

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 Enrolled - Revised

Senate Bill 516

(Senator Madaleno, *et al.*)

Budget and Taxation

Environment and Transportation

Transportation - Highway User Revenues - Distribution

This bill alters the manner in which Gasoline and Motor Vehicle Revenue Account (GMVRA) revenue is shared with local governments and increases the local government share. Instead of directly sharing GMVRA revenue with local governments, the bill requires 100% of the funds in GMVRA to be retained by the Transportation Trust Fund (TTF) beginning in fiscal 2020. Beginning in that same year, the Maryland Department of Transportation (MDOT) must provide capital transportation grants to local governments based on the amount of revenue allocated to GMVRA, as specified. These capital transportation grants are considered “highway user revenues.” **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: Under one set of assumptions, TTF revenues (including bond revenues) increase by an estimated \$1,479.4 million from FY 2020 through 2023; TTF expenditures increase by \$1,100.5 million over the same time period, resulting in a net positive effect of \$378.8 million on TTF over the four-year period.

(\$ in millions)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
SF Revenue	\$0	\$178.8	\$181.5	\$184.3	\$188.3
Bond Rev.	\$0	\$192.0	\$129.6	\$201.6	\$223.2
SF Expenditure	\$0	\$255.4	\$265.9	\$276.7	\$302.5
Net Effect	\$0.0	\$115.4	\$45.3	\$109.2	\$108.9

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government revenues increase by an estimated \$72.7 million in FY 2020, \$73.7 million in FY 2021, \$74.9 million in FY 2022, and \$76.5 million in FY 2023.

Small Business Effect: None.

Analysis

Bill Summary: From fiscal 2020 through 2024, an amount equal to 13.5% of the revenue allocated to GMVRA must be provided to local governments through capital transportation grants as follows: Baltimore City (8.3%); counties (3.2%); and municipalities (2.0%). Beginning in fiscal 2025, an amount equal to 9.6% of the revenue allocated to GMVRA must be provided to local governments through capital transportation grants as follows: Baltimore City (7.7%); counties (1.5%); and municipalities (0.4%); this is equivalent to the current GMVRA distribution to localities.

The capital grants may only be appropriated if all debt service requirements and MDOT operating expenses have been funded and sufficient funds are available to fund the capital program.

Current Law:

Transportation Trust Fund – Generally

TTF is a nonlapsing special fund that provides funding for transportation. It consists of tax and fee revenues, operating revenues, bond proceeds, and fund transfers. MDOT issues bonds backed by TTF revenues and invests the TTF fund balance to generate investment income. The Maryland Transit Administration, Motor Vehicle Administration, Maryland Port Administration, and Maryland Aviation Administration generate operating revenues that cover a portion of their operating expenditures. After meeting debt service requirements, MDOT may use funds in TTF for any lawful purpose related to the exercise of its rights, powers, duties, and obligations. This includes issuing Consolidated Transportation Bonds (CTBs).

Debt Service Requirements and Practices

State law and agency debt practices limit CTB issuances with three criteria: a debt outstanding limit and two coverage tests. The debt outstanding limit is set in statute at \$4.5 billion. The two coverage tests are established in the department's bond resolutions and require that annual net income and pledged taxes from the prior year each equal at least 2.0 times the maximum level of future debt service payments on all CTBs outstanding and to be issued. The department has adopted a management practice that requires minimum coverages of 2.5 times maximum future debt service. The net income coverage test is the ratio of all the prior year's income (excluding federal capital, bond proceeds, and third-party reimbursements) minus prior year operating expenses, debt service payments, deductions for nontransportation agencies, and local transportation aid to maximum future annual debt service and typically is the limiting coverage ratio. The pledged taxes coverage test measures annual net revenues from vehicle excise, motor fuel, rental car sales, and

corporate income taxes (excluding refunds and all statutory deductions) as a ratio of maximum future annual debt service.

If either of these coverage ratios fall below the 2.0 times level, the department is prohibited under its bond covenants from issuing additional debt until the ratios are once again at the minimum 2.0 times level.

Highway User Revenues – Distributions and Authorized Purposes

TTF's GMVRA revenues (commonly known as highway user revenues) must be distributed to MDOT and local jurisdictions as follows:

- 90.4% to MDOT;
- 7.7% to Baltimore City;
- 1.5% to counties; and
- 0.4% to municipalities.

A local government entity may only use its share of highway user revenues for authorized purposes related to transportation infrastructure construction and maintenance.

Background: For more information regarding transportation aid to local governments and highway user revenues, please see the **Appendix – Highway User Revenues**.

The *Consolidated Transportation Program* for fiscal 2019 through 2023 has set aside approximately \$58.0 million in fiscal 2019 to be distributed to local governments as capital transportation grants. Of this total, \$29.9 million goes to counties, \$5.6 million goes to Baltimore City, and \$22.5 million goes to municipalities. Budget bill language specifies that the grants be distributed to the counties and municipalities using the same GMVRA distribution formula that applies to the counties and municipalities.

State Fiscal Effect: By requiring MDOT to share highway user revenues with localities through capital transportation grants instead of directly providing a portion of the GMVRA revenues to localities, TTF revenues available to MDOT increase by an estimated \$178.8 million in fiscal 2020, \$181.5 million in fiscal 2021, \$184.3 million in fiscal 2022, and \$188.3 million in fiscal 2023, totaling \$733.0 million over the four-year period.

MDOT advises that the \$733.0 million increase in available revenues allows it to increase its bond issuances by \$335.0 million over that same period, resulting in an increase of \$1.1 billion in TTF revenues available to MDOT. The Department of Legislative Services estimates, however, that the additional \$733.0 million increase in available revenues allows MDOT to increase its bond issuances by up to \$746.4 million over that same period, resulting in an increase in TTF revenues of nearly \$1.5 billion (\$1,479.4 million).

While the bill significantly increases TTF revenues, it also significantly increases TTF expenditures. First, revenues that were previously directly shared with local governments (which are not considered TTF expenditures) are instead shared through capital grants (which are considered TTF expenditures). Second, the bill increases the portion of highway user revenues that local governments receive. Third, assuming MDOT issues an additional \$746.4 million in bonds, MDOT incurs additional debt service expenditures totaling \$69.8 million from fiscal 2020 through 2023. Therefore, TTF expenditures increase by an estimated \$255.4 million in fiscal 2020, \$265.9 million in fiscal 2021, \$276.7 million in fiscal 2022, and \$302.5 million in fiscal 2023, totaling \$1.1 billion over the four-year period (\$1,100.5 million).

Assuming that MDOT issues an additional \$746.4 million in bonds, as described above, the net positive effect on TTF is approximately \$378.8 million over the four-year period, which reflects the additional \$1.5 billion (\$1,479.4 million) in TTF revenues and \$1.1 billion (\$1,100.5 million) in TTF expenditures.

Local Fiscal Effect: Altering the manner in which the State provides highway user revenues to localities increases local jurisdictions’ highway user revenues by an estimated \$72.7 million in fiscal 2020, \$73.7 million in fiscal 2021, \$74.9 million in fiscal 2022, and \$76.5 million in fiscal 2023. The distribution of the increase between Baltimore City, counties, and municipalities is shown in **Exhibit 1**.

Exhibit 1
Projected Increase in Local Highway User Revenues
Fiscal 2019-2023
(\$ in Millions)

	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>
Baltimore City	\$0.0	\$11.2	\$11.3	\$11.5	\$11.8
Counties	0.0	31.7	32.1	32.6	33.3
Municipalities	0.0	29.8	30.3	30.7	31.4
Total	\$0.0	\$72.7	\$73.7	\$74.9	\$76.5

Note: Totals may not sum due to rounding.

Source: Department of Legislative Services

Exhibit 2 shows the increase in highway user revenues distributed to localities and the total amount of highway user revenues distributed to localities from fiscal 2019 through 2023 under the bill (by county). (The total highway user revenues in this exhibit do not reflect the fiscal 2019 capital transportation grants for counties, municipalities, and Baltimore City.)

Exhibit 2
Local Government Increase and Total – Highway User Revenues
Fiscal 2019-2023
(\$ in Millions)

	FY 2019		FY 2020		FY 2021		FY 2022		FY 2023	
	<u>Increase</u>	<u>Total</u>	<u>Increase</u>	<u>Total</u>	<u>Increase</u>	<u>Total</u>	<u>Increase</u>	<u>Total</u>	<u>Increase</u>	<u>Total</u>
Allegany	\$0.0	\$0.8	\$2.0	\$2.8	\$2.0	\$2.9	\$2.1	\$2.9	\$2.1	\$3.0
Anne Arundel	0.0	3.3	4.7	8.0	4.7	8.1	4.8	8.2	4.9	8.4
Baltimore City	0.0	142.9	11.2	154.6	11.3	157.0	11.5	159.4	11.8	162.8
Baltimore	0.0	4.1	4.7	8.9	4.8	9.0	4.9	9.2	5.0	9.4
Calvert	0.0	0.7	1.1	1.8	1.1	1.9	1.1	1.9	1.2	1.9
Caroline	0.0	0.5	1.0	1.5	1.0	1.6	1.0	1.6	1.1	1.6
Carroll	0.0	1.6	3.0	4.6	3.1	4.7	3.1	4.7	3.2	4.8
Cecil	0.0	0.9	1.6	2.5	1.6	2.5	1.6	2.5	1.7	2.6
Charles	0.0	1.1	1.6	2.7	1.6	2.8	1.7	2.8	1.7	2.9
Dorchester	0.0	0.6	1.1	1.7	1.1	1.8	1.2	1.8	1.2	1.8
Frederick	0.0	2.2	4.9	7.1	5.0	7.2	5.0	7.3	5.2	7.5
Garrett	0.0	0.7	1.1	1.8	1.1	1.8	1.1	1.8	1.2	1.8
Harford	0.0	1.7	3.0	4.7	3.0	4.8	3.1	4.9	3.1	5.0
Howard	0.0	1.6	1.8	3.5	1.9	3.5	1.9	3.6	1.9	3.7
Kent	0.0	0.3	0.6	0.9	0.6	0.9	0.6	0.9	0.6	0.9
Montgomery	0.0	5.0	9.1	14.1	9.2	14.3	9.4	14.5	9.6	14.8
Prince George's	0.0	4.6	9.6	14.2	9.8	14.4	9.9	14.7	10.1	15.0
Queen Anne's	0.0	0.6	0.8	1.4	0.8	1.4	0.9	1.5	0.9	1.5
St. Mary's	0.0	0.3	0.5	0.9	0.6	0.9	0.6	0.9	0.6	0.9
Somerset	0.0	0.8	1.0	1.9	1.1	1.9	1.1	1.9	1.1	2.0
Talbot	0.0	0.5	1.2	1.8	1.2	1.8	1.3	1.8	1.3	1.9
Washington	0.0	1.4	2.9	4.3	3.0	4.4	3.0	4.4	3.1	4.5
Wicomico	0.0	1.1	2.4	3.5	2.4	3.5	2.5	3.6	2.5	3.7
Worcester	0.0	0.8	1.6	2.3	1.6	2.4	1.6	2.4	1.6	2.4
Total	\$0.0	\$178.1	\$72.7	\$251.5	\$73.7	\$255.3	\$74.9	\$259.2	\$76.5	\$264.7

Notes: Totals may not sum due to rounding. Estimate assumes that highway road miles and vehicle registrations in fiscal 2019 remain constant through fiscal 2023.

Source: Department of Legislative Services

Additional Information

Prior Introductions: None.

Cross File: HB 807 (Delegate Beidle, *et al.*) - Environment and Transportation.

Information Source(s): Maryland Department of Transportation; Maryland Association of Counties; Maryland Municipal League; Department of Legislative Services

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Appendix – Highway User Revenues

Transportation Aid to Local Governments

In fiscal 2018, local governments received \$175.5 million in State aid from highway user revenues and \$38.4 million for special transportation grants. **Exhibit 1** shows the amount of State aid for local transportation programs in each county, including municipalities and Baltimore City, in fiscal 2018.

Highway User Revenues – Generally

Since the early 1900s, the State has shared motor vehicle-related revenues with the counties and Baltimore City. Initially these revenues consisted of vehicle registration fees. In 1927, when the gasoline tax increased from \$0.02 to \$0.04 per gallon, the State began sharing these taxes with local governments. In 1968, the General Assembly approved legislation that established a formula for apportioning the county and municipal shares of highway user revenues. The legislation also initiated the sharing of motor vehicle titling taxes with the subdivisions. Legislation enacted in 1970 created the Maryland Department of Transportation (MDOT) and a consolidated Transportation Trust Fund (TTF). As provided by that legislation, the State shares with the counties, Baltimore City, and municipalities those revenues credited to the Gasoline and Motor Vehicle Revenue Account in TTF, more commonly referred to as “highway user revenues.” Currently, the revenues dedicated to the account include all or some portion of the motor vehicle fuel tax, vehicle titling tax, vehicle registration fees, short-term vehicle rental tax, and State corporate income tax.

**Exhibit 1
Transportation Aid Programs
Fiscal 2018**

County	Highway User Revenues	County Grants	Municipal Grants	Elderly/ Disabled	Paratransit	Per Capita Aid	Per Capita Rank
Allegany	\$832,087	\$220,002	\$991,798	\$141,544	-	\$30	8
Anne Arundel	3,221,498	1,358,907	851,278	245,966	\$217,351	10	21
Baltimore City	140,766,857	5,484,423	-	379,335	-	239	1
Baltimore	4,127,744	1,926,280	-	395,836	-	8	24
Calvert	726,380	295,765	254,643	127,003	76,099	16	16
Caroline	527,472	184,008	366,216	-	-	33	6
Carroll	1,544,593	521,396	1,175,124	151,029	-	20	14
Cecil	853,921	300,969	574,716	134,073	-	18	15
Charles	1,079,426	448,309	326,598	137,609	-	13	19
Dorchester	595,741	207,513	415,488	122,724	50,000	43	4
Frederick	2,162,068	630,207	2,231,971	159,159	-	21	13
Garrett	647,220	246,388	327,922	119,664	-	46	2
Harford	1,753,040	644,754	1,021,418	170,371	-	14	17
Howard	1,589,922	741,964	-	162,520	430,000	9	23
Kent	303,393	105,117	214,892	-	-	32	7
Montgomery	4,873,972	1,727,668	3,222,520	379,107	-	10	22
Prince George's	4,484,948	1,395,053	4,112,763	332,819	450,000	12	20
Queen Anne's	579,271	245,078	148,792	122,064	-	22	11
St. Mary's	816,040	365,518	90,166	117,447	135,000	14	18
Somerset	335,208	130,865	150,657	131,054	-	29	9
Talbot	532,876	150,782	576,870	360,652	40,000	45	3
Washington	1,343,554	408,283	1,288,815	269,015	-	22	12
Wicomico	1,055,069	302,541	1,118,612	146,917	-	26	10
Worcester	749,231	239,621	648,334	-	110,000	34	5
Total	\$175,501,531	\$18,281,410	\$20,109,551	\$4,305,908	\$1,508,450	\$32	

Notes: Highway User Revenues column includes municipal aid. Per Capita estimates based off of 2016 Census population estimates.

Source: Department of Legislative Services

Highway User Revenues – Distribution

Historically, highway user revenues have been distributed to (1) TTF for MDOT’s capital program, debt service, and operating costs and (2) to the counties, Baltimore City, and municipalities to assist in the development and maintenance of local transportation projects. In fiscal 2009, prior to budget reconciliation legislation reducing the local share of highway user revenues to help balance the budget, the \$1.6 billion in highway user revenues were distributed as follows:

- \$1.1 billion (70%) to MDOT;
- \$187.6 million (12.06%) to Baltimore City;
- \$239.4 million (15.38%) to counties; and
- \$39.8 million (2.56%) to municipalities.

In response to the ongoing budget crisis, the Budget Reconciliation and Financing Act of 2010 (Chapter 484) significantly reduced the share of highway user revenues distributed to the counties and municipalities to allow a portion of the revenues to be allocated to the general fund for budget relief. In accordance with Chapter 484, in fiscal 2011, the \$1.6 billion in highway user revenues were distributed as follows:

- \$1.1 billion (68.5%) to MDOT;
- \$377.1 million (23.0%) to the general fund;
- \$129.5 million (7.9%) to Baltimore City;
- \$8.2 million (0.5%) to counties; and
- \$1.6 million (0.1%) to municipalities.

The following year, the Budget Reconciliation and Financing Act of 2011 (Chapter 397) divorced the relationship between highway user revenues and the general fund, reducing the distribution of highway user revenues to the general fund in fiscal 2012 and ending the distribution to the general fund in fiscal 2013. **Exhibit 2** illustrates this transition and funding from fiscal 2012 through 2015.

Baltimore City has generally received a larger share of highway user revenues than other local jurisdictions because the State does not conduct highway maintenance or construction in Baltimore City (except for portions of I-95) as it does in the counties. The city’s share of total highway user revenues is currently 7.7% each year, as shown in Exhibit 2. The allocations made to counties and municipalities are distributed based on road miles and vehicle registrations.

Exhibit 2
Highway User Revenues – Distribution
Fiscal 2012-2015
(\$ in Millions)

	Fiscal 2012		Fiscal 2013		Fiscal 2014		Fiscal 2015	
	Percent	Dollars	Percent	Dollars	Percent	Dollars	Percent	Dollars
MDOT	79.8%	\$1,318.6	90.0%	\$1,445.4	90.4%	\$1,543.4	90.4%	\$1,597.9
General Fund	11.3%	186.7						
Baltimore City	7.5%	123.9	8.1%	130.1	7.7%	131.5	7.7%	136.1
Counties	0.8%	13.2	1.5%	24.1	1.5%	25.6	1.5%	26.5
Municipalities	0.6%	9.9	0.4%	6.4	0.4%	6.8	0.4%	7.1
Total	100%	\$1,652.3	100%	\$1,606.0	100%	\$1,707.3	100%	\$1,767.6

MDOT: Maryland Department of Transportation

Source: Department of Legislative Services

Municipal Transportation Grants and Special Grants for the Counties and Baltimore City

Since fiscal 2014, municipalities have received additional transportation aid in the form of municipal transportation grants; municipalities received \$15.4 million from these grants in fiscal 2014, \$16 million in fiscal 2015, \$19 million in fiscal 2016, \$19 million in fiscal 2017, and \$20.1 million in fiscal 2018. In fiscal 2016, 2017, and 2018, the counties and Baltimore City were also awarded additional transportation aid through special grants. In fiscal 2016 and 2017, Baltimore City received \$2 million and the counties received a total of \$4 million; in fiscal 2018, Baltimore City received \$5.5 million and the counties received a total of \$12.8 million.

Although the municipal transportation grants and the special grants are supplemental to the amounts received from highway user revenues, the grants were distributed using the highway user revenue formula. In addition, the counties and Baltimore City received \$10 million for pothole repairs in fiscal 2014, which was distributed on the basis of county road miles.