

Chapter 719

(House Bill 290)

AN ACT concerning

**Maryland Transportation Authority – ~~Vehicles Not Using Bridge Toll~~
~~Prohibition~~ Third Generation–Electronic Toll Collection System**

FOR the purpose of ~~prohibiting the Maryland Transportation Authority from charging a toll at a toll plaza adjacent to a bridge that is a transportation facilities project for a vehicle that does not traverse the bridge; requiring the Authority to direct, by physical traffic management measures, vehicles that do not traverse the bridge into a toll-free lane through the toll plaza or construct a lane bypassing the toll plaza for use by vehicles that do not traverse the bridge; and generally relating to tolls and Maryland Transportation Authority bridges~~ requiring the Maryland Transportation Authority, on or before a certain date each year, to submit a certain report to the Governor and certain committees of the General Assembly on certain matters related to the Third Generation–Electronic Toll Collection System, including information related to efforts to review and analyze the location of certain toll plazas for certain purposes; providing for the termination of this Act; and generally relating to the Third Generation–Electronic Toll Collection System.

BY repealing and reenacting, without amendments,
 Article – Transportation
 Section 4–101(h) ~~and 4–312(a)(2)~~
 Annotated Code of Maryland
 (2015 Replacement Volume and 2016 Supplement)

~~BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 4–312(e)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2016 Supplement)~~

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

Article – Transportation

4–101.

(h) “Transportation facilities project” includes:

(1) The Susquehanna River Bridge, the Harry W. Nice Memorial Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, the Fort McHenry Tunnel, the

Francis Scott Key Bridge, and the John F. Kennedy Memorial Highway, together with their appurtenant causeways, approaches, interchanges, entrance plazas, toll stations, and service facilities;

(2) A vehicle parking facility located in a priority funding area as defined in § 5-7B-02 of the State Finance and Procurement Article;

(3) Any other project for transportation facilities that the Authority authorizes to be acquired or constructed; and

(4) Any additions, improvements, or enlargements to any of these projects, whenever authorized.

~~4-312.~~

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

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

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

~~(e) (1) Except as otherwise provided in this subsection, the rentals, rates, fees, tolls, and other charges and revenues are not subject to supervision or regulation by any instrumentality, agency, or unit of this State or any of its political subdivisions.~~

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

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

~~(4) (i) AT A TOLL PLAZA ADJACENT TO A BRIDGE THAT IS A TRANSPORTATION FACILITIES PROJECT, THE AUTHORITY MAY NOT CHARGE A TOLL FOR A VEHICLE THAT DOES NOT TRAVERSE THE BRIDGE.~~

~~(ii) THE AUTHORITY SHALL:~~

~~1. DIRECT, BY PHYSICAL TRAFFIC MANAGEMENT MEASURES, VEHICLES THAT DO NOT TRAVERSE THE BRIDGE INTO A TOLL FREE LANE THROUGH THE TOLL PLAZA; OR~~

~~2. CONSTRUCT A LANE BYPASSING THE TOLL PLAZA FOR USE BY VEHICLES THAT DO NOT TRAVERSE THE BRIDGE.~~

~~(5) Prior to fixing or revising tolls on any part of any transportation facilities project, the Authority shall provide, in accordance with § 2-1246 of the State Government Article, to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Ways and Means Committee information on the proposed toll charges, including:~~

- ~~(i) The annual revenues generated by the toll charges;~~
- ~~(ii) The proposed use of the revenues; and~~
- ~~(iii) The proposed commuter discount rates.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31 each year, the Maryland Transportation Authority shall issue a report to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Finance Committee and the House Environment and Transportation Committee on the procurement and implementation of the Third Generation-Electronic Toll Collection System that includes for each component of the System:

(1) a summary of key issues being addressed in the procurement and implementation of the System, including:

(i) efforts to review and analyze the location of a toll plaza adjacent to a bridge that is a transportation facilities project to ensure that the Authority is appropriately charging a toll for vehicles that traverse the transportation facilities project; and

(ii) a projected time frame for:

1. Board of Public Works approval of contracts for the System; and

2. implementation of the System;

(2) if a contract has been approved by the Board of Public Works:

(i) a summary of the key contract terms, including duration and cost;

(ii) the selected vendors and their qualifications;

(iii) a description of the factors that made a selected vendor the best-value selection;

(iv) major changes made with respect to the previous tolling system contract, including new payment options for tolls; and

(v) a description of the performance measures included in the contract and the actions that may be taken if the performance measures are not met; and

(3) if a component of the System has been implemented, the impact on:

(i) the tolling operations of and customer service provided by the Authority; and

(ii) the possibility of implementing all-electronic tolling or changes to toll rates.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017. It shall remain effective for a period 3 years and, at the end of June 30, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 25, 2017.