

Department of Legislative Services
 Maryland General Assembly
 2009 Session

FISCAL AND POLICY NOTE
 Revised

House Bill 199 (Delegate Carr, *et al.*)
 Environmental Matters

Finance

Maryland Transit Administration - Public Hearings

This bill requires the Maryland Transit Administration (MTA) to hold public hearings on specified bus or railroad service change proposals; clarifies when inadequate or defective notice of a public hearing occurs; and requires MTA to notify affected local jurisdictions of public hearings within a specified period.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$67,600 in FY 2010 and special fund expenditures for the Office of the People’s Counsel (OPC) may increase slightly in FY 2010 to hold the additional public hearings required under the bill. Future years reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	67,600	91,000	91,900	92,800	93,700
Net Effect	(\$67,600)	(\$91,000)	(\$91,900)	(\$92,800)	(\$93,700)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill requires MTA to hold a public hearing prior to reducing the frequency, number of days, or days of service for a commuter bus or commuter rail route without substituting a comparable level of service, unless the reduction is temporary or the result of a specified circumstance.

The bill defines inadequate notification of public hearings and broadens the provision to include defective notification. MTA must make a reasonable effort to correct public notices deemed inadequate or defective. If specified notification requirements are not met or the notice contains erroneous information, the notice is inadequate or defective.

The bill requires MTA to notify the governing body of each county or municipal corporation affected by a proposed service change at least 30 days prior to the public hearing on that proposal.

Current Law: MTA has authority to plan, develop, construct, acquire, finance, and operate transit facilities. In addition, MTA has jurisdiction over services performed by transit facilities owned or controlled by MTA, including bus service. Until a public hearing is held, MTA may not:

- fix or revise any fare or rate charged to the general public;
- establish or abandon any bus or rail route listed on a published timetable;
- change a bus or rail route alignment listed on a published timetable, except when there is temporary construction or changes in the road network; and
- establish or abandon a rail transit station.

MTA may only perform the four actions described above within a four and one-half month window specifically between six weeks and six months after a public hearing. MTA may add service on a new alignment branching off of an existing route without holding a public hearing if the addition of the new alignment does not alter the existing route.

Any person served by or using transit facilities may request a public hearing on any service rendered by the transit facilities owned or controlled by MTA, as can the People's Counsel to the Public Service Commission and any private carrier operating in the district.

If MTA gives insufficient legal notice of a hearing on a change, MTA may not implement the change until a legally sufficient public hearing is held. Notice must be posted in all MTA offices, stations, terminals, and all the vehicles and rolling stock used in revenue

service by the mode of transportation that will be affected by the proposed change. Notice is not legally sufficient if MTA does not publish specified newspaper notices or fails to post notice in at least 30% of MTA facilities and offices. MTA must accept written comments for 30 days after a hearing is held. In addition, OPC is required to attend and represent the public interest at all MTA public hearings.

Background: In January 2009, MTA implemented significant service reductions to train and commuter bus services in response to declining TTF revenues. Prior to implementing these changes, MTA publicized the changes and held a public comment period that included public hearings throughout the affected service area. MTA reviewed the comments made at the public hearings and modified its original proposal.

State Expenditures: The bill requires at least eight additional public hearings annually in response to bus and rail timetable service changes. Each public hearing requires \$11,261 in contractual services, not including Maryland Department of Transportation (MDOT) staff oversight and coordination time. The contractual services include securing the venue and audio/video services, printing and material costs, and translation and stenography.

TTF expenditures increase by \$67,566 in fiscal 2010, which accounts for the bill's October 1, 2009 effective date, and \$93,746 in fiscal 2014. This estimate reflects only the estimated contractual service costs for the additional eight public hearings each year. Future year expenditures are adjusted to reflect inflation. Although the additional workload for MDOT staff can be absorbed within existing budgeted resources, the bill requires reallocation of MDOT staffing priorities and resources.

OPC special fund expenditures increase slightly in fiscal 2010 and subsequent fiscal years, to attend the eight additional public hearings each year.

Additional Information

Prior Introductions: None.

Cross File: SB 506 (Senator Gladden) - Finance.

Information Source(s): Office of People's Counsel, Public Service Commission, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2009
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