

HOUSE BILL 685

R2

2lr1827

By: **Delegate McDonough**

Introduced and read first time: February 8, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Tolls – Legislative Approval Required**

3 FOR the purpose of prohibiting the Maryland Transportation Authority from fixing,
4 revising, charging, or collecting a toll on any part of any transportation facilities
5 project in an amount in excess of a certain amount unless the General Assembly
6 approves the toll through legislation that is enacted into law; authorizing the
7 Authority, on or after the effective date of this Act, to continue to charge and
8 collect a toll of the same amount in effect on a certain date; and generally
9 relating to tolls for the use of transportation facilities projects under the
10 jurisdiction of the Maryland Transportation Authority.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 4–312
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2011 Supplement)

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

18 **Article – Transportation**

19 4–312.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) [As] **EXCEPT WITH RESPECT TO TOLLS, AS** to all or any part of
2 any transportation facilities project, the Authority may:

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

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

8 **(3) THE AUTHORITY MAY NOT FIX, REVISE, CHARGE, OR COLLECT**
9 **A TOLL ON ANY PART OF ANY TRANSPORTATION FACILITIES PROJECT IN AN**
10 **AMOUNT IN EXCESS OF THE AMOUNT IN EFFECT ON OCTOBER 1, 2011, UNLESS**
11 **THE GENERAL ASSEMBLY APPROVES THE TOLL THROUGH LEGISLATION THAT**
12 **IS ENACTED INTO LAW.**

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

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

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

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

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

31 (c) (1) Except as otherwise provided in this [subsection] **SECTION**, the
32 rentals, rates, fees, tolls, and other charges and revenues are not subject to
33 supervision or regulation by any instrumentality, agency, or unit of this State or any
34 of its political subdivisions.

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] **SUBMITTING TO THE GENERAL**
8 **ASSEMBLY A REQUEST FOR LEGISLATION TO FIX OR REVISE A TOLL** on any part
9 of any transportation facilities project, the Authority shall provide, in accordance with
10 § 2-1246 of the State Government Article, to the Senate Budget and Taxation
11 Committee, Senate Finance Committee, House Appropriations Committee, and House
12 Ways and Means Committee information on the proposed toll charges, including:

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

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

15 (iii) The proposed commuter discount rates.

16 SECTION 2. AND BE IT FURTHER ENACTED, That on or after the effective
17 date of this Act the Maryland Transportation Authority may continue to charge and
18 collect a toll on any part of any transportation facilities project in an amount equal to
19 the amount of the toll in effect on October 1, 2011.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2012.