the motor vehicle fuel tax;

15 (2) Except as otherwise provided by law, two-thirds of the vehicle
16 titling tax;

17 (3) Except for revenues collected under Parts III and IV of Title 13,
18 Subtitle 9 of this article, vehicle registration fees;

19 (4) The revenue disbursed to this Account under § 2-614 of the Tax –
20 General Article; and

21 (5) 80 percent of the funds distributed on short-term vehicle rentals
22 under § 2-1302.1 of the Tax – General Article to the Transportation Trust Fund from
23 the sales and use tax.

24 (c) (1) During each fiscal year, the Account shall be used to pay the
25 allocations of highway user revenues provided by this subtitle to the counties,
26 municipalities, and Baltimore City; and

27 (2) The balance of the Account may be used as provided in § 3-216 of
28 this article.

29 8-403.

1 (a) (1) Subject to [the limitation under paragraph (2) of this subsection
2 and subject to] §§ 3–307 and 3–308 of this article, during each fiscal year, **12.3%** of
3 the total highway user revenues[, an amount] shall be distributed to Baltimore City
4 [equal to the sum of:

5 (i) The greater of \$157,500,000 or 11.5% of the total highway
6 user revenues for the fiscal year; and

7 (ii) 11.5% of the amount by which:

8 1. 30% of the total highway user revenues for the fiscal
9 year minus the greater of \$157,500,000 or 11.5% of total highway user revenues for
10 the fiscal year; exceeds

11 2. 30% of the total highway user revenues for the fiscal
12 year that began July 1, 1997 minus the greater of \$157,500,000 or 11.5% of the total
13 highway user revenues for the fiscal year that began July 1, 1997].

14 (2) [If the amount distributed to Baltimore City under paragraph (1)
15 of this subsection for any fiscal year is less than 12.25% of the total highway user
16 revenues for the fiscal year, the amount distributed to Baltimore City for any
17 subsequent fiscal year that begins before July 1, 2007 may not exceed 12.25% of the
18 total highway user revenues for the fiscal year for which the distribution is made.

19 (3)] The amount distributed under this subsection shall be distributed
20 in monthly installments.

21 **(B) (1) SUBJECT TO §§ 3–307 AND 3–308 OF THIS ARTICLE, DURING**
22 **EACH FISCAL YEAR, 12.3% OF THE TOTAL HIGHWAY USER REVENUES SHALL BE**
23 **ALLOCATED TO MONTGOMERY COUNTY.**

24 **(2) THE AMOUNT ALLOCATED TO MONTGOMERY COUNTY UNDER**
25 **PARAGRAPH (1) OF THIS SUBSECTION IS MONTGOMERY COUNTY’S GROSS**
26 **SHARE OF HIGHWAY USER REVENUES.**

27 **(3) (I) FROM MONTGOMERY COUNTY’S GROSS SHARE OF**
28 **HIGHWAY USER REVENUES, THE ADMINISTRATION SHALL DEDUCT THE AMOUNT**
29 **OF HIGHWAY USER REVENUES ALLOCATED TO ANY MUNICIPALITY IN THE**
30 **COUNTY UNDER § 8–405 OF THIS SUBTITLE.**

31 **(II) THE RESULTING AMOUNT IS THE COUNTY’S NET SHARE**
32 **OF HIGHWAY USER REVENUES.**

33 **(4) THE AMOUNT ALLOCATED TO MONTGOMERY COUNTY UNDER**
34 **THIS SUBSECTION OR AN AMOUNT ALLOCATED TO A MUNICIPALITY IN**

1 **MONTGOMERY COUNTY UNDER § 8-405 OF THIS SUBTITLE SHALL BE**
2 **DISTRIBUTED AT THE TIMES SPECIFIED IN § 8-407 OF THIS SUBTITLE.**

3 **[(b)] (C) (1) THIS SUBSECTION DOES NOT APPLY TO MONTGOMERY**
4 **COUNTY.**

5 **(2)** Subject to §§ 3-307 and 3-308 of this article, during each fiscal
6 year, **[30%] 15.4%** of the total highway user revenues[, less the amount distributed to
7 Baltimore City under subsection (a) of this section,] shall be distributed to the
8 counties and municipalities of this State at the times specified in § 8-407 of this
9 subtitle.

10 8-404.

11 **(A) THIS SECTION DOES NOT APPLY TO MONTGOMERY COUNTY.**

12 **[(a)] (B)** Highway user revenues shall be allocated to the counties:

13 (1) One half on a county road mileage basis, as provided in subsection
14 **[(b)(1)] (C)(1)** of this section; and

15 (2) One half on a motor vehicle registration basis, as provided in
16 subsection **[(b)(2)] (C)(2)** of this section.

17 **[(b)] (C)** The Administration shall allocate for the account of each county,
18 out of the highway user revenues provided for under § 8-403 of this subtitle, its gross
19 share, to be determined by adding:

20 (1) The amount that results from applying to one half of these
21 highway user revenues the ratio that, as of December 1 of the preceding calendar year,
22 the total mileage of county roads in the county bears to the total mileage of county
23 roads in all of the counties **EXCEPT MONTGOMERY COUNTY**; and

24 (2) The amount that results from applying to one half of these
25 highway user revenues the ratio that, as of December 1 of the preceding calendar year,
26 the total number of motor vehicles registered to owners having addresses in the county
27 bears to the total number of motor vehicles registered to owners in all the counties
28 **EXCEPT MONTGOMERY COUNTY.**

29 **[(c)] (D)** The allocation of highway user revenues to a county under
30 subsection **[(b)](C)** of this section may not be less than the amount allocated to the
31 county from highway user revenue sources in the fiscal year that began July 1, 1967.

32 **[(d)] (E)** From each county's share of highway user revenues determined
33 under this section, the Administration shall deduct the amount of highway user

1 revenues allocated to any municipality in the county under § 8–405 of this subtitle.
2 The resulting amount is the county’s net share of highway user revenues.

3 8–405.

4 (a) Any municipality authorized by law to construct or maintain streets or
5 roads may request its share of the highway user revenues provided under this subtitle
6 from the Administration. The request shall be made in writing at least 6 months
7 before the start of the fiscal year in which the funds are desired.

8 (b) During the fiscal year beginning after a request is made, the
9 Administration shall allocate to the municipality, from the gross share of highway
10 user revenues allocated under [§ 8–404] § ~~8–403~~ OR § ~~8–404~~ of this subtitle to the
11 county within which the municipality is located, its net share of highway user
12 revenues, to be determined by adding:

13 (1) The amount that results from applying to one half of the available
14 revenues the ratio that, as of December 1 of the preceding calendar year, the total
15 mileage of county roads in the municipality bears to the total mileage of county roads
16 in the county; and

17 (2) The amount that results from applying to one half of the available
18 revenues the ratio that, as of December 1 of the preceding calendar year, the total
19 number of motor vehicles registered to owners having addresses in the municipality
20 bears to the total number of motor vehicles registered to owners having addresses in
21 the county.

22 (c) For purposes of the mileage formula distributions under this section, each
23 special improvement district in Prince George’s County in existence in January, 1953,
24 shall be treated as a municipality, but the amounts distributed shall be:

25 (1) Paid to the county and retained by it as credits to the district; and

26 (2) Applied to the cost of maintaining the streets and roads in the
27 district so long as the district has any indebtedness.

28 SECTION 2. AND BE IT FURTHER ENACTED, That on July 1, 2009, the
29 State Highway Administration shall transfer to Montgomery County all responsibility
30 for maintenance of State highways located in Montgomery County, except for
31 Interstates 270 and 495.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2009.