

SENATE BILL 543

R2

1lr1784

By: **Senators Young, Kelley, and Montgomery**

Introduced and read first time: February 4, 2011

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Supplemental Tolls – Highway User**
3 **Revenues for Municipalities**

4 FOR the purpose of requiring the Maryland Transportation Authority to charge
5 certain additional tolls for the use of certain transportation facilities projects;
6 requiring that the tolls collected under this Act be distributed to the Gasoline
7 and Motor Vehicle Revenue account to be used to provide certain highway user
8 revenues to municipalities and to be disbursed to municipalities in accordance
9 with certain provisions of law; providing for the redirection of certain toll
10 revenues if certain highway user revenues are equal to, or exceed, highway user
11 revenues received by municipalities for a certain fiscal year; making a
12 conforming change; and generally relating to tolls for transportation facilities
13 projects and highway user revenues.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 4–312 and 8–402(b)
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2010 Supplement)

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 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of
24 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may be
25 continued to be charged on the John F. Kennedy Memorial Highway and any project

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds)
2 of Chapter 608 of the Acts of the General Assembly of 1976.

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

5 [(i)] 1. Fix, revise, charge, and collect rentals, rates, fees,
6 tolls, and other charges and revenues for its use or for its services; and

7 [(ii)] 2. Contract with any person who desires its use for any
8 purpose and fix the terms, conditions, rentals, rates, fees, tolls, or other charges or
9 revenues for this use.

10 (II) IN ADDITION TO THE TOLLS OTHERWISE CHARGED BY
11 THE AUTHORITY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR THE USE
12 OF A TRANSPORTATION FACILITIES PROJECT SPECIFIED IN THIS
13 SUBPARAGRAPH, THE AUTHORITY SHALL CHARGE AN ADDITIONAL TOLL OF:

14 1. 50 CENTS FOR EACH VEHICLE FOR THE USE OF
15 THE WILLIAM PRESTON LANE, JR. MEMORIAL CHESAPEAKE BAY BRIDGE AND
16 PARALLEL CHESAPEAKE BAY BRIDGE;

17 2. 50 CENTS FOR EACH VEHICLE FOR THE USE OF
18 THE BALTIMORE HARBOR TUNNEL; AND

19 3. 25 CENTS FOR EACH VEHICLE FOR THE USE OF
20 THE FORT MCHENRY TUNNEL.

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

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

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

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

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

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

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

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

14 **(4) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (IV) OF**
15 **THIS PARAGRAPH, TOLL REVENUES COLLECTED UNDER SUBSECTION (A)(2)(II)**
16 **OF THIS SECTION SHALL BE DISTRIBUTED TO THE GASOLINE AND MOTOR**
17 **VEHICLE REVENUE ACCOUNT IN THE TRANSPORTATION TRUST FUND.**

18 **(II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW,**
19 **TOLL REVENUES DISTRIBUTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH**
20 **SHALL BE USED TO PROVIDE HIGHWAY USER REVENUES TO MUNICIPALITIES IN**
21 **THE SAME PROPORTION THAT HIGHWAY USER REVENUES WERE DISTRIBUTED**
22 **TO MUNICIPALITIES IN FISCAL YEAR 2009.**

23 **(III) HIGHWAY USER REVENUES DISTRIBUTED TO**
24 **MUNICIPALITIES UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE**
25 **DISBURSED AS PROVIDED UNDER §§ 8-405 AND 8-407 OF THIS ARTICLE.**

26 **(IV) IF THE DISTRIBUTION OF HIGHWAY USER REVENUES**
27 **UNDER TITLE 8, SUBTITLE 4 OF THIS ARTICLE IS ALTERED SO THAT**
28 **MUNICIPALITIES' SHARE OF HIGHWAY USER REVENUES IN ANY FISCAL YEAR IS**
29 **EQUAL TO, OR EXCEEDS, HIGHWAY USER REVENUES RECEIVED BY**
30 **MUNICIPALITIES IN FISCAL YEAR 2009, THEN REVENUES COLLECTED UNDER**
31 **SUBSECTION (A)(2)(II) OF THIS SECTION SHALL BE DISTRIBUTED TO THE**
32 **TRANSPORTATION AUTHORITY FUND.**

33 **[(4)] (5)** Prior to fixing or revising tolls on any part of any
34 transportation facilities project, the Authority shall provide, in accordance with §
35 2-1246 of the State Government Article, to the Senate Budget and Taxation
36 Committee, Senate Finance Committee, House Appropriations Committee, and House
37 Ways and Means Committee information on the proposed toll charges, including:

- 1 (i) The annual revenues generated by the toll charges;
2 (ii) The proposed use of the revenues; and
3 (iii) The proposed commuter discount rates.

4 8-402.

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

- 7 (1) All of the motor vehicle fuel tax;
8 (2) Except as otherwise provided by law, two-thirds of the vehicle
9 titling tax;
10 (3) Except for revenues collected under Parts III and IV of Title 13,
11 Subtitle 9 of this article, vehicle registration fees;
12 (4) The revenue disbursed to this Account under § 2-614 of the Tax –
13 General Article; [and]

14 **(5) THE REVENUE DISBURSED TO THIS ACCOUNT UNDER §**
15 **4-312(C)(4) OF THIS ARTICLE; AND**

16 **[(5) (6)** 80 percent of the funds distributed on short-term vehicle
17 rentals under § 2-1302.1 of the Tax – General Article to the Transportation Trust
18 Fund from the sales and use tax.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2011.