

HOUSE BILL 1010

R2
HB 546/15 – ENV

6lr0917

By: **Delegates Lierman, Gaines, Beidle, B. Barnes, Branch, Brooks, Busch, Clippinger, Davis, Ebersole, Fennell, Frush, Gutierrez, Haynes, Hettleman, Hixson, Holmes, C. Howard, Lafferty, Luedtke, McCray, McIntosh, A. Miller, Moon, Platt, B. Robinson, Smith, Tarlau, and Waldstreicher**

Introduced and read first time: February 10, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transit Administration Oversight and Planning Board**

3 FOR the purpose of establishing the Maryland Transit Administration Oversight and
4 Planning Board; providing for the membership, term of office, powers, duties, and
5 staffing of the Board; providing that a member of the Board may not receive
6 compensation, but is entitled to reimbursement for certain expenses; requiring the
7 Board to submit an annual report to the Secretary of Transportation, the Governor,
8 and the General Assembly; requiring the Administration to produce and submit to
9 the Board for review and approval a certain strategic plan and certain other plans
10 and reports; requiring the Board to keep certain records on a public Web site that
11 allows for citizen review and communication; requiring the Administration to
12 establish the Citizens Advisory Council for the Maryland Transit Administration;
13 providing for the membership, term of office, powers, and duties of the Council;
14 providing that a member of the Council may not receive compensation, but is entitled
15 to reimbursement for certain expenses; defining a certain term; making a stylistic
16 change; and generally relating to the Maryland Transit Administration Oversight
17 and Planning Board.

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 7–203 and 7–204(q)
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2015 Supplement)

23 BY adding to
24 Article – Transportation
25 Section 7–204(q), 7–205, and 7–213
26 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2015 Replacement Volume and 2015 Supplement)

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

Article – Transportation

7–203.

(a) The exercise of the powers and duties of the Administration is subject to the authority of the Secretary and, where applicable, the Maryland Transportation Authority **AND THE MARYLAND TRANSIT ADMINISTRATION OVERSIGHT AND PLANNING BOARD.**

(b) By regulation or directive, the Secretary or, where applicable, the Maryland Transportation Authority may require that the exercise of any power or duty of the Administration be subject to the prior approval of the Secretary [or], the Maryland Transportation Authority, [as the case may be] **OR THE MARYLAND TRANSIT ADMINISTRATION OVERSIGHT AND PLANNING BOARD.**

7–204.

(Q) THE ADMINISTRATION SHALL DESIGNATE AN EXECUTIVE DIRECTOR AND OTHER STAFF AS NEEDED TO PROVIDE ASSISTANCE TO THE MARYLAND TRANSIT ADMINISTRATION OVERSIGHT AND PLANNING BOARD ESTABLISHED UNDER § 7–205 OF THIS SUBTITLE.

[(q)] (R) Subject to the limitations imposed by this title, the Administration may exercise all powers reasonably necessary to the declared objects and purposes of this title.

7–205.

(A) IN THIS SECTION, “BOARD” MEANS THE MARYLAND TRANSIT ADMINISTRATION OVERSIGHT AND PLANNING BOARD.

(B) THERE IS A MARYLAND TRANSIT ADMINISTRATION OVERSIGHT AND PLANNING BOARD.

(C) THE BOARD CONSISTS OF:

(1) THE FOLLOWING VOTING MEMBERS:

(i) FOUR MEMBERS FROM BALTIMORE CITY, APPOINTED AS FOLLOWS:

1 1. **TWO MEMBERS APPOINTED BY THE MAYOR OF**
2 **BALTIMORE CITY; AND**

3 2. **TWO MEMBERS APPOINTED BY THE GOVERNOR;**

4 **(II) THREE MEMBERS FROM BALTIMORE COUNTY, APPOINTED**
5 **AS FOLLOWS:**

6 1. **TWO MEMBERS APPOINTED BY THE COUNTY**
7 **EXECUTIVE OF BALTIMORE COUNTY; AND**

8 2. **ONE MEMBER APPOINTED BY THE GOVERNOR;**

9 **(III) TWO MEMBERS FROM ANNE ARUNDEL COUNTY,**
10 **APPOINTED AS FOLLOWS:**

11 1. **ONE MEMBER APPOINTED BY THE COUNTY**
12 **EXECUTIVE OF ANNE ARUNDEL COUNTY; AND**

13 2. **ONE MEMBER APPOINTED BY THE GOVERNOR;**

14 **(IV) ONE MEMBER FROM HOWARD COUNTY, APPOINTED BY THE**
15 **COUNTY EXECUTIVE OF HOWARD COUNTY;**

16 **(V) ONE MEMBER FROM HARFORD COUNTY, APPOINTED BY**
17 **THE COUNTY EXECUTIVE OF HARFORD COUNTY;**

18 **(VI) ONE MEMBER OF THE CITIZENS ADVISORY COUNCIL FOR**
19 **THE MARYLAND TRANSIT ADMINISTRATION, APPOINTED BY THE GOVERNOR; AND**

20 **(VII) TWO MEMBERS OF THE GENERAL ASSEMBLY, APPOINTED**
21 **AS FOLLOWS:**

22 1. **ONE MEMBER APPOINTED BY THE PRESIDENT OF THE**
23 **SENATE; AND**

24 2. **ONE MEMBER APPOINTED BY THE SPEAKER OF THE**
25 **HOUSE OF DELEGATES; AND**

26 **(2) THE SECRETARY OF TRANSPORTATION, AS A NONVOTING**
27 **MEMBER, EXCEPT THAT THE SECRETARY MAY VOTE TO BREAK A TIE ON ANY ITEM**
28 **VOTED BY THE BOARD.**

1 **(D) (1) EACH MEMBER OF THE BOARD:**

2 **(I) SERVES FOR A TERM OF 3 YEARS; AND**

3 **(II) MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.**

4 **(2) THE TERM OF A MEMBER BEGINS ON JANUARY 1.**

5 **(3) IN THE EVENT OF A VACANCY ON THE BOARD, THE APPOINTING**
6 **AUTHORITY FOR THAT MEMBER SHALL APPOINT A NEW MEMBER TO FILL THE**
7 **VACANCY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS**
8 **APPOINTED AND QUALIFIES.**

9 **(E) THE BOARD SHALL:**

10 **(1) ANNUALLY ELECT A CHAIR AND VICE CHAIR FROM AMONG THE**
11 **MEMBERS OF THE BOARD, EXCEPT THAT THE SECRETARY OF TRANSPORTATION**
12 **MAY NOT SERVE AS CHAIR OR VICE CHAIR;**

13 **(2) ORGANIZE AND ESTABLISH POLICIES AND PROCEDURES FOR THE**
14 **OPERATIONS OF THE BOARD AS IT CONSIDERS APPROPRIATE, INCLUDING CONFLICT**
15 **OF INTEREST STANDARDS THAT PROHIBIT A MEMBER OF THE BOARD FROM HAVING**
16 **ANY INAPPROPRIATE FINANCIAL OR NONFINANCIAL INTEREST IN A MATTER OVER**
17 **WHICH THE BOARD HAS JURISDICTION;**

18 **(3) NO LATER THAN 6 MONTHS AFTER THE BOARD FIRST MEETS, AND**
19 **AFTER AN OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT FOR NOT LESS THAN**
20 **60 DAYS BUT NOT LONGER THAN 90 DAYS, ADOPT BYLAWS TO GOVERN THE**
21 **OPERATIONS OF THE BOARD;**

22 **(4) (I) MEET EACH QUARTER AND AS THE BOARD CONSIDERS**
23 **NECESSARY TO CARRY OUT ITS DUTIES; AND**

24 **(II) RECEIVE PUBLIC COMMENTS DURING AT LEAST TWO OF ITS**
25 **QUARTERLY MEETINGS EACH YEAR;**

26 **(5) (I) KEEP MINUTES OF THE MEETINGS OF THE BOARD AND**
27 **MAINTAIN PROPER RECORDS OF ALL TRANSACTIONS OF THE BOARD;**

28 **(II) POST ALL MINUTES, RECORDS, NOTICES, COMMENTS, OR**
29 **OTHER INFORMATION ISSUED BY THE BOARD OR RECEIVED FROM THE PUBLIC IN A**
30 **SEARCHABLE DATABASE ON A PUBLIC WEB SITE ESTABLISHED AND MAINTAINED BY**
31 **THE BOARD; AND**

1 **(III) ALLOW THE PUBLIC TO SUBMIT COMMENTS TO THE BOARD**
2 **THROUGH THE PUBLIC WEB SITE AND VIEW WITHOUT RESTRICTION ALL MINUTES,**
3 **RECORDS, NOTICES, COMMENTS, OR OTHER INFORMATION ISSUED BY THE BOARD**
4 **OR SUBMITTED TO THE BOARD BY THE PUBLIC.**

5 **(F) IN ACCORDANCE WITH § 7-204(Q) OF THIS SUBTITLE, PRINCIPAL STAFF**
6 **FOR THE BOARD SHALL BE PROVIDED BY THE ADMINISTRATION.**

7 **(G) A MEMBER OF THE BOARD:**

8 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD;**
9 **BUT**

10 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
11 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

12 **(H) IN ADDITION TO ITS DUTIES UNDER SUBSECTION (E) OF THIS SECTION,**
13 **THE BOARD SHALL:**

14 **(1) ON BEHALF OF THE RESIDENTS AND BUSINESSES OF THE STATE,**
15 **EXERCISE RIGOROUS OVERSIGHT OF AND ENGAGE IN ADVOCACY FOR THE PUBLIC**
16 **TRANSIT SYSTEMS MAINTAINED BY THE ADMINISTRATION;**

17 **(2) REQUIRE THE ADMINISTRATION TO PRODUCE AND SUBMIT TO**
18 **THE BOARD FOR REVIEW AND EDIT A STRATEGIC PLAN FOR TRANSIT EVERY 3**
19 **YEARS;**

20 **(3) REVIEW ANY REPORT PREPARED BY OR FOR THE**
21 **ADMINISTRATION CONCERNING THE ATTAINMENT OF ITS GOALS AND EVALUATE**
22 **ANY OTHER MEASURES OF THE PERFORMANCE OF THE TRANSIT SYSTEM, AND THEN**
23 **MAKE RECOMMENDATIONS CONCERNING HOW THE RESULTS OF THE BOARD'S**
24 **REVIEW AND EVALUATION SHOULD INFLUENCE THE ADMINISTRATION'S PRIORITIES**
25 **IN THE COMING YEAR.**

26 **(4) ANNUALLY REVIEW AND COMMENT ON SPENDING PRIORITIES**
27 **UNDER THE MARYLAND CONSOLIDATED TRANSPORTATION PROGRAM,**
28 **PARTICULARLY WITH REGARD TO THE ADMINISTRATION'S ADHERENCE TO ITS**
29 **STRATEGIC PLAN AND THE POTENTIAL TO ACHIEVE MEASURABLE IMPROVEMENT IN**
30 **ATTAINING THE ADMINISTRATION'S GOALS OR OTHER SUITABLE MEASURES OF**
31 **PERFORMANCE;**

1 **(5) REVIEW AND COMMENT ON TRANSPORTATION OPERATIONS,**
2 **PLANS, AND SERVICES PROPOSED BY OR FOR BALTIMORE CITY AND THE COUNTIES**
3 **IN THE BALTIMORE METROPOLITAN AREA THAT COMPLEMENT THE TRANSIT PLANS**
4 **AND SERVICES OF THE ADMINISTRATION;**

5 **(6) REVIEW AND COMMENT ON:**

6 **(I) THE ADMINISTRATION'S ANNUAL OPERATING AND CAPITAL**
7 **BUDGET; AND**

8 **(II) SPECIFIC POLICIES AND DECISIONS THAT ARE KEY TO**
9 **ADMINISTRATION SERVICE QUALITY;**

10 **(7) ON OR BEFORE FEBRUARY 15 EACH YEAR, PROVIDE COMMENTS**
11 **CONCERNING THE ADMINISTRATION'S STRATEGIC PLAN, BUDGET, AND POLICIES TO**
12 **THE GOVERNOR, THE SENATE BUDGET AND TAXATION COMMITTEE AND THE**
13 **FINANCE COMMITTEE, AND THE HOUSE COMMITTEE ON WAYS AND MEANS AND**
14 **ENVIRONMENT AND TRANSPORTATION COMMITTEE;**

15 **(8) CONVENE SUBCOMMITTEES OR OTHER APPROPRIATE ENTITIES**
16 **TO GATHER INFORMATION AND SUGGESTIONS REGARDING TRANSIT SERVICE FROM**
17 **NONPROFIT ORGANIZATIONS, CIVIC FOUNDATIONS, EMPLOYERS, AND TRANSIT**
18 **RIDERS;**

19 **(9) AS IT DEEMS APPROPRIATE, PROPOSE TO THE ADMINISTRATION**
20 **AND TO THE GENERAL ASSEMBLY THE ADOPTION OF POLICIES THAT ENCOURAGE**
21 **ADMINISTRATION PRACTICES THAT PROMOTE PUBLIC SAFETY, TRANSPARENCY,**
22 **ACCOUNTABILITY, CUSTOMER SERVICE, REGULAR COMMUNICATION WITH THE**
23 **PUBLIC, AND PRUDENT FINANCIAL DECISION MAKING; AND**

24 **(10) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, COMPILE AND**
25 **SUBMIT TO THE SECRETARY OF TRANSPORTATION, THE SECRETARY OF**
26 **COMMERCE, THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
27 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT CONCERNING THE**
28 **ADMINISTRATION'S PROGRESS IN MEETING THE STRATEGIC PLAN SUBMITTED TO**
29 **THE BOARD UNDER THIS SUBSECTION.**

30 **(I) (1) THE ADMINISTRATION SHALL REPORT TO THE BOARD AS**
31 **PRESCRIBED IN THIS SUBSECTION AND AT OTHER TIMES AND FOR ANY PURPOSE**
32 **THAT THE BOARD DETERMINES IT NECESSARY TO DO SO.**

1 **(2) IN ADDITION TO THE STRATEGIC PLAN REQUIRED UNDER**
2 **SUBSECTION (G)(2) OF THIS SECTION, THE ADMINISTRATION SHALL SUBMIT TO THE**
3 **BOARD EACH YEAR:**

4 **(I) A PERFORMANCE REPORT;**

5 **(II) AN OPERATING, CAPITAL IMPROVEMENT, AND SYSTEM**
6 **MAINTENANCE PLAN; AND**

7 **(III) A SUMMARY OF ANY AUDIT REPORT RECEIVED BY THE**
8 **ADMINISTRATION.**

9 **(3) THE ADMINISTRATION SHALL SUBMIT TO THE BOARD EVERY**
10 **THREE YEARS:**

11 **(I) AN UPDATED LONG-TERM MULTI-MODAL PLAN;**

12 **(II) AN UPDATED PLAN FOR CORE, COMMUTER, LIGHT RAIL,**
13 **AND HEAVY RAIL TRANSIT SERVICE; AND**

14 **(III) THE RESULTS OF A RIDE-ON SURVEY CONDUCTED AS PART**
15 **OF ITS LONG RANGE PLANNING FOR TRANSIT SERVICE.**

16 **7-213.**

17 **(A) IN THIS SECTION, “COUNCIL” MEANS THE CITIZEN’S ADVISORY**
18 **COUNCIL FOR THE MARYLAND TRANSIT ADMINISTRATION.**

19 **(B) THE ADMINISTRATION SHALL ESTABLISH A CITIZEN’S ADVISORY**
20 **COUNCIL FOR THE MARYLAND TRANSIT ADMINISTRATION.**

21 **(C) (1) THE COUNCIL SHALL INCLUDE AT LEAST 13 MEMBERS.**

22 **(2) THE ADMINISTRATION SHALL APPOINT NO FEWER THAN THREE**
23 **REPRESENTATIVES OF TRANSIT ADVOCACY ORGANIZATIONS AS MEMBERS OF THE**
24 **COUNCIL.**

25 **(3) EACH MEMBER OF THE COUNCIL:**

26 **(I) SERVES FOR A TERM OF 1 YEAR; AND**

27 **(II) MAY NOT SERVE FOR MORE THAN 5 CONSECUTIVE YEARS.**

1 **(4) THE TERM OF A MEMBER BEGINS ON JANUARY 1.**

2 **(5) A MEMBER OF THE COUNCIL:**

3 **(I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
4 **COUNCIL; BUT**

5 **(II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER**
6 **THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
7 **BUDGET.**

8 **(D) THE ADMINISTRATION SHALL ESTABLISH AND MAINTAIN AN OFFICIAL**
9 **PUBLIC WEB SITE FOR THE COUNCIL.**

10 **(E) (1) THE PURPOSE OF THE COUNCIL IS TO SOLICIT AND RECEIVE**
11 **COMMENTS FROM THE USERS OF THE MASS TRANSIT SYSTEMS MAINTAINED BY THE**
12 **ADMINISTRATION AND PROVIDE RECOMMENDATIONS FOR SERVICE**
13 **IMPROVEMENTS.**

14 **(2) THE COUNCIL SHALL SUMMARIZE AND REPORT TO THE BOARD**
15 **AND THE ADMINISTRATION THE COMMENTS AND RECOMMENDATIONS IT RECEIVES**
16 **FROM THE PUBLIC UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

17 **(F) THE COUNCIL SHALL:**

18 **(1) ADOPT BYLAWS TO GOVERN ITS OPERATIONS;**

19 **(2) MEET AT LEAST ONCE EACH MONTH;**

20 **(3) AT EACH MEETING, RECEIVE PUBLIC COMMENTS FROM THE**
21 **USERS OF THE MASS TRANSIT SYSTEMS MAINTAINED BY THE ADMINISTRATION;**

22 **(4) KEEP MINUTES OF ITS MEETINGS AND POST ALL MINUTES,**
23 **RECORDS, NOTICES, COMMENTS, OR OTHER INFORMATION ISSUED BY THE COUNCIL**
24 **OR RECEIVED FROM THE PUBLIC IN A SEARCHABLE DATABASE ON THE COUNCIL'S**
25 **WEB SITE ESTABLISHED AND MAINTAINED BY THE ADMINISTRATION.**

26 **(G) (1) THE COUNCIL SHALL ELECT A CHAIR AND VICE CHAIR FROM**
27 **AMONG ITS MEMBERS.**

28 **(2) THE TERM OF THE CHAIR AND VICE CHAIR IS 2 YEARS.**

1 **(3) THE CHAIR AND VICE CHAIR MAY NOT SERVE TWO CONSECUTIVE**
2 **TERMS IN THE SAME OFFICE.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members of
4 the Maryland Transit Administration Oversight and Planning Board established under
5 this Act shall be staggered as follows:

6 (1) of the two members from Baltimore City appointed by the Mayor of
7 Baltimore City, one member shall serve for an initial term of two years and one member
8 shall serve and initial term of three years;

9 (2) of the two members from Baltimore City appointed by the Governor,
10 one member shall serve for an initial term of two years and one member shall serve an
11 initial term of three years;

12 (3) of the two members from Baltimore County appointed by the County
13 Executive of Baltimore County, one member shall serve for an initial term of two years and
14 one member shall serve an initial term of three years;

15 (4) the member from Baltimore County appointed by the Governor shall
16 serve an initial term of three years;

17 (5) the member from Anne Arundel County appointed by the County
18 Executive of Anne Arundel County shall serve an initial term of three years;

19 (6) the member from Anne Arundel County appointed by the Governor
20 shall serve an initial term of two years;

21 (7) the member from Howard County appointed by the County Executive
22 of Howard County shall serve an initial term of three years;

23 (8) the member from Harford County appointed by the County Executive
24 of Harford County shall serve an initial term of two years;

25 (9) the member of the Citizens Advisory Council appointed by the Governor
26 shall serve an initial term of three years; and

27 (10) the members of the General Assembly, one appointed by the President
28 of the Senate and one appointed by the Speaker of the House, each shall serve an initial
29 term of three years.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2016.