

# HOUSE BILL 1382

R2

4lr2726

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By: **Delegate Bromwell**

Introduced and read first time: February 12, 2014

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Toll Increases – Legislative Approval**  
3 **Required**

4 FOR the purpose of prohibiting the Maryland Transportation Authority from  
5 increasing a toll, a fee, a mileage rate range, a pricing period, a toll zone, or any  
6 other charge on any part of any transportation facilities project unless the  
7 General Assembly approves the increase through legislation enacted into law or  
8 the Authority makes a certain determination; requiring the Authority to provide  
9 a certain opportunity for public review and comment before the Authority  
10 submits to the General Assembly a certain request for legislation; requiring the  
11 Authority to apply certain required procedures before voting on a certain  
12 proposal to request a certain increase in tolls, fees, mileage rate ranges, pricing  
13 periods, toll zones, or other charges; requiring the Authority to provide certain  
14 information to certain committees of the General Assembly before submitting a  
15 certain request for legislation; making conforming changes; and generally  
16 relating to the Maryland Transportation Authority and increases to tolls, fees,  
17 and other charges.

18 BY repealing and reenacting, with amendments,  
19 Article – Transportation  
20 Section 4–312  
21 Annotated Code of Maryland  
22 (2008 Replacement Volume and 2013 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**

26 4–312.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

6 (2) **[As] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
7 **SUBSECTION, AS** to all or any part of any transportation facilities project, the  
8 Authority may:

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

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

14 **(3) THE AUTHORITY MAY NOT INCREASE A TOLL, A FEE, A**  
15 **MILEAGE RATE RANGE, A PRICING PERIOD, A TOLL ZONE, OR ANY OTHER**  
16 **CHARGE ON ANY PART OF ANY TRANSPORTATION FACILITIES PROJECT UNLESS:**

17 **(I) THE GENERAL ASSEMBLY APPROVES THE INCREASE**  
18 **THROUGH LEGISLATION ENACTED INTO LAW; OR**

19 **(II) THE AUTHORITY DETERMINES THAT AN EMERGENCY**  
20 **STATUS EXISTS UNDER PARAGRAPH (7) OF THIS SUBSECTION.**

21 **[(3)] (4) (i) Before the Authority [adopts] SUBMITS TO THE**  
22 **GENERAL ASSEMBLY A REQUEST FOR LEGISLATION FOR** an increase in tolls, fees,  
23 or other charges on any part of a fixed toll transportation facilities project or **[adopts]**  
24 **SUBMITS TO THE GENERAL ASSEMBLY A REQUEST FOR LEGISLATION FOR** an  
25 increase in mileage rate ranges, pricing periods, toll zones, fees, or other charges on a  
26 variably priced toll transportation facilities project, the Authority shall provide an  
27 opportunity for public review and comment on the proposed increase at one or more  
28 meetings held at a time and place of convenience to the public in each county in which  
29 the increase is proposed to be implemented.

30 (ii) At least 10 working days before the start of the first meeting  
31 under subparagraph (i) of this paragraph, the Authority shall provide to the public on  
32 the Authority's official Web site the proposed increase in tolls, fees, mileage rate  
33 ranges, pricing periods, toll zones, or other charges and information and studies used  
34 in its analysis to justify the proposed increase.

35 (iii) For a period of at least 10 working days after the last  
36 scheduled meeting for public review and comment under subparagraph (i) of this

1 paragraph, the Authority shall provide the public with an opportunity to submit  
2 additional written comments on the proposal.

3 (iv) Within 10 days after the close of the written comment period  
4 under subparagraph (iii) of this paragraph, the Authority shall provide to the public  
5 on its official Web site and to the members of the Authority a summary and analysis of  
6 the comments received from the public on the proposal.

7 **[(4)] (5)** Before the Authority votes on any proposal to **REQUEST AN**  
8 **IN** increase tolls, fees, or other charges on any part of a fixed toll transportation  
9 facilities project or votes on **ANY PROPOSAL TO REQUEST** an increase in mileage rate  
10 ranges, pricing periods, toll zones, fees, or other charges on any part of a variably  
11 priced toll transportation facilities project, the Authority shall:

12 (i) Provide in writing to all of the members of the Authority  
13 and, on request, to the public any recommendation of the Authority regarding the  
14 proposal;

15 (ii) For a period of at least 10 working days after making any  
16 recommendation on the proposal, provide an opportunity for public review and written  
17 comment on the recommendation;

18 (iii) Provide to the public on its official Web site:

19 1. Any recommendation of the Authority regarding the  
20 proposal; and

21 2. The time, place, and date of the meeting at which the  
22 Authority will vote on the proposal; and

23 (iv) Provide to each member of the Authority and provide to the  
24 public on its official Web site a summary and analysis of any public comments received  
25 under item (ii) of this paragraph by the Authority regarding the Authority's  
26 recommendation.

27 **[(5)] (6)** (i) At any meeting in which a recommendation to  
28 **REQUEST AN** increase **IN** tolls, fees, or other charges on a fixed toll transportation  
29 facilities project or a recommendation to **REQUEST AN** increase **IN** mileage rate  
30 ranges, pricing periods, toll zones, fees, or other charges on a variably priced  
31 transportation facilities project is scheduled for consideration, the Authority shall  
32 provide the public a reasonable amount of time to comment on the recommendation  
33 before the Authority votes on the recommendation.

34 (ii) If the Authority amends its recommendation after receiving  
35 public comment at the meeting under subparagraph (i) of this paragraph and then  
36 votes on the amended recommendation at that meeting, the Authority is not required

1 to provide an additional opportunity for public comment under paragraph [(4)](5) of  
2 this subsection.

3 [(6)] (7) (i) If the Authority determines that it must increase  
4 tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges within a  
5 time period or in a manner that will not permit compliance with paragraphs [(3) and]  
6 (3)(1), (4), AND (5) of this subsection to remain in compliance with the provisions of  
7 any trust agreement, escrow deposit agreement, or resolution that provides for the  
8 payment of bonds issued by the Authority, or to ensure that unforeseen circumstances  
9 do not adversely affect the continuity of operations at one or more transportation  
10 facilities projects, the Authority shall determine that an emergency status exists.

11 (ii) If the Authority determines that an emergency status exists  
12 under subparagraph (i) of this paragraph, the Authority shall adopt temporary  
13 adjustments to tolls, fees, mileage rate ranges, pricing periods, toll zones, or other  
14 charges that shall take effect immediately on adoption by the Authority or on the  
15 effective date established by the Authority.

16 (iii) If the Authority adopts any temporary adjustments to tolls,  
17 fees, mileage rate ranges, pricing periods, toll zones, or other charges under  
18 subparagraph (ii) of this paragraph, the Authority shall:

19 1. Provide notice to the public on the Authority's official  
20 Web site of any temporary adjustment adopted under subparagraph (ii) of this  
21 paragraph; and

22 2. Commence the public notice and comment procedures  
23 under paragraphs [(3) and] (4) AND (5) of this subsection immediately.

24 (iv) An emergency status determination may not exceed 180  
25 days and may be subject to one or more additional conditions imposed by the  
26 Authority.

27 (v) When the emergency status expires, the temporary  
28 adjustments adopted under subparagraph (ii) of this paragraph shall end.

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

37 (1) Pay the costs of maintaining, repairing, and operating the  
38 transportation facilities project or projects financed in whole or in part by one or more

1 series of outstanding and unpaid bonds, to the extent that payment is not otherwise  
2 provided;

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

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

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

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

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

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

19 (4) Prior to fixing or revising tolls **OR SUBMITTING TO THE**  
20 **GENERAL ASSEMBLY A REQUEST FOR LEGISLATION TO INCREASE A TOLL, A**  
21 **FEE, A MILEAGE RATE RANGE, A PRICING PERIOD, A TOLL ZONE, OR ANY OTHER**  
22 **CHARGE** on any part of any transportation facilities project, the Authority shall  
23 provide, in accordance with § 2-1246 of the State Government Article, to the Senate  
24 Budget and Taxation Committee, Senate Finance Committee, House Appropriations  
25 Committee, and House Ways and Means Committee information on the proposed [toll]  
26 charges, including:

27 (i) The annual revenues generated by the [toll] charges;

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

29 (iii) The proposed commuter discount rates.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2014.