

SENATE BILL 3

R2

2lr0415

(PRE-FILED)

By: **Senator Simonaire**

Requested: August 4, 2011

Introduced and read first time: January 11, 2012

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Toll Accountability Act**

3 FOR the purpose of prohibiting the Maryland Transportation Authority from fixing or
4 revising a toll on any part of any transportation facilities project unless the
5 General Assembly approves the toll through legislation; prohibiting the
6 Authority, on or after a certain date, from charging and collecting a toll that
7 exceeds the amount of the toll in effect on a certain date; and generally relating
8 to tolls for the use of transportation facilities projects under the jurisdiction of
9 the Maryland Transportation Authority.

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

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

17 **Article – Transportation**

18 4–312.

19 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of
20 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may
21 continue to be charged on the John F. Kennedy Memorial Highway and any project
22 constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds)
23 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) (I) THE AUTHORITY MAY NOT FIX OR REVISE A TOLL ON**
9 **ANY PART OF ANY TRANSPORTATION FACILITIES PROJECT UNLESS THE**
10 **GENERAL ASSEMBLY APPROVES THE TOLL THROUGH LEGISLATION.**

11 **(II) UNLESS THE TOLL IS APPROVED IN ACCORDANCE WITH**
12 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, ON OR AFTER JUNE 1, 2012, THE**
13 **AUTHORITY MAY NOT CHARGE AND COLLECT A TOLL ON ANY PART OF ANY**
14 **TRANSPORTATION FACILITIES PROJECT IN AN AMOUNT THAT EXCEEDS THE**
15 **AMOUNT OF THE TOLL IN EFFECT ON FEBRUARY 1, 2012.**

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

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

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

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

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

34 (c) (1) Except as otherwise provided in this [subsection] **SECTION**, the
35 rentals, rates, fees, tolls, and other charges and revenues are not subject to

1 supervision or regulation by any instrumentality, agency, or unit of this State or any
2 of its political subdivisions.

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

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

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

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

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

17 (iii) The proposed commuter discount rates.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 June 1, 2012.