

SENATE BILL 475

R1

EMERGENCY BILL

9lr1618

By: **Senator Pipkin**

Introduced and read first time: February 4, 2009

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake Bay Bridge – Independent Inspection Required Before Toll, Fee,**
3 **or Penalty Increase**

4 FOR the purpose of prohibiting the Maryland Transportation Authority from imposing
5 an increase in a toll, fee, or penalty for the William Preston Lane, Jr. Memorial
6 Chesapeake Bay Bridge until a certain inspection is conducted; requiring the
7 Authority to retain the services of an entity that is independent of and not
8 affiliated in any way with the Authority to conduct the inspection; requiring the
9 Authority to mandate that the entity conducting the inspection use the most
10 exacting and state-of-the-art technology in the industry to conduct the
11 inspection; making this Act an emergency measure; and generally relating to a
12 prohibition on toll, fee, or penalty increases for the William Preston Lane, Jr.
13 Memorial Chesapeake Bay Bridge until a certain inspection is conducted.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 4–312(c)
17 Annotated Code of Maryland
18 (2008 Replacement Volume)

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

21 **Article – Transportation**

22 4–312.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 (4) Prior to fixing or revising tolls on any part of any transportation
8 facilities project, the Authority shall provide, in accordance with § 2-1246 of the State
9 Government Article, to the Senate Budget and Taxation Committee, Senate Finance
10 Committee, House Appropriations Committee, and House Ways and Means
11 Committee information on the proposed toll charges, including:

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

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

14 (iii) The proposed commuter discount rates.

15 **(5) (I) THE AUTHORITY MAY NOT IMPOSE AN INCREASE IN A**
16 **TOLL, FEE, OR PENALTY FOR THE WILLIAM PRESTON LANE, JR. MEMORIAL**
17 **CHESAPEAKE BAY BRIDGE UNTIL THE AUTHORITY CAUSES TO BE CONDUCTED**
18 **AN INSPECTION OF ALL ELEMENTS OF THE SUPERSTRUCTURE AND**
19 **SUBSTRUCTURE OF THE TWIN SPANS OF THE BRIDGE AS PRESCRIBED IN**
20 **SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

21 **(II) THE AUTHORITY SHALL:**

22 **1. RETAIN THE SERVICES OF AN ENTITY**
23 **INDEPENDENT OF AND NOT AFFILIATED IN ANY WAY WITH THE AUTHORITY TO**
24 **CONDUCT THE INSPECTION; AND**

25 **2. REQUIRE THE ENTITY THE AUTHORITY RETAINS**
26 **TO CONDUCT THE INSPECTION TO USE THE MOST EXACTING AND**
27 **STATE-OF-THE-ART TECHNOLOGY AVAILABLE IN THE BRIDGE INSPECTION**
28 **INDUSTRY FOR BRIDGE INSPECTIONS.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
30 measure, is necessary for the immediate preservation of the public health or safety,
31 has been passed by a yea and nay vote supported by three-fifths of all the members
32 elected to each of the two Houses of the General Assembly, and shall take effect from
33 the date it is enacted.