

Department of Legislative Services  
Maryland General Assembly  
2010 Session

FISCAL AND POLICY NOTE

House Bill 528 (Delegate Stukes, *et al.*)  
Environmental Matters

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Transit Vehicles - Prohibited Acts - Use of Obscene Language

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This bill prohibits operators and passengers from using obscene language in Maryland Transit Administration (MTA) transit vehicles with a seating capacity of 20 or more individuals.

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Fiscal Summary

**State Effect:** Minimal general fund revenue increase due to the existing penalty provision applicable to this offense. No effect on expenditures as enforcement may be handled with existing resources.

**Local Effect:** None. Enforcement may be handled with existing resources.

**Small Business Effect:** None.

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Analysis

**Current Law:** A person is prohibited from engaging in 12 unlawful acts in MTA and Maryland Area Regional Commuter (MARC) transit vehicles and facilities. Unlawful acts include, among other things, smoking, consuming food or beverages, and improperly disposing of litter. Any person who commits any of these acts is guilty of a misdemeanor and upon conviction is subject to a maximum fine of \$500 for each offense. Generally, prohibited acts on MTA or MARC transit vehicles and facilities carry a prepayable fine of \$40, which includes court costs.

A “transit vehicle” is a mobile device used in rendering transit service. A “transit facility” is one or more or combination of tracks, rights-of-way, bridges, tunnels,

subways, rolling stock, stations, terminals, ports, parking areas, equipment, fixtures, buildings, structures, other real or personal property, and services incidental to or useful or designed for use in connection with providing transit service by any means, including rail, bus, motor vehicle, or other mode of transportation but excluding railroad facilities.

**Background:** MTA is the eleventh largest transit system in the United States, based on unlinked passenger miles. In fiscal 2009, MTA annual ridership totaled 13.6 million for Metro subway, 8.1 million for MARC train, and 8.7 million for light rail. MTA had an operating budget of \$591.7 million in fiscal 2009. Among other things, MTA (1) manages bus services in Baltimore City and surrounding counties, including operation of fixed route and paratransit lines and contracts with commuter and paratransit service providers; (2) operates the Baltimore Metro heavy rail line and the Baltimore area light rail lines and manages MARC contracts with Amtrak and CSX Transportation; (3) provides technical assistance and operating grants to local jurisdictions' transit services; and (4) contracts with private carriers to operate commuter bus services throughout the State.

All State peace officers are authorized to issue citations for violations of the motor vehicle laws. The MTA police force is made up of more than 140 sworn officers and approximately 40 civilian employees, dedicated to providing law enforcement. The MTA police force is multijurisdictional, as they patrol Baltimore City and the surrounding counties.

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### **Additional Information**

**Prior Introductions:** HB 320 of 2008, a similar bill, received an unfavorable report from the House Environmental Matters Committee.

**Cross File:** None.

**Information Source(s):** Caroline and Montgomery counties, Baltimore City, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2010  
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