

HOUSE BILL 10

R2

EMERGENCY BILL

2lr4569
CF SB 25

By: **Delegates Smigiel, Boteler, Cluster, Glass, Haddaway–Riccio, Hershey, Hough, Kach, McComas, McDermott, Schulz, and Vitale**

Introduced and read first time: October 17, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Toll, Fee, or Other Charge Increases – Notice and Public**
3 **Comment**

4 FOR the purpose of requiring certain staff of the Maryland Transportation Authority
5 to provide, by a certain date, public notice regarding a proposal to increase
6 certain tolls, fees, or other charges; requiring the Authority to make the
7 proposal available to the public in a certain manner; requiring the Authority to
8 receive comments from the public at the meeting at which the Authority votes
9 to implement the proposal; making this Act an emergency measure; and
10 generally relating to notice and public comments regarding a proposal to
11 increase certain tolls, fees, or other charges by the Maryland Transportation
12 Authority.

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 4–101(h)
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 4–312
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2011 Supplement)

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

25 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-101.

2 (h) "Transportation facilities project" includes:

3 (1) The Susquehanna River Bridge, the Harry W. Nice Memorial
4 Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay
5 Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, the Fort
6 McHenry Tunnel, the Francis Scott Key Bridge, and the John F. Kennedy Memorial
7 Highway, together with their appurtenant causeways, approaches, interchanges,
8 entrance plazas, toll stations, and service facilities;

9 (2) A vehicle parking facility located in a priority funding area as
10 defined in § 5-7B-02 of the State Finance and Procurement Article;

11 (3) Any other project for transportation facilities that the Authority
12 authorizes to be acquired or constructed; and

13 (4) Any additions, improvements, or enlargements to any of these
14 projects, whenever authorized.

15 4-312.

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

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

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

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

28 **(3) (I) AT LEAST 30 DAYS BEFORE A VOTE BY THE AUTHORITY**
29 **TO IMPLEMENT A PROPOSAL TO INCREASE TOLLS, FEES, OR OTHER CHARGES**
30 **ON ANY PART OF A TRANSPORTATION FACILITIES PROJECT, THE EXECUTIVE**
31 **SECRETARY OF THE AUTHORITY OR OTHER APPROPRIATE STAFF DESIGNATED**
32 **BY THE CHAIR OF THE AUTHORITY SHALL PROVIDE NOTICE OF THE PROPOSAL**
33 **TO THE PUBLIC.**

1 **(II) THE AUTHORITY SHALL MAKE THE PROPOSAL**
2 **AVAILABLE TO THE PUBLIC ON THE OFFICIAL WEB SITE OF THE AUTHORITY.**

3 **(III) THE AUTHORITY SHALL RECEIVE COMMENTS FROM THE**
4 **PUBLIC ON THE PROPOSAL AT THE MEETING AT WHICH THE AUTHORITY VOTES**
5 **TO IMPLEMENT THE PROPOSAL.**

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

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

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

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

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

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

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

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

33 (4) Prior to fixing or revising tolls on any part of any transportation
34 facilities project, the Authority shall provide, in accordance with § 2-1246 of the State
35 Government Article, to the Senate Budget and Taxation Committee, Senate Finance

1 Committee, House Appropriations Committee, and House Ways and Means
2 Committee information on the proposed toll charges, including:

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

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

5 (iii) The proposed commuter discount rates.

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