

SENATE BILL 412

R2

3lr1910
CF HB 74

By: **Senators Rosapepe, Lewis Young, Augustine, and Salling**

Introduced and read first time: February 1, 2023

Assigned to: Finance and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Maryland Rail Authority – Establishment**
3 **(Maryland Rail Investment Act of 2023)**

4 FOR the purpose of establishing the Maryland Rail Authority and the powers and duties
5 that the Rail Authority, acting on behalf of the Department of Transportation, has
6 with respect to the supervision, financing, construction, operation, maintenance, and
7 repair of railroad facilities projects; making the Executive Director of the Rail
8 Authority a member of the Maryland Transportation Authority; prohibiting the
9 Transportation Authority from passing a budget plan that exceeds a certain amount;
10 requiring the Transportation Authority to obtain the consent of the Rail Authority
11 before issuing certain bonds; requiring the Transportation Authority to determine
12 the optimal tolling rate for certain transportation facilities projects and to set certain
13 tolling rates; requiring the Transportation Authority Fund to be charged with the
14 payment of the cost to maintain the transportation facilities projects in the State;
15 establishing the Rail Authority Fund; requiring certain funds and revenues to be
16 transferred from the Transportation Authority Fund to the Rail Authority Fund;
17 requiring the Rail Authority, in collaboration with the Transportation Authority, to
18 contract with a qualified entity to conduct a study of the State's toll facilities and
19 related impacts of pollution; requiring the Transportation Authority to hold public
20 hearings and seek public comment on proposed toll rate adjustments that achieve
21 near optimal tolling; and generally relating to the establishment of the Maryland
22 Rail Authority.

23 BY repealing and reenacting, with amendments,

24 Article – Transportation

25 Section 4–101, 4–202, 4–208(b)(1), 4–301, 4–306, 4–312(a)(2), 4–313, and 7–101(j),
26 (l), and (n)

27 Annotated Code of Maryland

28 (2020 Replacement Volume and 2022 Supplement)

29 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Transportation
2 Section 4–201 and 4–208(a)
3 Annotated Code of Maryland
4 (2020 Replacement Volume and 2022 Supplement)

5 BY adding to
6 Article – Transportation
7 Section 4–205.1; and 9–101 through 9–401 to be under the new title “Title 9.
8 Railroads”
9 Annotated Code of Maryland
10 (2020 Replacement Volume and 2022 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 4–314
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2022 Supplement)
16 (As enacted by Chapter 941 of the Acts of the General Assembly of 1978, as amended
17 by Chapter 29 of the Acts of the General Assembly of 2001, as amended by
18 Chapter 45 of the Acts of the General Assembly of 2014)

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

21 **Article – Transportation**

22 4–101.

23 (a) In this title the following words have the meanings indicated.

24 (b) “Authority” means the Maryland Transportation Authority.

25 (c) “Cost”, as applied to any transportation facilities project, includes the cost of
26 and all expenses incident to the construction, reconstruction, acquisition, improvement,
27 extension, alteration, modernization, planning, maintenance, and repair of the project,
28 including the cost and expenses of:

29 (1) All property acquired in connection with it;

30 (2) Financial, architectural, consulting, engineering, and legal services;

31 (3) Plans, specifications, surveys, estimates, feasibility reports, and direct
32 and indirect labor, material, equipment, and administrative expenses; and

33 (4) Financing the project, including financing charges and interest before,
34 during, and for 1 year after completion of construction.

1 **(D) “NEAR OPTIMAL TOLLING” MEANS A TOLLING RATE THAT PROVIDES**
2 **95% OR MORE OF THE MAXIMUM REVENUE POSSIBLE BASED ON A TRANSPORTATION**
3 **FACILITIES PROJECT’S OPTIMAL TOLLING.**

4 **(E) “OPTIMAL TOLLING” MEANS A TOLLING RATE FOR A TRANSPORTATION**
5 **FACILITIES PROJECT THAT MAXIMIZES REVENUE, AS DETERMINED BY THE**
6 **AUTHORITY.**

7 **[(d)] (F)** “Outstanding and unpaid” does not include:

8 (1) Bonds purchased and held in sinking funds by or for the Authority; or

9 (2) If the money for their payment or redemption has been provided:

10 (i) Matured bonds not presented for payment; or

11 (ii) Bonds called for redemption but not presented for redemption.

12 **(G) “RAIL AUTHORITY” MEANS THE MARYLAND RAIL AUTHORITY.**

13 **[(e)] (H)** “Refunding” means the retirement and cancellation of bonds, including
14 revenue bonds of prior issues, after their acquisition by or for the Authority, whether before,
15 at, or after maturity, either in exchange for other bonds or by payment, purchase, or
16 redemption with the proceeds of the sale of other bonds.

17 **[(f)] (I)** “Resolution”, as used with respect to the Authority, means a resolution
18 adopted by the affirmative vote of a majority of the appointed members of the Authority
19 and concurred in by the Chairman.

20 **[(g)] (J)** “Revenue bonds of prior issues” means:

21 (1) “State of Maryland Bridge and Tunnel Revenue Bonds” dated as of
22 October 1, 1954;

23 (2) “State of Maryland Northeastern Expressway Revenue Bonds” dated as
24 of January 1, 1962;

25 (3) “State of Maryland Bridge and Tunnel Revenue Bonds”:

26 (i) “(Series 1968)” dated as of October 1, 1968; and

27 (ii) “(Series 1975)” dated as of July 1, 1975; and

28 (4) Any other revenue bonds issued under the same provisions of law that
29 authorized the issuance of the bonds listed in this subsection.

1 **[(h)] (K)** “Transportation facilities project” includes:

2 (1) The Susquehanna River Bridge, the Harry W. Nice/Thomas “Mac”
3 Middleton Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay
4 Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, the Fort
5 McHenry Tunnel, the Francis Scott Key Bridge, and the John F. Kennedy Memorial
6 Highway, together with their appurtenant causeways, approaches, interchanges, entrance
7 plazas, toll stations, and service facilities;

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

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

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

14 **[(i)] (L)** “Transportation facility” has the meaning stated in § 3–101 of this
15 article.

16 **[(j)] (M)** “Vehicle parking facility” means a controlled entrance and exit
17 building, structure, surface lot, and other facility for parking vehicles, for which fees or
18 charges are established for the use of the facility.

19 4–201.

20 There is a Maryland Transportation Authority.

21 4–202.

22 (a) The Secretary of Transportation is the Chairman of the Authority.

23 (b) (1) In addition to the Chairman, the Authority consists of **[eight]**:

24 **(I)** **EIGHT** members appointed by the Governor with the advice and
25 consent of the Senate; **AND**

26 **(II)** **THE EXECUTIVE DIRECTOR OF THE RAIL AUTHORITY, WHO**
27 **SERVES AS AN EX OFFICIO MEMBER.**

28 (2) The appointed members of the Authority may not be employees of the
29 Executive Branch of the State government.

30 (3) Of the appointed members:

- 1 (i) One shall have expertise in structural engineering;
- 2 (ii) One shall have expertise in transportation planning;
- 3 (iii) One shall have expertise in land use planning; and
- 4 (iv) One shall have expertise in finance.

5 (4) The appointed members of the Authority shall reflect the racial, gender,
6 and geographic diversity of the population of the State.

7 (c) (1) Each appointed member serves for a term of 4 years and until a
8 successor is appointed and qualifies.

9 (2) The terms of the appointed members are staggered as required by the
10 terms provided for members of the Authority on January 1, 2007.

11 (3) An appointed member may not serve more than three consecutive
12 terms.

13 (4) A member appointed to fill a vacancy in an unexpired term serves only
14 for the remainder of that term.

15 (d) **[A] AN APPOINTED** member of the Authority is entitled to:

16 (1) The compensation provided in the State budget; and

17 (2) Reimbursement for expenses, in accordance with the Standard State
18 Travel Regulations of the Department of Budget and Management.

19 **4-205.1.**

20 **THE AUTHORITY MAY NOT PASS AN OPERATING BUDGET OR A CAPITAL**
21 **IMPROVEMENT PLAN THAT EXCEEDS \$2,800,000,000.**

22 **4-208.**

23 (a) (1) There is a Maryland Transportation Authority Police Force.

24 (2) Subject to subsection (b) of this section, a Maryland Transportation
25 Authority police officer has all the powers granted to a peace officer and a police officer of
26 this State.

27 (b) (1) A Maryland Transportation Authority police officer may exercise the
28 powers described in subsection (a)(2) of this section on property owned, leased, or operated
29 by or under the control of the Maryland Transportation Authority, Maryland Aviation

1 Administration, **MARYLAND RAIL AUTHORITY**, and Maryland Port Administration.
2 4–301.

3 By one or more resolutions, the Authority, **AFTER OBTAINING THE CONSENT OF**
4 **THE RAIL AUTHORITY**, may:

5 (1) Finance the cost of transportation facilities projects;

6 (2) Borrow money from time to time for that purpose; and

7 (3) Evidence the borrowing by the issuance and sale of revenue bonds,
8 notes, or other evidences of obligation on the terms, conditions, and limitations contained
9 in this subtitle.

10 4–306.

11 (a) Except as provided in subsection (b) of this section, revenue bonds may be
12 issued by the Authority:

13 (1) Without obtaining the consent of any instrumentality, agency, or unit
14 of this State; and

15 (2) Without any proceedings or the happening of any conditions or things
16 other than those specifically required by this subtitle.

17 (b) (1) **THE AUTHORITY SHALL OBTAIN THE CONSENT OF THE RAIL**
18 **AUTHORITY BEFORE ISSUING REVENUE BONDS.**

19 (2) (i) Subject to subparagraph (ii) of this paragraph, revenue bonds
20 secured by toll revenue may be issued in any amount as long as the aggregate outstanding
21 and unpaid principal balance of the revenue bonds secured by toll revenue and revenue
22 bonds of prior issues does not exceed \$3,000,000,000 or, in fiscal years 2015 through 2020,
23 \$2,325,000,000, on June 30 of any year.

24 (ii) The maximum aggregate amount of revenue bonds that may be
25 outstanding and unpaid under subparagraph (i) of this paragraph shall be reduced by the
26 amount of:

27 1. Any loan extended to the State under the federal
28 Transportation Infrastructure Finance and Innovation Act; and

29 2. Any line of credit extended to the State under the federal
30 Transportation Infrastructure Finance and Innovation Act, to the extent the State draws
31 on the line of credit.

1 ~~[(2)]~~ **(3)** Except as otherwise provided in this section and § 4–205 of this
2 title, without the approval of the General Assembly, the Authority, **AFTER OBTAINING**
3 **THE CONSENT OF THE RAIL AUTHORITY**, may issue bonds to refinance all or any part of
4 the cost of a transportation [facility] **FACILITIES** project for which the Authority previously
5 issued bonds authorized under this subtitle.

6 4–312.

7 (a) (2) **(I)** As to all or any part of any transportation facilities project, the
8 Authority may:

9 **[(i)] 1.** Fix, revise, charge, and collect rentals, rates, fees, tolls,
10 and other charges and revenues for its use or for its services; and

11 **[(ii)] 2.** 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 revenues
13 for this use.

14 **(II) 1.** **EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF**
15 **THIS SUBPARAGRAPH, AS TO ALL OR ANY PART OF ANY TRANSPORTATION**
16 **FACILITIES PROJECT IN WHICH THE AUTHORITY CHARGES TOLLS, THE AUTHORITY**
17 **SHALL:**

18 **A.** **DETERMINE THE OPTIMAL TOLLING RATE FOR THE**
19 **TRANSPORTATION FACILITIES PROJECT; AND**

20 **B.** **SET TOLLING RATES THAT ACHIEVE NEAR OPTIMAL**
21 **TOLLING.**

22 **2. A.** **THIS SUBSUBPARAGRAPH DOES NOT APPLY TO**
23 **THE I-495 AND I-270 PUBLIC-PRIVATE PARTNERSHIP.**

24 **B.** **THE AUTHORITY MAY FIX COMMUTER DISCOUNT**
25 **RATES.**

26 4–313.

27 (a) (1) All rentals, rates, fees, tolls, and other charges and revenues derived
28 from any transportation facilities project shall be set aside in a fund known as the
29 “Transportation Authority Fund”, except to the extent that they are pledged under an
30 applicable trust agreement to secure either:

31 (i) Revenue bonds issued under this subtitle if the trust agreement
32 or bond authorizing resolution expressly provides that this section does not apply to those
33 bonds; or

1 (ii) Revenue bonds of prior issues.

2 (2) The Transportation Authority Fund shall be pledged to and charged
3 with the payment of:

4 (i) The interest on bonds issued under this subtitle as it falls due;

5 (ii) The principal of the bonds as it falls due;

6 (iii) The necessary charges of paying agents for paying principal and
7 interest; [and]

8 (iv) The redemption price or purchase price of bonds retired by call
9 or purchase as provided in the bond authorizing resolution or trust agreement; **AND**

10 (v) **THE COST TO MAINTAIN THE TRANSPORTATION FACILITIES**
11 **PROJECTS IN THE STATE.**

12 (b) (1) The pledge is valid and binding from the time it is made.

13 (2) Rentals, rates, fees, tolls, and other charges and revenues or other
14 money so pledged and later received by the Authority immediately shall be subject to the
15 lien of the pledge without physical delivery or any further act.

16 (3) The lien of the pledge is valid and binding as against all parties having
17 any claims of any kind in tort, contract, or otherwise against the Authority, whether or not
18 these parties have notice of the pledge.

19 (4) Notwithstanding any law to the contrary, neither the resolution nor any
20 trust agreement by which a pledge is created need be filed or recorded other than in the
21 records of the Authority.

22 (c) (1) Any amount set aside in the Transportation Authority Fund that is not
23 needed to provide for the payment of the items specified in subsections (a)(2) and (b) of this
24 section [may] **SHALL** be transferred, upon the recommendation of the Secretary and after
25 the approval of the Board of Public Works, to the [Transportation Trust] **RAIL**
26 **AUTHORITY** Fund to be used as appropriated by the General Assembly unless prohibited
27 by any applicable resolution or trust agreement.

28 (2) The use and disposition of money to the credit of the Transportation
29 Authority Fund is subject to the provision of the applicable bond authorizing resolution or
30 trust agreement.

31 4-314.

1 (a) Without in any way limiting or restricting its effect or application, this subtitle
2 is intended to authorize the Authority to finance any one or more or any combination of
3 transportation facilities projects by any one or more or combination of issues or series of
4 bonds secured by the pledge of the net or gross or any combination of the net or gross
5 rentals, rates, fees, tolls, and other charges and revenues derived from any transportation
6 facilities project or combination of projects designated by any bond authorizing resolution
7 or trust agreement securing the bonds.

8 (b) However, all funds collected from rentals, rates, fees, tolls, and other charges
9 and revenues which are not needed to meet the costs which they are required to meet under
10 § 4-312 of this subtitle or any trust agreement and are not needed to meet obligations of
11 the Transportation Authority Fund, may be used in the discretion of the Secretary to
12 provide adequate and complete payment of all principal and interest on all bonds issued in
13 connection with the John F. Kennedy Memorial Highway and any project constructed under
14 the provisions of Section 3 (Bridge, Tunnel, and Motorway Revenue Bonds) of Chapter 608,
15 of the Acts of the General Assembly of 1976. All such remaining funds thereafter remaining
16 [may] **SHALL** be transferred[, upon the recommendation of the Secretary and after the
17 approval of the Board of Public Works,] to the [Transportation Trust] **RAIL AUTHORITY**
18 Fund and may be used for any purpose to which funds in the [Transportation Trust] **RAIL**
19 **AUTHORITY** Fund may be applied.

20 7-101.

21 (j) [(1)] "Railroad facility" means any facility used in providing railroad
22 services, and includes any one or more or combination of:

23 [(i)] (1) Switches, spurs, tracks, structures, terminals, yards, real
24 property, and other facilities useful or designed for use in connection with the
25 transportation of persons or goods by rail; and

26 [(ii)] (2) All other appurtenances, including locomotives, cars,
27 vehicles, and other instrumentalities of shipment or carriage, useful or designed for use in
28 connection with the transportation of persons or goods by rail.

29 [(2)] "Railroad facility" does not include any transit facility.]

30 (l) "Transit facility" includes any one or more or combination of tracks,
31 rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking
32 areas, equipment, fixtures, buildings, structures, other real or personal property, and
33 services incidental to or useful or designed for use in connection with the rendering of
34 transit service by any means, including rail, bus, motor vehicle, or other mode of
35 transportation[, but does not include any railroad facility].

36 (n) (1) "Transit service" means the transportation of persons and their
37 packages and baggage and of newspapers, express, and mail in regular route, special, or
38 charter service by means of transit facilities between points within the District.

- 1 (2) "Transit service" does not include any[:
2 (i) Vanpool] VANPOOL operation[: or
3 (ii) Railroad service].

4 **TITLE 9. RAILROADS.**

5 **SUBTITLE 1. DEFINITIONS.**

6 **9-101.**

7 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (B) "ADMINISTRATION" MEANS THE MARYLAND TRANSIT
10 ADMINISTRATION.

11 (C) "COST", AS APPLIED TO ANY RAILROAD FACILITIES PROJECT, INCLUDES
12 THE COST OF AND ALL EXPENSES INCIDENT TO THE CONSTRUCTION,
13 RECONSTRUCTION, ACQUISITION, IMPROVEMENT, EXTENSION, ALTERATION,
14 MODERNIZATION, PLANNING, MAINTENANCE, AND REPAIR OF THE PROJECT,
15 INCLUDING THE COST AND EXPENSES OF:

16 (1) ALL PROPERTY ACQUIRED IN CONNECTION WITH THE PROJECT;

17 (2) FINANCIAL, ARCHITECTURAL, CONSULTING, ENGINEERING, AND
18 LEGAL SERVICES;

19 (3) PLANS, SPECIFICATIONS, SURVEYS, ESTIMATES, FEASIBILITY
20 REPORTS, AND DIRECT AND INDIRECT LABOR, MATERIAL, EQUIPMENT, AND
21 ADMINISTRATIVE EXPENSES; AND

22 (4) FINANCING THE PROJECT, INCLUDING FINANCING CHARGES AND
23 INTEREST BEFORE, DURING, AND FOR 1 YEAR AFTER COMPLETION OF
24 CONSTRUCTION.

25 (D) "RAIL AUTHORITY" MEANS THE MARYLAND RAIL AUTHORITY.

26 (E) "RAILROAD FACILITIES PROJECT" INCLUDES:

27 (1) (I) THE BRUNSWICK, CAMDEN, OR PENN LINES OF THE
28 MARYLAND AREA RAIL COMMUTER (MARC) SERVICE;

1 (II) EXTENDING MARC SERVICE;

2 (III) THE RED LINE; AND

3 (IV) THE SOUTHERN MARYLAND RAPID TRANSIT SYSTEM; AND

4 (2) ANY ADDITIONS, IMPROVEMENTS, OR ENLARGEMENTS TO ANY OF
5 THE PROJECTS LISTED UNDER ITEM (1) OF THIS SUBSECTION, WHENEVER
6 AUTHORIZED.

7 (F) "RED LINE" MEANS A RAIL TRANSIT FACILITY USING LIGHT RAIL
8 TRANSIT OR HEAVY RAIL TRANSIT IDENTIFIED BY THE ADMINISTRATION AS AN
9 OPTION FOR PUBLIC TRANSPORTATION IN THE EAST-WEST CORRIDOR STUDY
10 INCLUDED IN THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN.

11 (G) "TRANSPORTATION AUTHORITY" MEANS THE MARYLAND
12 TRANSPORTATION AUTHORITY.

13 SUBTITLE 2. ORGANIZATION AND POWERS AND DUTIES.

14 9-201.

15 THERE IS A MARYLAND RAIL AUTHORITY.

16 9-202.

17 (A) (1) THE SECRETARY IS THE CHAIR OF THE RAIL AUTHORITY.

18 (2) THE SECRETARY SHALL DESIGNATE AN EXECUTIVE DIRECTOR
19 OF THE RAIL AUTHORITY.

20 (B) (1) IN ADDITION TO THE CHAIR, THE RAIL AUTHORITY CONSISTS OF
21 THE FOLLOWING MEMBERS:

22 (i) 1. ONE MEMBER WITH A BACKGROUND IN TRANSIT,
23 APPOINTED BY THE PRESIDENT OF THE SENATE; AND

24 2. ONE MEMBER WITH A BACKGROUND IN TRANSIT,
25 APPOINTED BY THE SPEAKER OF THE HOUSE; AND

26 (ii) AS EX OFFICIO MEMBERS:

1 **1. THE MARYLAND TRANSIT ADMINISTRATOR;**

2 **2. THE GENERAL MANAGER OF THE WASHINGTON**
3 **METROPOLITAN AREA TRANSIT AUTHORITY, OR THE GENERAL MANAGER'S**
4 **DESIGNEE;**

5 **3. THE CEO OF THE NATIONAL RAILROAD PASSENGER**
6 **CORPORATION, OR THE CEO'S DESIGNEE;**

7 **4. THE EXECUTIVE DIRECTOR OF THE**
8 **TRANSPORTATION AUTHORITY;**

9 **5. THE STATE TREASURER, OR THE STATE**
10 **TREASURER'S DESIGNEE; AND**

11 **6. THE EXECUTIVE DIRECTOR OF THE RAIL**
12 **AUTHORITY.**

13 **(2) THE MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE**
14 **AND THE SPEAKER OF THE HOUSE SHALL:**

15 **(I) REFLECT THE GEOGRAPHIC DIVERSITY OF THE STATE, TO**
16 **THE EXTENT PRACTICABLE; AND**

17 **(II) HAVE A BACKGROUND IN TRANSIT, RAIL, OR**
18 **TRANSPORTATION PROJECT FINANCE.**

19 **(C) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.**

20 **(2) AN APPOINTED MEMBER MAY NOT SERVE MORE THAN THREE**
21 **CONSECUTIVE TERMS.**

22 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL**
23 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

24 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
25 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
26 **QUALIFIES.**

27 **(D) AN APPOINTED MEMBER OF THE RAIL AUTHORITY IS ENTITLED TO:**

28 **(1) THE COMPENSATION PROVIDED IN THE STATE BUDGET; AND**

1 **(2) REIMBURSEMENT FOR EXPENSES, UNDER THE STANDARD STATE**
2 **TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

3 **(E) (1) THE STATE ETHICS COMMISSION SHALL PROVIDE A TRAINING**
4 **COURSE FOR RAIL AUTHORITY MEMBERS ON STATE AND LOCAL ETHICS LAWS,**
5 **REGULATIONS, AND POLICIES, INCLUDING:**

6 **(I) GENERAL ETHICS REQUIREMENTS;**

7 **(II) FINANCIAL DISCLOSURES;**

8 **(III) CONFLICTS OF INTEREST; AND**

9 **(IV) ANY OTHER AREA THE STATE ETHICS COMMISSION**
10 **CONSIDERS APPROPRIATE.**

11 **(2) WITHIN 6 MONTHS AFTER BEING APPOINTED TO THE RAIL**
12 **AUTHORITY, A MEMBER SHALL:**

13 **(I) FILE A FINANCIAL DISCLOSURE STATEMENT; AND**

14 **(II) COMPLETE THE TRAINING COURSE.**

15 **(F) THE RAIL AUTHORITY IS SUBJECT TO THE OPEN MEETINGS ACT**
16 **UNDER TITLE 3 OF THE GENERAL PROVISIONS ARTICLE.**

17 **9-203.**

18 **(A) THE RAIL AUTHORITY IS ENTITLED TO THE STAFF PROVIDED IN THE**
19 **STATE BUDGET.**

20 **(B) THE SECRETARY SHALL PROVIDE THE RAIL AUTHORITY WITH THE**
21 **PERSONNEL OF THE DEPARTMENT THAT THE SECRETARY CONSIDERS NECESSARY**
22 **FOR PERFORMANCE OF THE MAINTENANCE AND OTHER FUNCTIONS REQUIRED OF**
23 **THE RAIL AUTHORITY TO MEET ITS OBLIGATIONS WITH RESPECT TO ITS RAILROAD**
24 **FACILITIES PROJECTS.**

25 **9-204.**

26 **(A) (1) ACTING ON BEHALF OF THE DEPARTMENT, THE RAIL AUTHORITY**
27 **HAS THOSE POWERS AND DUTIES RELATING TO THE SUPERVISION, FINANCING,**
28 **CONSTRUCTION, OPERATION, MAINTENANCE, AND REPAIR OF RAILROAD FACILITIES**
29 **PROJECTS AS ARE GRANTED TO IT BY THIS TITLE.**

1 **(2) THE RAIL AUTHORITY MAY:**

2 **(I) DELEGATE PROJECT OPERATIONS, MAINTENANCE, AND**
3 **REPAIR TO THE ADMINISTRATION; AND**

4 **(II) USE FARE REVENUE TO PROVIDE THE ADMINISTRATION**
5 **WITH PAYMENTS FOR PROJECT OPERATIONS, MAINTENANCE, AND REPAIR.**

6 **(B) THE RAIL AUTHORITY HAS GENERAL SUPERVISION OF THE FOLLOWING**
7 **RAILROAD FACILITIES PROJECTS:**

8 **(1) EXTENDING MARYLAND AREA RAIL COMMUTER (MARC)**
9 **SERVICE, INCLUDING EXTENDING RAIL SERVICE TO:**

10 **(I) NEWARK, DELAWARE;**

11 **(II) NORTHERN VIRGINIA; AND**

12 **(III) WESTERN MARYLAND;**

13 **(2) MAKING IMPROVEMENTS TO THE BRUNSWICK, CAMDEN, OR**
14 **PENN LINES OF THE MARC SERVICE;**

15 **(3) PLANNING, DESIGNING, ENGINEERING, CONSTRUCTING,**
16 **OPERATING, AND MAINTAINING THE SOUTHERN MARYLAND RAPID TRANSIT**
17 **SYSTEM; AND**

18 **(4) PLANNING, DESIGNING, ENGINEERING, CONSTRUCTING,**
19 **OPERATING, AND MAINTAINING THE RED LINE.**

20 **(C) THE RAIL AUTHORITY SHALL FINANCE, CONSTRUCT, OPERATE,**
21 **REPAIR, AND MAINTAIN IN GOOD ORDER THE RAILROAD FACILITIES PROJECTS**
22 **LISTED IN THIS SECTION.**

23 **(D) THE RAIL AUTHORITY SHALL, TO THE EXTENT PRACTICABLE, ADHERE**
24 **TO THE TRANSIT PLANS PREPARED UNDER TITLE 7, SUBTITLE 3 OF THIS ARTICLE.**

25 **9-205.**

26 **(A) SUBJECT TO § 9-306 OF THIS TITLE AND IN ADDITION TO THE POWERS**
27 **OTHERWISE SPECIFICALLY GRANTED BY LAW, THE RAIL AUTHORITY HAS THE**
28 **POWERS DESCRIBED IN THIS SECTION.**

1 **(B) THE RAIL AUTHORITY MAY ACQUIRE, HOLD, AND DISPOSE OF**
2 **PROPERTY IN THE EXERCISE OF ITS POWERS AND PERFORMANCE OF ITS DUTIES.**

3 **(C) (1) SUBJECT TO THE LIMITATIONS DESCRIBED IN PARAGRAPH (2) OF**
4 **THIS SUBSECTION, THE RAIL AUTHORITY MAY MAKE ANY CONTRACTS AND**
5 **AGREEMENTS NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS POWERS AND**
6 **PERFORMANCE OF ITS DUTIES.**

7 **(2) NOT LESS THAN 45 DAYS BEFORE ENTERING INTO ANY CONTRACT**
8 **OR AGREEMENT TO ACQUIRE OR CONSTRUCT A REVENUE-PRODUCING PASSENGER**
9 **RAIL OR TRANSIT PROJECT, THE RAIL AUTHORITY SHALL PROVIDE, IN**
10 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE**
11 **SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE WAYS AND MEANS**
12 **COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE, FOR REVIEW AND**
13 **COMMENT, AND TO THE DEPARTMENT OF LEGISLATIVE SERVICES A DESCRIPTION**
14 **OF THE PROPOSED PROJECT, A SUMMARY OF THE CONTRACT OR AGREEMENT, AND**
15 **A FINANCING PLAN THAT DETAILS:**

16 **(I) THE ESTIMATED ANNUAL REVENUE FROM THE ISSUANCE OF**
17 **BONDS TO FINANCE THE PROJECT; AND**

18 **(II) THE ESTIMATED IMPACT OF THE ISSUANCE OF BONDS TO**
19 **FINANCE THE PROJECT ON THE BONDING CAPACITY OF THE RAIL AUTHORITY.**

20 **(D) (1) (I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
21 **RAIL AUTHORITY MAY EMPLOY AND FIX THE COMPENSATION OF ATTORNEYS,**
22 **CONSULTING ENGINEERS, ACCOUNTANTS, CONSTRUCTION AND FINANCIAL**
23 **EXPERTS, SUPERINTENDENTS, MANAGERS, AND ANY OTHER AGENTS AND**
24 **EMPLOYEES THAT IT CONSIDERS NECESSARY TO EXERCISE ITS POWERS AND**
25 **PERFORM ITS DUTIES.**

26 **(II) THE COMPENSATION ESTABLISHED BY THE RAIL**
27 **AUTHORITY FOR EXECUTIVE MANAGEMENT POSITIONS SHALL BE CONSISTENT WITH**
28 **THE COMPENSATION OF COMPARABLE POSITIONS IN THE DEPARTMENT.**

29 **(III) THE COMPENSATION ESTABLISHED BY THE RAIL**
30 **AUTHORITY SHALL BE REPORTED TO THE GENERAL ASSEMBLY EACH YEAR AS PART**
31 **OF THE RAIL AUTHORITY'S PRESENTATION OF ITS BUDGET.**

32 **(2) THE EXPENSE OF EMPLOYING THESE PERSONS MAY BE PAID ONLY**
33 **FROM REVENUES OR FROM THE PROCEEDS OF REVENUE BONDS ISSUED BY THE**
34 **RAIL AUTHORITY.**

1 **(E) THE RAIL AUTHORITY MAY APPLY FOR AND RECEIVE GRANTS FROM**
2 **ANY FEDERAL AGENCY FOR THE PLANNING, CONSTRUCTION, OPERATION, OR**
3 **FINANCING OF ANY PASSENGER RAIL OR TRANSIT PROJECT AND MAY RECEIVE AID**
4 **OR CONTRIBUTIONS OF MONEY, PROPERTY, LABOR, OR OTHER THINGS OF VALUE**
5 **FROM ANY SOURCE, TO BE HELD, USED, AND APPLIED FOR THE PURPOSES FOR**
6 **WHICH THE GRANTS, AID, AND CONTRIBUTIONS ARE MADE.**

7 **(F) THE RAIL AUTHORITY MAY ADOPT RULES AND REGULATIONS TO CARRY**
8 **OUT THE PROVISIONS OF THIS TITLE.**

9 **(G) THE RAIL AUTHORITY MAY DO ANYTHING ELSE NECESSARY OR**
10 **CONVENIENT TO CARRY OUT THE POWERS GRANTED IN THIS TITLE.**

11 **9-206.**

12 **SUBJECT TO TITLE 12 OF THE REAL PROPERTY ARTICLE AND CHAPTER 608**
13 **OF THE ACTS OF THE GENERAL ASSEMBLY OF 1976, THE RAIL AUTHORITY MAY**
14 **CONDEMN PROPERTY FOR ANY RAILROAD FACILITIES PROJECT AUTHORIZED TO BE**
15 **FINANCED WITH REVENUE BONDS OF PRIOR ISSUES.**

16 **9-207.**

17 **EXCEPT FOR WATER AND SEWER CHARGES IMPOSED BY THE STATE OR ANY OF**
18 **ITS AGENCIES OR POLITICAL SUBDIVISIONS, THE RAIL AUTHORITY, ITS ACTIVITIES,**
19 **AND THE PROPERTY IT OWNS OR CONTROLS ARE EXEMPT FROM ALL TAXES,**
20 **ASSESSMENTS, AND CHARGES, WHETHER FEDERAL, STATE, OR LOCAL, NOW OR**
21 **SUBSEQUENTLY LEVIED OR IMPOSED.**

22 **9-208.**

23 **THE RAIL AUTHORITY MAY CONTRACT WITH THE ADMINISTRATION TO**
24 **AUTHORIZE TRANSPORTATION AUTHORITY POLICE OFFICERS TO EXERCISE THE**
25 **POWERS DESCRIBED UNDER § 4-208 OF THIS ARTICLE ON PROPERTY OWNED,**
26 **LEASED, OR OPERATED BY OR UNDER THE CONTROL OF THE RAIL AUTHORITY.**

27 **9-209.**

28 **(A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE RAIL AUTHORITY, IN**
29 **COLLABORATION WITH THE TRANSPORTATION AUTHORITY, SHALL DEVELOP AND,**
30 **SUBJECT TO APPROVAL OF THE TRANSPORTATION AUTHORITY, ADOPT A 6-YEAR**
31 **FINANCIAL FORECAST FOR THE OPERATIONS OF THE RAIL AUTHORITY.**

1 **(B) IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,**
2 **THE RAIL AUTHORITY SHALL SUBMIT TO THE GENERAL ASSEMBLY:**

3 **(1) A DRAFT OF THE FINANCIAL FORECAST ON SUBMISSION OF THE**
4 **BUDGET BILL TO THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY; AND**

5 **(2) THE FINANCIAL FORECAST AS APPROVED BY THE RAIL**
6 **AUTHORITY ON OR BEFORE SEPTEMBER 1 EACH YEAR.**

7 **(C) THE FINANCIAL FORECAST SHALL INCLUDE THE FOLLOWING**
8 **COMPONENTS:**

9 **(1) A SCHEDULE OF OPERATING EXPENSES;**

10 **(2) A SCHEDULE OF REVENUES, INCLUDING CONCESSIONS INCOME,**
11 **INVESTMENT INCOME, OTHER INCOME, AND TRANSFERS FROM THE DEPARTMENT;**

12 **(3) A SCHEDULE OF PLANNED BOND ISSUANCES, INCLUDING A**
13 **DETAILED SUMMARY OF BONDS ISSUED TO FUND THE CAPITAL PROGRAM AND**
14 **BONDS ISSUED TO FUND CAPITALIZED INTEREST;**

15 **(4) A SCHEDULE OF DEBT SERVICE IN EACH FISCAL YEAR FOR EACH**
16 **BOND ISSUANCE OF ALL DEBT ISSUED BY THE RAIL AUTHORITY, INCLUDING DEBT**
17 **SERVICE ESTIMATES OF PLANNED BOND ISSUANCES; AND**

18 **(5) A SUMMARY SCHEDULE FOR THE RAIL AUTHORITY THAT**
19 **INCLUDES:**

20 **(I) THE TOTAL CASH BALANCE;**

21 **(II) THE AMOUNT OF THE CASH BALANCE THAT IS**
22 **ENCUMBERED;**

23 **(III) THE ANNUAL CASH SURPLUS OR DEFICIT;**

24 **(IV) REVENUES;**

25 **(V) TRANSFERS TO THE DEPARTMENT FROM THE RAIL**
26 **AUTHORITY;**

27 **(VI) TRANSFERS TO THE RAIL AUTHORITY FROM THE**
28 **DEPARTMENT;**

- 1 **(VII) BOND SALES;**
- 2 **(VIII) EXPENDITURES FOR DEBT SERVICE;**
- 3 **(IX) OPERATING EXPENSES;**
- 4 **(X) CAPITAL EXPENSES;**
- 5 **(XI) MAINTENANCE AND OPERATIONS EXPENSE RESERVE**
6 **ACCOUNTS;**
- 7 **(XII) FORECASTED BOND INTEREST RATES;**
- 8 **(XIII) TOTAL BONDS OUTSTANDING; AND**
- 9 **(XIV) FINANCIAL COVERAGE RATIOS, INCLUDING THE RATIO OF**
10 **TOTAL CASH TO FARE REVENUES, THE DEBT SERVICE COVERAGE RATIO, AND THE**
11 **RATE COVENANT COMPLIANCE RATIO.**

12 **(D) THE FINANCIAL FORECAST SHALL INCLUDE, FOR EACH OF THE**
13 **COMPONENTS SPECIFIED IN SUBSECTION (C) OF THIS SECTION:**

14 **(1) ACTUAL INFORMATION FOR THE LAST FULL FISCAL YEAR; AND**

15 **(2) FORECASTS OF THE INFORMATION FOR EACH OF THE 6**
16 **SUBSEQUENT FISCAL YEARS, INCLUDING THE CURRENT FISCAL YEAR, THE FISCAL**
17 **YEAR FOR THE PROPOSED BUDGET, AND THE NEXT 4 SUBSEQUENT FISCAL YEARS.**

18 **9-210.**

19 **(A) THE RAIL AUTHORITY SHALL EMPLOY A GENERAL COUNSEL WHO**
20 **SERVES AT THE PLEASURE OF THE SECRETARY.**

21 **(B) THE GENERAL COUNSEL IS ENTITLED TO THE COMPENSATION**
22 **DETERMINED BY THE EXECUTIVE DIRECTOR OF THE RAIL AUTHORITY.**

23 **9-211.**

24 **(A) THE RAIL AUTHORITY SHALL MAKE PUBLICLY AVAILABLE ON ITS**
25 **WEBSITE:**

26 **(1) EACH OPEN MEETING AGENDA:**

1 (I) AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING; OR

2 (II) IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A
3 NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN
4 ADVANCE OF THE MEETING AS PRACTICABLE;

5 (2) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT
6 WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE
7 MINUTES ARE APPROVED;

8 (3) LIVE VIDEO STREAMING OF EACH OPEN MEETING OF THE RAIL
9 AUTHORITY THAT IS HELD AT:

10 (I) THE HEADQUARTERS OF THE RAIL AUTHORITY; OR

11 (II) ANY OTHER LOCATION WHERE THE RAIL AUTHORITY HELD
12 AT LEAST 10 MEETINGS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR;
13 AND

14 (4) A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF
15 EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE
16 UNDER ITEM (3) OF THIS SUBSECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE
17 OF THE MEETING.

18 (B) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL PROVIDE TO
19 THE RAIL AUTHORITY THE TECHNICAL STAFF, SUPPORT, AND EQUIPMENT
20 NECESSARY TO LIVESTREAM THE OPEN MEETINGS OF THE RAIL AUTHORITY.

21 **SUBTITLE 3. FINANCING OF PROJECTS.**

22 **9-301.**

23 **BY ONE OR MORE RESOLUTIONS, THE RAIL AUTHORITY MAY:**

24 (1) **FINANCE THE COST OF RAILROAD FACILITIES PROJECTS;**

25 (2) **BORROW MONEY FROM TIME TO TIME FOR THAT PURPOSE; AND**

26 (3) **EVIDENCE THE BORROWING BY THE ISSUANCE AND SALE OF**
27 **REVENUE BONDS, NOTES, OR OTHER EVIDENCES OF OBLIGATION ON THE TERMS,**
28 **CONDITIONS, AND LIMITATIONS CONTAINED IN THIS SUBTITLE.**

29 **9-302.**

1 (A) EXCEPT AS PROVIDED IN § 9-306(B) OF THIS SUBTITLE, WITHOUT
2 LIMITING THE POWER OF THE RAIL AUTHORITY TO ISSUE ADDITIONAL REVENUE
3 BONDS UNDER THE PROVISIONS OF LAW THAT AUTHORIZE THE ISSUANCE OF
4 REVENUE BONDS OF PRIOR ISSUES, THE RAIL AUTHORITY FROM TIME TO TIME MAY
5 ISSUE ITS REVENUE BONDS TO FINANCE THE COST OF ANY ONE OR MORE OR
6 COMBINATION OF RAILROAD FACILITIES PROJECTS.

7 (B) AS TO REVENUE BONDS OF ANY ISSUE, THE RAIL AUTHORITY MAY
8 DETERMINE:

9 (1) THE DATE OR DATES OF ISSUE;

10 (2) THE DATE OR DATES AND AMOUNT OR AMOUNTS OF MATURITY,
11 WHICH NEED NOT BE IN EQUAL PRINCIPAL AMOUNTS OR CONSECUTIVE ANNUAL
12 INSTALLMENTS, BUT A BOND MAY NOT BE ISSUED TO MATURE LATER THAN 40 YEARS
13 AFTER THE DATE OF ITS ISSUE;

14 (3) THE RATE OR RATES OF INTEREST PAYABLE ON THE BONDS, OR
15 THE MANNER OF DETERMINING THE RATE OR RATES OF INTEREST, AND THE DATE
16 OR DATES OF PAYMENT OF INTEREST;

17 (4) THE TENOR, FORM OR FORMS, DENOMINATION OR
18 DENOMINATIONS, MANNER OF EXECUTION, AND PLACE OR PLACES OF PAYMENT OF
19 THE PRINCIPAL OF AND INTEREST ON THE BONDS, WHICH MAY BE AT ANY BANK OR
20 TRUST COMPANY WITHIN OR OUTSIDE THE STATE;

21 (5) WHETHER THE BONDS ARE TO BE ISSUED IN COUPON OR
22 REGISTERED FORM OR BOTH AND WHETHER PROVISION IS TO BE MADE FOR THE
23 REGISTRATION OF THE PRINCIPAL ONLY OF COUPON BONDS, FOR THE
24 RECONVERSION OF FULLY REGISTERED BONDS INTO COUPON FORM, AND FOR THE
25 REPLACEMENT OF BONDS THAT ARE MUTILATED, LOST, OR DESTROYED;

26 (6) WHETHER ALL OR ANY PART OF THE BONDS ARE REDEEMABLE
27 BEFORE MATURITY AND, IF SO, THE TERMS, CONDITIONS, AND PRICES OF
28 REDEMPTION; AND

29 (7) ANY OTHER MATTER RELATING TO THE FORM, TERMS,
30 CONDITIONS, ISSUANCE, SALE, AND DELIVERY OF THE BONDS.

31 **9-303.**

32 (A) (1) REVENUE BONDS ISSUED UNDER THIS SUBTITLE SHALL BE

1 EXECUTED ON BEHALF OF THE RAIL AUTHORITY BY THE MANUAL SIGNATURE OF AT
2 LEAST ONE AUTHORIZED INDIVIDUAL.

3 (2) OTHER SIGNATURES ON THE BONDS MAY BE EITHER MANUAL OR
4 FACSIMILE.

5 (B) IF AN INDIVIDUAL WHOSE MANUAL OR FACSIMILE SIGNATURE APPEARS
6 ON ANY BOND OR COUPON ISSUED UNDER THIS SUBTITLE CEASES TO SERVE IN AN
7 AUTHORIZED CAPACITY BEFORE THE DELIVERY OF THE BOND, THE SIGNATURE
8 NEVERTHELESS IS AS VALID AND SUFFICIENT FOR ALL PURPOSES AS IF THE
9 INDIVIDUAL HAD REMAINED IN THAT CAPACITY UNTIL DELIVERY OF THE BOND.

10 9-304.

11 NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR ANY RECITALS IN THE
12 INSTRUMENTS, THE REVENUE BONDS, NOTES, AND OTHER EVIDENCES OF
13 OBLIGATION ISSUED UNDER THIS SUBTITLE ARE INVESTMENT SECURITIES UNDER
14 THE LAWS OF THE STATE.

15 9-305.

16 THE REVENUE BONDS, NOTES, AND OTHER EVIDENCES OF OBLIGATION
17 ISSUED UNDER THIS SUBTITLE AND THEIR ISSUANCE AND SALE ARE EXEMPT FROM
18 THE PROVISIONS OF §§ 8-206 AND 8-208 OF THE STATE FINANCE AND
19 PROCUREMENT ARTICLE, AND THE RAIL AUTHORITY MAY SELL THEM AT EITHER
20 PUBLIC OR PRIVATE SALE IN THE MANNER AND FOR THE PRICE THAT IT
21 DETERMINES.

22 9-306.

23 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, REVENUE
24 BONDS MAY BE ISSUED BY THE RAIL AUTHORITY:

25 (1) WITHOUT OBTAINING THE CONSENT OF ANY INSTRUMENTALITY,
26 AGENCY, OR UNIT OF THE STATE; AND

27 (2) WITHOUT ANY PROCEEDINGS OR THE HAPPENING OF ANY
28 CONDITIONS OR THINGS OTHER THAN THOSE SPECIFICALLY REQUIRED BY THIS
29 SUBTITLE.

30 (B) (1) (i) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH,
31 REVENUE BONDS SECURED BY FARE REVENUE MAY BE ISSUED IN ANY AMOUNT.

1 **(II) ON OR BEFORE APRIL 1, 2024, THE RAIL AUTHORITY**
2 **SHALL SUBMIT, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT**
3 **ARTICLE, A REPORT TO THE GENERAL ASSEMBLY THAT INCLUDES:**

4 **1. A RECOMMENDATION ON THE MAXIMUM AGGREGATE**
5 **AMOUNT OF REVENUE BONDS THAT MAY BE OUTSTANDING AND UNPAID IN A FISCAL**
6 **YEAR; AND**

7 **2. WHETHER THE MAXIMUM AGGREGATE AMOUNT**
8 **DETERMINED UNDER ITEM 1 OF THIS SUBPARAGRAPH SHOULD BE ESTABLISHED BY**
9 **LAW OR REGULATION.**

10 **(III) THE MAXIMUM AGGREGATE AMOUNT OF REVENUE BONDS**
11 **THAT MAY BE OUTSTANDING AND UNPAID UNDER SUBPARAGRAPH (I) OF THIS**
12 **PARAGRAPH SHALL BE REDUCED BY THE AMOUNT OF:**

13 **1. ANY LOAN EXTENDED TO THE STATE UNDER THE**
14 **FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT;**
15 **AND**

16 **2. ANY LINE OF CREDIT EXTENDED TO THE STATE**
17 **UNDER THE FEDERAL TRANSPORTATION INFRASTRUCTURE FINANCE AND**
18 **INNOVATION ACT, TO THE EXTENT THE STATE DRAWS ON THE LINE OF CREDIT.**

19 **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND § 9-205**
20 **OF THIS TITLE, WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY, THE RAIL**
21 **AUTHORITY MAY ISSUE BONDS TO REFINANCE ALL OR ANY PART OF THE COST OF A**
22 **PASSENGER RAIL OR TRANSIT PROJECT FOR WHICH THE RAIL AUTHORITY**
23 **PREVIOUSLY ISSUED BONDS AUTHORIZED UNDER THIS SUBTITLE.**

24 **9-307.**

25 **(A) SUBJECT TO THE PROVISIONS OF §§ 9-306(B) AND 9-320 OF THIS**
26 **SUBTITLE, IF BY REASON OF INCREASED CONSTRUCTION COSTS, ERROR IN**
27 **ESTIMATES, OR OTHERWISE, THE PROCEEDS OF THE REVENUE BONDS OF ANY ISSUE**
28 **ARE LESS THAN THE AMOUNT REQUIRED FOR THE PURPOSE FOR WHICH THE BONDS**
29 **ARE AUTHORIZED, ADDITIONAL REVENUE BONDS MAY BE ISSUED IN A SIMILAR**
30 **MANNER TO PROVIDE THE AMOUNT OF THE DEFICIENCY.**

31 **(B) (1) THE ADDITIONAL BONDS SHALL BE DEEMED TO BE OF THE SAME**
32 **ISSUE AND SHALL BE ENTITLED TO PAYMENT FROM THE SAME FUND, WITHOUT**
33 **PREFERENCE OR PRIORITY, AS THE BONDS FIRST ISSUED.**

1 **(2) IF THE PROCEEDS OF THE ADDITIONAL BONDS EXCEED THE**
2 **AMOUNT REQUIRED, THE EXCESS SHALL BE DEPOSITED TO THE CREDIT OF ANY**
3 **RESERVE FUND FOR THE BONDS OR, IF SO PROVIDED IN THE TRUST AGREEMENT**
4 **SECURING THE BONDS, MAY BE APPLIED TO THE COST OF ANY ADDITIONAL**
5 **PROJECT.**

6 **9-308.**

7 **(A) THE RAIL AUTHORITY FROM TIME TO TIME MAY ISSUE ITS REVENUE**
8 **REFUNDING BONDS FOR:**

9 **(1) REFUNDING ANY BONDS ISSUED UNDER THIS SUBTITLE OR ANY**
10 **REVENUE BONDS OF PRIOR ISSUES, INCLUDING THE PAYMENT OF ANY REDEMPTION**
11 **PREMIUM ON THE BONDS AND ANY INTEREST ACCRUED OR TO ACCRUE TO THE DATE**
12 **OF REDEMPTION OF THE BONDS;**

13 **(2) CONSTRUCTING IMPROVEMENTS OR EXTENSIONS TO OR**
14 **ENLARGEMENTS OF ANY RAILROAD FACILITIES PROJECT; AND**

15 **(3) PAYING ALL OR ANY PART OF THE COST OF ANY ADDITIONAL**
16 **RAILROAD FACILITIES PROJECT.**

17 **(B) THE ISSUANCE OF REVENUE REFUNDING BONDS, THE DETAILS OF**
18 **THEIR ISSUANCE, THE RIGHTS OF THEIR HOLDERS, AND THE RIGHTS, DUTIES, AND**
19 **OBLIGATIONS OF THE RAIL AUTHORITY WITH RESPECT TO THEM ARE GOVERNED BY**
20 **THE PROVISIONS OF THIS SUBTITLE RELATING TO REVENUE BONDS, INsofar AS**
21 **THOSE PROVISIONS MAY BE APPLICABLE.**

22 **9-309.**

23 **BEFORE THE PREPARATION OF DEFINITIVE BONDS, THE RAIL AUTHORITY**
24 **MAY ISSUE ITS INTERIM CERTIFICATES OR TEMPORARY BONDS, WITH OR WITHOUT**
25 **COUPONS, EXCHANGEABLE FOR DEFINITIVE BONDS WHEN THE DEFINITIVE BONDS**
26 **HAVE BEEN EXECUTED AND ARE AVAILABLE FOR DELIVERY.**

27 **9-310.**

28 **(A) THE RAIL AUTHORITY MAY ISSUE ITS BOND ANTICIPATION NOTES,**
29 **PAYABLE TO THE BEARER OR REGISTERED HOLDER OF THE NOTES, OUT OF THE**
30 **FIRST PROCEEDS OF THE NEXT SALE OF BONDS ISSUED UNDER THIS SUBTITLE.**

31 **(B) THE RESOLUTION AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION**
32 **NOTES MAY PROVIDE FOR THE ISSUANCE OF THESE NOTES IN SERIES, AS FUNDS ARE**

1 REQUIRED, AND FOR THE RENEWAL OF THESE NOTES AT MATURITY, WITH OR
2 WITHOUT RESALE.

3 (C) THE ISSUANCE OF BOND ANTICIPATION NOTES, THE DETAILS OF THEIR
4 ISSUANCE, THE RIGHTS OF THEIR HOLDERS, AND THE RIGHTS, DUTIES, AND
5 OBLIGATIONS OF THE RAIL AUTHORITY WITH RESPECT TO THEM ARE GOVERNED BY
6 THE PROVISIONS OF THIS SUBTITLE RELATING TO THE ISSUANCE OF THE BONDS IN
7 ANTICIPATION OF THE SALE OF WHICH THE NOTES ARE ISSUED, INsofar AS THOSE
8 PROVISIONS MAY BE APPLICABLE.

9 9-311.

10 (A) (1) REVENUE BONDS ISSUED UNDER THIS SUBTITLE MAY BE
11 SECURED BY A TRUST AGREEMENT BETWEEN THE RAIL AUTHORITY AND A
12 CORPORATE TRUSTEE THAT MAY BE ANY TRUST COMPANY OR BANK HAVING TRUST
13 POWERS WITHIN OR OUTSIDE THE STATE.

14 (2) THE TRUST AGREEMENT MAY PLEDGE OR ASSIGN ALL OR ANY
15 PART OF THE REVENUES OF THE RAIL AUTHORITY OR OF ANY RAILROAD FACILITIES
16 PROJECT, BUT MAY NOT MORTGAGE ANY PART OF ANY RAILROAD FACILITIES
17 PROJECT.

18 (B) ANY TRUST AGREEMENT OR BOND AUTHORIZING RESOLUTION MAY:

19 (1) CONTAIN ANY PROVISIONS FOR THE PROTECTION AND
20 ENFORCEMENT OF THE RIGHTS AND REMEDIES OF BONDHOLDERS AS ARE
21 CONSIDERED REASONABLE AND PROPER, INCLUDING COVENANTS SETTING FORTH
22 THE DUTIES OF THE RAIL AUTHORITY AS TO THE FINANCING OR DEVELOPMENT OF
23 ANY RAILROAD FACILITIES PROJECT, THE EXTENSION, ENLARGEMENT,
24 IMPROVEMENT, MAINTENANCE, OPERATION, REPAIR, AND INSURANCE OF THE
25 PROJECT, AND THE CUSTODY, SAFEGUARDING, AND APPLICATION OF MONEY;

26 (2) PROVIDE FOR THE EMPLOYMENT OF CONSULTING ENGINEERS IN
27 CONNECTION WITH THE CONSTRUCTION OR OPERATION OF ANY RAILROAD
28 FACILITIES PROJECT;

29 (3) SET FORTH THE RIGHTS AND REMEDIES OF THE BONDHOLDERS
30 AND OF THE TRUSTEE;

31 (4) RESTRICT THE INDIVIDUAL RIGHT OF ACTION BY BONDHOLDERS;
32 AND

33 (5) CONTAIN ANY OTHER PROVISIONS THAT THE RAIL AUTHORITY

1 CONSIDERS REASONABLE AND PROPER FOR THE SECURITY OF THE BONDHOLDERS,
2 INCLUDING:

3 (I) COVENANTS TO RESTRICT OR PROHIBIT THE
4 CONSTRUCTION OR OPERATION OF COMPETING RAILROAD FACILITIES; AND

5 (II) COVENANTS RELATING TO THE ISSUANCE OF ADDITIONAL
6 PARITY BONDS ON STATED CONDITIONS CONSISTENT WITH THE REQUIREMENTS OF
7 THIS SUBTITLE.

8 (C) ALL EXPENSES INCURRED IN CARRYING OUT THE TRUST AGREEMENT
9 MAY BE TREATED AS A PART OF THE COST OF THE OPERATION OF THE RAILROAD
10 FACILITIES PROJECT IN CONNECTION WITH WHICH THE BONDS HAVE BEEN ISSUED.

11 (D) THE PROCEEDS OF THE SALE OF BONDS SHALL BE PAID TO THE
12 TRUSTEE UNDER THE TRUST AGREEMENT SECURING THE BONDS AND SHALL BE
13 DISBURSED IN THE MANNER AND UNDER THE RESTRICTIONS, IF ANY, PROVIDED IN
14 THE TRUST AGREEMENT.

15 (E) ANY BANK OR TRUST COMPANY INCORPORATED UNDER THE LAWS OF
16 THE STATE THAT ACTS AS DEPOSITARY OF THE PROCEEDS OF THE BONDS OR OF
17 REVENUES MAY FURNISH ANY INDEMNIFYING BONDS OR PLEDGE ANY SECURITIES
18 THAT THE RAIL AUTHORITY REQUIRES.

19 9-312.

20 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF THE RAIL AUTHORITY
21 IS OPERATING A RAILROAD FACILITIES PROJECT, THE RAIL AUTHORITY SHALL FIX,
22 REVISE, CHARGE, AND COLLECT RENTALS, RATES, FEES, FARES, AND OTHER
23 CHARGES FOR ITS USE OR FOR ITS SERVICES CONSISTENT WITH THE PROVISIONS OF
24 §§ 7-208, 7-505, AND 7-506 OF THIS ARTICLE AS THOSE PROVISIONS APPLY TO THE
25 ADMINISTRATION.

26 9-313.

27 (A) (1) ALL RENTALS, RATES, FARES, FEES, AND OTHER CHARGES AND
28 REVENUES DERIVED FROM ANY RAILROAD FACILITIES PROJECT SHALL BE SET
29 ASIDE IN A FUND KNOWN AS THE RAIL AUTHORITY FUND, EXCEPT TO THE EXTENT
30 THAT THEY ARE PLEDGED UNDER AN APPLICABLE TRUST AGREEMENT TO SECURE
31 EITHER:

32 (I) REVENUE BONDS ISSUED UNDER THIS SUBTITLE IF THE
33 TRUST AGREEMENT OR BOND AUTHORIZING RESOLUTION EXPRESSLY PROVIDES

1 THAT THIS SECTION DOES NOT APPLY TO THOSE BONDS; OR

2 (II) REVENUE BONDS OF PRIOR ISSUES.

3 (2) THE RAIL AUTHORITY FUND CONSISTS OF:

4 (I) THE REVENUES FROM THE TRANSFER OF FUNDS UNDER §§
5 4-313 AND 4-314 OF THIS ARTICLE;

6 (II) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, THE
7 RENTALS, RATES, FARES, FEES, AND OTHER CHARGES AND REVENUES DERIVED
8 FROM ANY RAILROAD FACILITIES PROJECT, EXCEPT TO THE EXTENT THAT THEY ARE
9 PLEDGED UNDER AN APPLICABLE TRUST AGREEMENT; AND

10 (III) MONEY APPROPRIATED IN THE STATE BUDGET TO THE
11 RAIL AUTHORITY FUND.

12 (3) MONEY DISTRIBUTED TO THE RAIL AUTHORITY FUND SHALL BE
13 USED ONLY FOR THE RAILROAD FACILITIES PROJECTS LISTED UNDER § 9-204 OF
14 THIS TITLE.

15 (4) THE RAIL AUTHORITY FUND SHALL BE PLEDGED TO AND
16 CHARGED WITH THE PAYMENT OF:

17 (I) THE INTEREST ON BONDS ISSUED UNDER THIS SUBTITLE AS
18 IT FALLS DUE;

19 (II) THE PRINCIPAL OF THE BONDS AS IT FALLS DUE;

20 (III) THE NECESSARY CHARGES OF PAYING AGENTS FOR PAYING
21 PRINCIPAL AND INTEREST; AND

22 (IV) THE REDEMPTION PRICE OR PURCHASE PRICE OF BONDS
23 RETIRED BY CALL OR PURCHASE AS PROVIDED IN THE BOND AUTHORIZING
24 RESOLUTION OR TRUST AGREEMENT.

25 (B) (1) THE PLEDGE IS VALID AND BINDING FROM THE TIME IT IS MADE.

26 (2) RENTALS, RATES, FARES, FEES, AND OTHER CHARGES AND
27 REVENUES OR OTHER MONEY SO PLEDGED AND LATER RECEIVED BY THE RAIL
28 AUTHORITY IMMEDIATELY SHALL BE SUBJECT TO THE LIEN OF THE PLEDGE
29 WITHOUT PHYSICAL DELIVERY OR ANY FURTHER ACT.

1 **(3) THE LIEN OF THE PLEDGE IS VALID AND BINDING AS AGAINST ALL**
2 **PARTIES HAVING ANY CLAIMS OF ANY KIND IN TORT, CONTRACT, OR OTHERWISE**
3 **AGAINST THE RAIL AUTHORITY, WHETHER OR NOT THESE PARTIES HAVE NOTICE OF**
4 **THE PLEDGE.**

5 **(4) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NEITHER THE**
6 **RESOLUTION NOR ANY TRUST AGREEMENT BY WHICH A PLEDGE IS CREATED NEED**
7 **BE FILED OR RECORDED OTHER THAN IN THE RECORDS OF THE RAIL AUTHORITY.**

8 **(C) THE USE AND DISPOSITION OF MONEY TO THE CREDIT OF THE RAIL**
9 **AUTHORITY FUND IS SUBJECT TO THE PROVISION OF THE APPLICABLE BOND**
10 **AUTHORIZING RESOLUTION OR TRUST AGREEMENT.**

11 **9-314.**

12 **WITHOUT IN ANY WAY LIMITING OR RESTRICTING ITS EFFECT OR**
13 **APPLICATION, THIS SUBTITLE IS INTENDED TO AUTHORIZE THE RAIL AUTHORITY**
14 **TO FINANCE ANY ONE OR MORE OR ANY COMBINATION OF RAILROAD FACILITIES**
15 **PROJECTS BY ANY ONE OR MORE OR COMBINATION OF ISSUES OR SERIES OF BONDS**
16 **SECURED BY THE PLEDGE OF THE NET OR GROSS OR ANY COMBINATION OF THE NET**
17 **OR GROSS RENTALS, RATES, FARES, FEES, AND OTHER CHARGES AND REVENUES**
18 **DERIVED FROM ANY RAILROAD FACILITIES PROJECT OR COMBINATION OF**
19 **PROJECTS DESIGNATED BY ANY BOND AUTHORIZING RESOLUTION OR TRUST**
20 **AGREEMENT SECURING THE BONDS.**

21 **9-315.**

22 **ALL MONEY THAT IS RECEIVED BY THE RAIL AUTHORITY AS PROCEEDS FROM**
23 **THE SALE OF REVENUE BONDS, NOTES, OR OTHER EVIDENCES OF OBLIGATION**
24 **UNDER THIS SUBTITLE AND BY WAY OF RENTALS, RATES, FARES, FEES, AND OTHER**
25 **CHARGES AND REVENUES DERIVED FROM ANY RAILROAD FACILITIES PROJECT OR**
26 **COMBINATION OF PROJECTS AND THAT IS DESIGNATED BY ANY AUTHORIZING**
27 **RESOLUTION OR TRUST AGREEMENT AS SECURITY FOR THE BONDS, NOTES, OR**
28 **OTHER EVIDENCES OF OBLIGATION SHALL BE DEEMED TO BE TRUST FUNDS TO BE**
29 **HELD AND APPLIED ONLY AS PROVIDED IN THIS SUBTITLE.**

30 **9-316.**

31 **EXCEPT TO THE EXTENT RESTRICTED BY THE TRUST AGREEMENT, THE**
32 **TRUSTEE OR ANY HOLDER OF REVENUE BONDS ISSUED UNDER THIS SUBTITLE OR**
33 **OF ANY OF THE COUPONS APPERTAINING TO THE BONDS MAY:**

34 **(1) BRING A SUIT, AN ACTION, A MANDAMUS, OR ANY OTHER**

1 PROCEEDING AT LAW OR IN EQUITY TO PROTECT AND ENFORCE ANY RIGHT UNDER
2 THE LAWS OF THE STATE OR UNDER THE BOND AUTHORIZING RESOLUTION OR
3 TRUST AGREEMENT; AND

4 (2) ENFORCE AND COMPEL THE PERFORMANCE OF ALL DUTIES
5 REQUIRED BY THIS SUBTITLE OR BY THE TRUST AGREEMENT TO BE PERFORMED BY
6 THE RAIL AUTHORITY OR BY ANY OF ITS OFFICERS, INCLUDING THE FIXING,
7 CHARGING, AND COLLECTING OF RENTALS, RATES, FARES, FEES, AND OTHER
8 CHARGES AND REVENUES.

9 9-317.

10 (A) ALL PUBLIC OFFICERS AND PUBLIC AGENCIES OF THE STATE AND ITS
11 POLITICAL SUBDIVISIONS, ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN
12 ASSOCIATIONS, INVESTMENT COMPANIES, AND OTHERS CARRYING ON A BANKING
13 BUSINESS, ALL INSURANCE COMPANIES, INSURANCE ASSOCIATIONS, AND OTHERS
14 CARRYING ON AN INSURANCE BUSINESS, ALL PERSONAL REPRESENTATIVES,
15 GUARDIANS, TRUSTEES, AND OTHER FIDUCIARIES, AND ALL OTHER PERSONS MAY
16 LEGALLY AND PROPERLY INVEST FUNDS, INCLUDING CAPITAL IN THEIR CONTROL
17 OR BELONGING TO THEM, IN REVENUE BONDS, NOTES, AND OTHER EVIDENCES OF
18 OBLIGATION ISSUED UNDER THIS SUBTITLE.

19 (B) THESE BONDS, NOTES, AND OTHER EVIDENCES OF OBLIGATION MAY
20 LEGALLY AND PROPERLY BE DEPOSITED WITH AND RECEIVED BY ANY STATE OR
21 MUNICIPAL OFFICER OR ANY AGENCY OR POLITICAL SUBDIVISION OF THE STATE
22 FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR OTHER OBLIGATIONS OF
23 THE STATE IS AUTHORIZED BY LAW.

24 9-318.

25 THE REVENUE BONDS, NOTES, AND OTHER EVIDENCES OF OBLIGATION
26 ISSUED UNDER THIS SUBTITLE, THEIR TRANSFER, THE INTEREST PAYABLE ON
27 THEM, AND ANY INCOME DERIVED FROM THEM, INCLUDING ANY PROFIT REALIZED
28 IN THEIR SALE OR EXCHANGE, SHALL BE EXEMPT AT ALL TIMES FROM EVERY KIND
29 AND NATURE OF TAXATION BY THE STATE OR BY ANY OF ITS POLITICAL
30 SUBDIVISIONS, OR PUBLIC AGENCIES OF ANY KIND.

31 9-319.

32 (A) THE REVENUE BONDS, NOTES, AND OTHER EVIDENCES OF OBLIGATION
33 ISSUED UNDER THIS SUBTITLE ARE NOT AND MAY NOT BE CONSIDERED TO
34 CONSTITUTE A DEBT OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF
35 MARYLAND, BUT SHALL BE PAYABLE ONLY FROM THE FUNDS FROM OR REVENUES

1 PROVIDED BY THIS SUBTITLE FOR THAT PURPOSE.

2 (B) ALL REVENUE BONDS, NOTES, AND OTHER EVIDENCES OF OBLIGATION
3 ISSUED UNDER THIS SUBTITLE SHALL CONTAIN A STATEMENT ON THEIR FACE TO
4 THE EFFECT THAT:

5 (1) THE STATE IS NOT OBLIGATED TO PAY THE PRINCIPAL OF OR THE
6 INTEREST ON THEM EXCEPT FROM REVENUES; AND

7 (2) NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF
8 THE STATE IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF OR THE INTEREST
9 ON THEM.

10 9-320.

11 IF THE RAIL AUTHORITY INTENDS TO PLEDGE ANY FUTURE FEDERAL AID
12 FROM ANY SOURCE TO SUPPORT REPAYMENT OF ANY DEBT INSTRUMENT ISSUED
13 UNDER THIS SUBTITLE:

14 (1) THE AGGREGATE PRINCIPAL AMOUNT OF DEBT ISSUED UNDER
15 THIS SUBTITLE OR TITLE 3, SUBTITLE 6 OF THIS ARTICLE THAT IS SECURED BY A
16 PLEDGE OF FUTURE FEDERAL AID MAY NOT EXCEED \$750,000,000;

17 (2) THE DATE OF MATURITY MAY NOT BE LATER THAN 12 YEARS
18 AFTER THE DATE OF ISSUE;

19 (3) NOTWITHSTANDING § 3-215(D) OF THIS ARTICLE, IF FUTURE
20 FEDERAL AID IS INSUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON THE
21 BONDS ISSUED UNDER THIS SUBTITLE WHEN DUE, THE TAX LEVIED UNDER § 3-215
22 OF THIS ARTICLE, TO THE EXTENT THE PROCEEDS OF SUCH TAX ARE NOT
23 NECESSARY TO PROVIDE THE SINKING FUND REQUIRED UNDER § 3-215(C) OF THIS
24 ARTICLE, IS IRREVOCABLY PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF AND
25 INTEREST ON THE BONDS ISSUED UNDER THIS SUBTITLE AS THEY BECOME DUE AND
26 PAYABLE;

27 (4) THE LIEN OF THE PLEDGE UNDER ITEM (3) OF THIS SECTION
28 SHALL AT ALL TIMES BE SUBORDINATE TO THE LIEN OF THE PLEDGE OF SUCH TAX
29 UNDER § 3-215(D) OF THIS ARTICLE TO THE PAYMENT OF PRINCIPAL OF AND
30 INTEREST ON CONSOLIDATED TRANSPORTATION BONDS; AND

31 (5) NO PART OF THE TAX LEVIED UNDER § 3-215 OF THIS ARTICLE
32 MAY BE REPEALED, DIMINISHED, OR APPLIED TO ANY OTHER PURPOSE UNTIL:

1 **(I) THE BONDS ISSUED UNDER THIS SUBTITLE AND INTEREST**
2 **ON THEM HAVE BECOME DUE AND FULLY PAID; OR**

3 **(II) ADEQUATE AND COMPLETE PROVISION FOR PAYMENT OF**
4 **THE PRINCIPAL AND INTEREST HAS BEEN MADE.**

5 **9-321.**

6 **(A) THE RAIL AUTHORITY MAY ISSUE BOND ANTICIPATION NOTES SECURED**
7 **BY A PLEDGE OF A LINE OF CREDIT EXTENDED TO THE STATE UNDER THE FEDERAL**
8 **TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT.**

9 **(B) NOTES ISSUED UNDER THIS SECTION SHALL HAVE A MATURITY DATE OF**
10 **UP TO 3 YEARS AFTER THE DATE OF ISSUE.**

11 **(C) A PLEDGE OF A LINE OF CREDIT AS AUTHORIZED UNDER THIS SECTION**
12 **DOES NOT CONSTITUTE THE PLEDGE OF FUTURE FEDERAL REVENUES, AND NOTES**
13 **ISSUED UNDER THIS SECTION ARE NOT SUBJECT TO § 3-601(D) OF THIS ARTICLE OR**
14 **§ 9-320 OF THIS SUBTITLE.**

15 **SUBTITLE 4. MISCELLANEOUS PROVISIONS.**

16 **9-401.**

17 **IF THE RAIL AUTHORITY CONSIDERS IT NECESSARY OR DESIRABLE TO**
18 **ENSURE THE PROPER OPERATION AND MAINTENANCE OF ANY RAILROAD FACILITIES**
19 **PROJECT, IT MAY DESIGNATE, ESTABLISH, LIMIT, AND CONTROL THE ENTRANCES**
20 **AND EXITS OF THE PROJECT AND MAY PROHIBIT ENTRANCE OR EXIT FROM ANY**
21 **UNDESIGNATED POINT.**

22 **SECTION 2. AND BE IT FURTHER ENACTED, That:**

23 **(a) The Maryland Rail Authority, in collaboration with the Maryland**
24 **Transportation Authority, shall contract with a consultant, institution, agency, private**
25 **contractor, or any other qualified person with expertise in environmental and occupational**
26 **health to conduct a study of the State's toll facilities and related impacts of pollution.**

27 **(b) The study shall:**

28 **(1) identify the amount of pollution within 5 miles of each toll facility,**
29 **including the levels of:**

30 **(i) carbon monoxide;**

- 1 (ii) nitrous oxide;
- 2 (iii) particulate matter (pm) 2.5; and
- 3 (iv) sulfur dioxide;

4 (2) map the prevalence of any health issues within 5 miles of each toll
5 facility that are related to the presence of the pollutants listed under item (1) of this
6 subsection; and

7 (3) identify the communities in the State that are most affected by the
8 presence of the pollutants listed under item (1) of this subsection.

9 (c) The Maryland Rail Authority shall ensure that on or before June 30, 2024, the
10 entity contracted to conduct the study submits, in accordance with § 2–1257 of the State
11 Government Article, a report of its findings and recommendations to:

- 12 (1) the Department of Transportation;
- 13 (2) the House Environment and Transportation Committee;
- 14 (3) the House Appropriations Committee;
- 15 (4) the Senate Finance Committee; and
- 16 (5) the Senate Budget and Taxation Committee.

17 SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 1,
18 2023, the Maryland Transportation Authority shall hold public hearings and seek public
19 comment on proposed toll rate adjustments that achieve near optimal tolling.

20 SECTION 4. AND BE IT FURTHER ENACTED, That:

21 (a) On or before July 1, 2023, the Secretary of Transportation shall request a
22 determination letter from the Attorney General on whether implementing Section 1 of this
23 Act would violate existing bond covenants and trust agreements for State toll facilities.

24 (b) (1) Within 5 days after receiving the determination letter requested under
25 subsection (a) of this section from the Attorney General, the members of the Maryland
26 Transportation Authority shall hold a majority vote on whether implementing Section 1 of
27 this Act would violate existing bond covenants and trust agreements for State toll facilities.

28 (2) Within 5 days after holding the vote required under paragraph (1) of
29 this subsection, the Secretary shall forward the result of the vote to the Department of
30 Legislative Services, Miller Senate Office Building, 11 Bladen Street, Annapolis, Maryland
31 21401.

1 SECTION 5. AND BE IT FURTHER ENACTED, That:

2 (a) Sections 1 through 3 of this Act are contingent on the receipt by the Secretary
3 of Transportation of the result of a favorable vote of the members of the Maryland
4 Transportation Authority requested under Section 4 of this Act, confirming that
5 implementing Section 1 of this Act would not violate existing bond covenants or trust
6 agreements for State toll facilities.

7 (b) If the result of a favorable vote requested under Section 4 of this Act is received
8 on or before October 1, 2023, Sections 1 through 3 of this Act shall take effect on the date
9 that notice of the result of the vote is received by the Department of Legislative Services in
10 accordance with Section 4 of this Act.

11 (c) If the Secretary of Transportation does not receive the result of a favorable
12 vote under Section 4 of this Act on or before October 1, 2023, Sections 1 through 3 of this
13 Act, with no further action required by the General Assembly, shall be null and void.

14 (d) If the members of the Transportation Authority determine through a majority
15 vote that implementing Section 1 of this Act would violate existing bond covenants or trust
16 agreements for State toll facilities, the Transportation Authority, within 30 days after the
17 vote, shall submit a report on the basis of the determination and any amendments to the
18 bond covenants or trust agreements that would be necessary to implement this Act to:

- 19 (1) the Department of Transportation;
- 20 (2) the House Environment and Transportation Committee;
- 21 (3) the House Appropriations Committee;
- 22 (4) the Senate Finance Committee; and
- 23 (5) the Senate Budget and Taxation Committee.

24 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions of
25 Section 5 of this Act, this Act shall take effect June 1, 2023.