

HOUSE BILL 1332

R2

EMERGENCY BILL

9lr3168

By: **Delegates Hixson and Levy**

Introduced and read first time: February 18, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority - Toll Rate Increases**

3 FOR the purpose of prohibiting the Maryland Transportation Authority from
4 implementing a toll rate increase on certain transportation facilities during a
5 certain fiscal year; prohibiting the Authority from imposing, for a certain fiscal
6 year, a toll rate increase exceeding a certain percentage on certain vehicles;
7 requiring the Authority to phase in any toll increase for a certain fiscal year
8 according to a certain schedule; encouraging the Authority to hold public
9 hearings with certain persons during a certain period prior to imposing toll rate
10 increases that are to take effect after a certain fiscal year; making this Act an
11 emergency measure; and generally relating to toll rate increases by the
12 Maryland Transportation Authority.

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 4–312
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 4–312.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

35 (4) Prior to fixing or revising tolls on any part of any transportation
36 facilities project, the Authority shall provide, in accordance with § 2-1246 of the State

1 Government Article, to the Senate Budget and Taxation Committee, Senate Finance
2 Committee, House Appropriations Committee, and House Ways and Means
3 Committee information on the proposed toll charges, including:

4 (i) The annual revenues generated by the toll charges;

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

6 (iii) The proposed commuter discount rates.

7 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 4–312
8 of the Transportation Article and the toll rate increase approved by the Maryland
9 Transportation Authority on January 29, 2009:

10 (1) during fiscal year 2009, the Authority may not impose a toll rate
11 increase on any user group;

12 (2) for fiscal year 2010:

13 (i) the Authority may not impose on vehicles with 3 or more
14 axles a toll rate increase of more than 50%; and

15 (ii) any toll rate increase imposed by the Authority for fiscal
16 year 2010 shall be implemented in two phases such that one-half of the increase takes
17 effect no sooner than July 1, 2009, and one-half of the increase takes effect no sooner
18 than January 1, 2010; and

19 (3) for any toll rate increase proposed by the Authority to take effect
20 after fiscal year 2010, the Authority is encouraged to hold public hearings on the
21 proposed increase with user groups impacted by the proposal at least 60 days prior to
22 imposing the toll rate increase.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
24 measure, is necessary for the immediate preservation of the public health or safety,
25 has been passed by a ye and nay vote supported by three-fifths of all the members
26 elected to each of the two Houses of the General Assembly, and shall take effect from
27 the date it is enacted.