

HOUSE BILL 1394

R1

6lr2896

By: **Delegate Hixson**

Introduced and read first time: February 12, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Decreases in Tolls or Other Charges –**
3 **Notice and Public Comment**

4 FOR the purpose of requiring the Maryland Transportation Authority to provide an
5 opportunity for public review and comment at one or more public meetings before
6 the Authority adopts a decrease in tolls or other charges; requiring the Authority to
7 hold a meeting for public comment in each county in which a major capital project is
8 located that would be canceled or altered due to a proposed decrease in tolls or other
9 charges; providing that certain procedures for notice and public comment that apply
10 to increases in tolls or other charges also apply to decreases in tolls and other
11 charges; defining certain terms; and generally relating to notice and public comment
12 on decreases in tolls or other charges.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 4–312
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2015 Supplement)

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

20 **Article – Transportation**

21 4–312.

22 (a) **(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “CAPITAL PROJECT” HAS THE MEANING STATED IN § 2-103.1 OF**
2 **THIS ARTICLE.**

3 **(3) “CONSTRUCTION PHASE” HAS THE MEANING STATED IN § 2-103.1**
4 **OF THIS ARTICLE.**

5 **(4) “MAJOR CAPITAL PROJECT” HAS THE MEANING STATED IN §**
6 **2-103.1 OF THIS ARTICLE.**

7 **(5) “PROJECT DEVELOPMENT PHASE” HAS THE MEANING STATED IN**
8 **§ 2-103.1 OF THIS ARTICLE.**

9 **(B) (1)** Notwithstanding the provisions of Section 3, § 20 and Section 4, § 16 of
10 Chapter 608 of the Acts of the General Assembly of 1976, tolls may continue to be charged
11 on the John F. Kennedy Memorial Highway and any project constructed under the
12 provisions of Section 3 (Bridge, Tunnel, and Motorway Revenue Bonds) of Chapter 608 of
13 the Acts of the General Assembly of 1976.

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

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

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

20 (3) (i) **1.** Before the Authority adopts an increase in tolls, fees, or
21 other charges on any part of a fixed toll transportation facilities project or adopts an
22 increase in mileage rate ranges, pricing periods, toll zones, fees, or other charges on a
23 variably priced toll transportation facilities project, the Authority shall provide an
24 opportunity for public review and comment on the proposed increase at one or more
25 meetings held at a time and place of convenience to the public in each county in which the
26 increase is proposed to be implemented.

27 **2. A. BEFORE THE AUTHORITY ADOPTS A DECREASE**
28 **IN TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A FIXED TOLL**
29 **TRANSPORTATION FACILITIES PROJECT OR ADOPTS A DECREASE IN MILEAGE RATE**
30 **RANGES, PRICING PERIODS, TOLL ZONES, FEES, OR OTHER CHARGES ON A VARIABLY**
31 **PRICED TOLL TRANSPORTATION FACILITIES PROJECT, THE AUTHORITY SHALL**
32 **PROVIDE AN OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT ON THE PROPOSED**
33 **DECREASE AT ONE OR MORE MEETINGS HELD AT A TIME AND PLACE OF**
34 **CONVENIENCE TO THE PUBLIC.**

1 **B. IF THE PROPOSED DECREASE IN TOLLS, FEES,**
2 **MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, OR OTHER CHARGES**
3 **WOULD RESULT IN A LOSS OF REVENUE TO THE AUTHORITY THAT REQUIRES THE**
4 **CANCELLATION OF A MAJOR CAPITAL PROJECT OR AN ALTERATION IN THE SCOPE,**
5 **DESIGN, OR SCHEDULING OF A MAJOR CAPITAL PROJECT, INCLUDING A MAJOR**
6 **CAPITAL PROJECT IN THE PROJECT DEVELOPMENT PHASE OR IN THE**
7 **CONSTRUCTION PHASE, THE AUTHORITY SHALL HOLD A MEETING FOR PUBLIC**
8 **COMMENT AT A TIME AND PLACE OF CONVENIENCE TO THE PUBLIC IN EACH COUNTY**
9 **IN WHICH A MAJOR CAPITAL PROJECT THAT IS AFFECTED BY THE PROPOSED**
10 **DECREASE IS LOCATED.**

11 (ii) At least 10 working days before the start of the first meeting
12 under subparagraph (i) of this paragraph, the Authority shall provide to the public on the
13 Authority's official Web site the proposed [increase] **ALTERATION** in tolls, fees, mileage
14 rate ranges, pricing periods, toll zones, or other charges and information and studies used
15 in its analysis to justify the proposed [increase] **ALTERATION**.

16 (iii) For a period of at least 10 working days after the last scheduled
17 meeting for public review and comment under subparagraph (i) of this paragraph, the
18 Authority shall provide the public with an opportunity to submit additional written
19 comments on the proposal.

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

24 (4) Before the Authority votes on any proposal to [increase] **ALTER** tolls,
25 fees, or other charges on any part of a fixed toll transportation facilities project or votes on
26 an increase in mileage rate ranges, pricing periods, toll zones, fees, or other charges on any
27 part of a variably priced toll transportation facilities project, the Authority shall:

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

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

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

34 1. Any recommendation of the Authority regarding the
35 proposal; and

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

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

5 (5) (i) At any meeting in which a recommendation to [increase] **ALTER**
6 tolls, fees, or other charges on a fixed toll transportation facilities project or a
7 recommendation to [increase] **ALTER** mileage rate ranges, pricing periods, toll zones, fees,
8 or other charges on a variably priced transportation facilities project is scheduled for
9 consideration, the Authority shall provide the public a reasonable amount of time to
10 comment on the recommendation before the Authority votes on the recommendation.

11 (ii) If the Authority amends its recommendation after receiving
12 public comment at the meeting under subparagraph (i) of this paragraph and then votes on
13 the amended recommendation at that meeting, the Authority is not required to provide an
14 additional opportunity for public comment under paragraph (4) of this subsection.

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

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

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

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

33 2. Commence the public notice and comment procedures
34 under paragraphs (3) and (4) of this subsection immediately.

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

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

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

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

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

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

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

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

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

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

29 (4) Prior to fixing or revising tolls on any part of any transportation
30 facilities project, the Authority shall provide, in accordance with § 2-1246 of the State
31 Government Article, to the Senate Budget and Taxation Committee, Senate Finance
32 Committee, House Appropriations Committee, and House Ways and Means Committee
33 information on the proposed toll charges, including:

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

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

1 (iii) The proposed commuter discount rates.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
3 1, 2016.