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Position: FAV



**Testimony to the House Environment and Transportation Committee
HB 582 – Maryland Transportation Authority –
Options for the Payment of Tolls and Civil Penalties –
Position: Favorable**

March 3, 2022

The Honorable Kumar Barve
Environment and Transportation Committee
Room 251, House Office Building
Annapolis, MD 21401
cc: Members, Environment and Transportation Committee

Honorable Chair Barve and Members of the Committee:

I'm a consumer advocate and Executive Director of Consumer Auto, a nonprofit group that works for safety, transparency, and fair treatment for Maryland drivers and car buyers.

Consumer Auto supports **HB 582** because we believe it would provide some much-needed relief to many thousands of Maryland drivers who face burdensome delayed toll charges, fines, and other punishments for toll violations. That relief is particularly pressing now as millions of long-delayed toll charges will be arriving in mailboxes across Maryland through at least the middle of this year – causing new debts, millions of dollars in fines, and other problems for drivers. And while the MdTA has offered a temporary grace period that involves suspending additional fines for unpaid tolls for the time being, it only last through Nov. 30 and only those who can pay off their outstanding balance in full by that time will have their fines waived.

Fines for toll violations have long created serious problems for many Marylanders, especially for lower-income drivers who rely on their vehicles but may not have an EZ-Pass account or have one connected to a credit card that can automatically pay toll fees. When a toll fee is issued by mail, fines begin to accrue just 30 days after the notice is issued. In part because Maryland charges relatively high fines (now \$25 for each late toll violation charge, often for an underlying fee of just \$2 to \$4) and because the Central Collection Unit (CCU) charges an additional 17% fee to those with outstanding debts in collection, those fees can mount quickly.

For too many Marylanders, especially those who live paycheck to paycheck or struggle to pay their bills, these fines and fees can quickly turn into a debt trap. Maryland is also one of just eight states that still suspend vehicle registrations because of outstanding toll debts.

Sadly, the well-known problems prompted by MDTA's sudden transition to all-electronic tolling early in the pandemic and the backlog of toll fees that accrued when the agency decided to pause sending out video toll charges for many months beginning in March 2020 now seem likely to cause many more Marylanders to be hit by such difficulties.

When MDTA adopted cashless tolling, those without an EZ pass account, in particular, began racking up video toll charges. But because MDTA stopped sending out the bills, drivers could



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easily lose track of the toll fees they were accumulating as notices were delayed for many months. MDTA also paused posting toll transactions for the Inter County Connector for some months in July 2020 because of concerns about the accuracy of its tolling.

As a consequence, in addition to issuing current charges, the MDTA has said it will be working at least until mid- 2022 to send out a backlog of 23 million toll fee notices it began to issue in Oct. 2020. Many drivers are now receiving large monthly bills for fees they incurred many months ago – fees they may not remember or find difficult to verify. In recent months, the EZ-Pass service center has been overwhelmed by many thousands of calls each day from frustrated drivers, who often have to wait two hours or more to speak with someone about their charges. And since many of these charges are for fees incurred many months ago, they often go to old addresses and fail to reach drivers in a timely fashion.

Drivers need additional relief from the large overhang of toll debt they're being hit with – and from the many toll violation fees that are sure to follow. This bill would provide two important forms of relief: 1) requiring MDTA to offer drivers who owe more than \$300 the opportunity to manage their debt through monthly installment payments of 10% of the outstanding debt; and 2) requiring the agency to waive civil citation fines in cases where the MDTA sent out the fee notice more than 60 days after the toll transaction.

Moving people facing significant toll debt into installment plans should help them better manage their debts and avoid collection issues that would damage their credit record. Forgiving fines for fees MDTA issued more than 60 days late could save indebted Marylanders as much as \$45.7 million in additional fees – and would ease the unfairness of getting hit with fines for long-forgotten transactions that are difficult to verify.

Without the kind of relief this bill offers, thousands more Marylanders will be stuck with burdensome debts, unfair citations, collection issues that undermine their credit – and may even lose the ability to drive legally – as a result of belated toll charges and the ensuing fines for late payments on them.

We support HB 582 and ask you to give it a FAVORABLE report.

Sincerely,

Franz Schneiderman
Consumer Auto

Proposed Amend Sponsor HB582

Uploaded by: Kevin Hornberger

Position: FAV



HB0582/473625/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

11 MAR 22
11:46:31

BY: Delegate Hornberger

(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 582

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Authority** –” insert “**Public-Private Partnerships and**”; in line 4, after the first “to” insert “issue an invitation for competitive sealed bids for a public-private partnership related to tolling services or a toll facility; requiring the Authority, at least a certain number of days before issuing an invitation for competitive sealed bids related to tolling services or a toll facility, to publish notice of an invitation for competitive sealed bids, and to submit a copy of the invitation to the Legislative Policy Committee; requiring the Authority to”; strike beginning with the second “to” in line 4 down through “feasible” in line 5 and substitute “when feasible and practicable”; strike beginning with “unpaid” in line 10 down through “penalties” in line 11 and substitute “delinquent accounts”; in line 14, after “circumstances;” insert “requiring the Authority to notify certain individuals eligible for a certain reimbursement;”; and after line 20, insert:

“BY adding to

Article – State Finance and Procurement

Section 10A-202.1

Annotated Code of Maryland

(2021 Replacement Volume)”.

AMENDMENT NO. 2

On page 3, in line 13, strike “**VIDEO**”; in the same line, after “**TOLLS**” insert “**OR VIDEO TOLLS**”; and after line 22, insert:

“**10A-202.1.**”

(A) (1) FOR A PUBLIC-PRIVATE PARTNERSHIP RELATED TO TOLLING SERVICES OR THE CONSTRUCTION, MAINTENANCE, OR OPERATION OF A TOLL FACILITY, THE MARYLAND TRANSPORTATION AUTHORITY SHALL ISSUE AN INVITATION FOR COMPETITIVE SEALED BIDS.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE MARYLAND TRANSPORTATION AUTHORITY SHALL ISSUE AN INVITATION FOR COMPETITIVE SEALED BIDS IN ACCORDANCE WITH § 13-103 OF THIS ARTICLE.

(B) AT LEAST 60 DAYS BEFORE ISSUING AN INVITATION FOR COMPETITIVE SEALED BIDS RELATED TO TOLLING SERVICES OR THE CONSTRUCTION, MAINTENANCE, OR OPERATION OF A TOLL FACILITY, THE MARYLAND TRANSPORTATION AUTHORITY SHALL:

(1) PUBLISH NOTICE OF AN INVITATION FOR COMPETITIVE SEALED BIDS:

(I) ON A BID BOARD OR eMARYLAND MARKETPLACE; OR

(II) IN A NEWSPAPER, PERIODICAL, OR TRADE JOURNAL;

AND

(2) SUBMIT A COPY OF THE INVITATION FOR COMPETITIVE SEALED BIDS TO THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.”.

On page 4, in line 1, strike “TO THE GREATEST EXTENT FEASIBLE” and substitute “WHEN FEASIBLE AND PRACTICABLE”; in line 2, strike “E-ZPASS ACCOUNT HOLDERS AND OTHER”; strike beginning with “TOLL” in line 3 down through “FACILITIES” in line 4 and substitute “TOLLS”; and strike beginning with the comma in line 12 down through “SERVICE” in line 14.

On page 8, in line 36, strike “REFER” and substitute “:

(I) REFER; strike beginning with “FOR” in line 36 down through “PENALTIES” in line 37; and in line 38, after “COLLECTION” insert “;AND”

(II) RECALL A DELINQUENT ACCOUNT FROM THE CENTRAL COLLECTION UNIT”.

On page 9, in line 6, after “PENALTIES” insert “DIRECTLY TO THE AUTHORITY”; strike in their entirety lines 14 through 21, inclusive; and after line 21, insert:

“(II) SHALL WAIVE THE CIVIL PENALTY ASSOCIATED WITH A VIDEO TOLL ON PAYMENT OF THE VIDEO TOLL IN ACCORDANCE WITH THE AUTHORITY’S CUSTOMER ASSISTANCE PLAN AS APPROVED BY THE AUTHORITY ON FEBRUARY 24, 2022.”.

On page 10, in line 12, after “(I)” insert “1.”; after line 15, insert:

“2. THE AUTHORITY MAY NOT OFFER MORE THAN ONE INSTALLMENT PLAN AGREEMENT TO A PERSON ALLEGED TO BE LIABLE UNDER THIS SECTION FOR PAYMENT OF THE SAME UNPAID VIDEO TOLLS AND ASSOCIATED CIVIL PENALTIES.”;

in line 18, strike “OF 10% PER MONTH ON” and substitute “UNTIL”; in line 20, after “PERSON” insert “ARE PAID”; after line 20, insert:

“(III) THE AUTHORITY MAY CHARGE AN ADMINISTRATIVE FEE FOR AN INSTALLMENT PLAN AGREEMENT ON THE TOTAL AMOUNT OWED, NOT TO EXCEED THE FEE AUTHORIZED BY THE CENTRAL COLLECTION UNIT FOR AN INSTALLMENT PLAN AGREEMENT.”;

in line 21, strike “(III)” and substitute “(IV)”; strike beginning with “PAY” in line 21 down through “AN” in line 22 and substitute “COMPLY WITH THE TERMS AND CONDITIONS OF THE”; in line 23, after “MAY” insert “CANCEL THE AGREEMENT AND”; in the same line, strike “TOLLS AND PENALTIES” and substitute “AMOUNT DUE”; and after line 24, insert:

“(V) IF A PERSON DEFAULTS ON AN INSTALLMENT PLAN AGREEMENT, THE AUTHORITY MAY NOTIFY THE ADMINISTRATION THAT A REGISTERED OWNER OF A MOTOR VEHICLE HAS FAILED TO PAY THE AMOUNT DUE UNDER AN INSTALLMENT PLAN AGREEMENT AND THE ADMINISTRATION SHALL REFUSE OR SUSPEND THE REGISTRATION OF THE MOTOR VEHICLE.”

On pages 10 and 11, strike in their entirety the lines beginning with line 25 on page 10 through line 12 on page 11, inclusive.

On page 11, in line 13, strike “(3)” and substitute “(2)”; after line 20 insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2023, the Maryland Transportation Authority shall notify any individual who paid a civil penalty during the toll deferral period and is eligible for reimbursement of the amount paid.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before December 1, 2022, the Maryland Transportation Authority shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on:

(1) the number of individuals who paid a civil penalty during the toll deferral period; and

(2) what notification of reimbursement eligibility was provided to individuals who paid a civil penalty before the establishment of the civil penalty waiver grace period.

(b) On or before July 1, 2022, and the first day of each subsequent month, the Maryland Transportation Authority shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article:

(1) the number of customer service agents employed at each Maryland Transportation Authority call center during the prior month; and

(2) the number of customer service agents hired to work at each Maryland Transportation Authority call center during the prior month.”;

in line 21, strike “2.” and substitute “4.”; and in line 22, after “2022.” insert “Section 3 of this Act shall remain effective for a period of 6 months and, at the end of December 31, 2022, Section 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.

HB 582 MdTA-Options for Payment of Tolls and Civil

Uploaded by: Barbara Wilkins

Position: INFO



Maryland

DEPARTMENT OF BUDGET
AND MANAGEMENT

LARRY HOGAN
Governor

BOYD K. RUTHERFORD
Lieutenant Governor

DAVID R. BRINKLEY
Secretary

MARC L. NICOLE
Deputy Secretary

HOUSE BILL 582 Maryland Transportation Authority - Options for Payment of Tolls and Civil Penalties (Hornberger)

STATEMENT OF INFORMATION

DATE: March 3, 2022

COMMITTEE: House Environment & Transportation

SUMMARY OF BILL: HB 582 authorizes the Maryland Transportation Authority to offer payment plans on toll-violation debt either prior to assignment to the Central Collections Unit or to recall debt and offer a payment plan. The bill also requires the Maryland Transportation Authority to offer a range of options to pay toll transactions and penalties.

EXPLANATION: The Central Collections Unit (CCU) is a self-funded state agency within the Department of Budget and Management and is responsible for the collection of delinquent State-owed debt. CCU assesses a 17% collection fee on delinquent debts to cover its operational expense. CCU, therefore, does not receive General Funds and only recovers this fee through payment (voluntary and involuntary) from the debtor.

Much of the Maryland Transportation Authority's (MdTA) E-ZPASS debt, which is the subject of this legislation, has been in active collection since 2016, with CCU having spent significant funds on IT, billing, call centers, and staffing to properly pursue this debt collection. Any debt recalled from CCU by MdTA results in CCU losing money associated with the costs incurred for debt collection prior to recall, thereby disrupting CCU's business model as a self-funded agency.

The interests of all parties would best be served, if the legislation were amended to require MdTA to offer payment plans on their E-ZPASS debts prior to assignment to CCU. Once debts are assigned to CCU, they should not be recalled by MdTA or, at least, not without allowing CCU to recover its collection fee.

**For additional information, contact Barbara Wilkins at
(410) 260-6371 or barbara.wilkins1@maryland.gov**

MDTA Mel's Testimony.pdf

Uploaded by: Melissa Hendrix

Position: INFO

Melissa Hendrix

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Stevensville, MD 21666

Hello, my name is Melissa Hendrix and thank you for allowing me to speak. I reside on the lovely Kent Island so I must commute over the Bay Bridge Monday thru Friday and sometimes on the weekends if the kids have sports. I signed up for ezpass in June 2015 and up until this switch over I have not had any problems. Since this switch over I have been given a stack of bills that consisted with multiple bills stating that all of it is over \$1,200 and 3 weeks to pay or an additional \$5,000 will be added to the already accumulated bill. Not only have I received the stack of bills already but, they are still coming.

I have always received a paper bill in the mail but since this switch over I have not received one yet. They said that my credit card was billed but they were unable to collect funds. I understand but they waited over 6 months to send me home anything so that I can get things resolved and then have 3 weeks to pay before I have an additional \$5000 that will be added. I am unsure why I was never sent a bill after it was unable to charge my card. Life happens and honestly didn't even realize this was happening because I would have fixed this problem as soon as it became a problem.

I have started a case at the MDTA and have been checking all the time now and notice some problems. I have a charge on my account from January a \$4 charge with a picture of my car. I have a beige interior and when you look at that picture you are unable to see that I have an ezpass, how am I supposed to get this resolved when you are unable to see it in some pictures and this is not just one car? I have not moved my ezpass it stays in my car in the same place, and I have plenty of pictures to show you.

I don't agree with waiting 60 days before sending anything home. I would have thought that as soon as you could not receive payment something would have been sent home so that I could resolve the problem before it becomes disastrous.

HB0582 - MDTA - Options for the Payment of Tolls a

Uploaded by: Patricia Westervelt

Position: INFO

March 3, 2022

The Honorable Kumar P. Barve
Chairman, House Environment and Transportation Committee
251 House Office Building
Annapolis, MD 21401

Re: Letter of Information – House Bill 582 – Maryland Transportation Authority – Options for the Payment of Tolls and Civil Penalties

Dear Chairman Barve and Members of the Committee:

The Maryland Department of Transportation (MDOT) and the Maryland Transportation Authority (MDTA) take no position on House Bill 582 but offer the following information for the Committee's consideration.

The proposed legislation (1) requires the MDTA provide certain users of Transportation Facilities Projects a range of options to pay for toll transactions and penalties at toll facilities; (2) authorizes the MDTA to refer certain unpaid tolls and penalties to the State's Central Collection Unit (CCU) for collection; (3) requires the MDTA to recall certain unpaid video tolls and penalties from the CCU under certain circumstances; (4) requires the MDTA to waive penalties under certain circumstances; and (5) requires the MDTA to offer a certain installment plan agreement to certain persons for the payment of certain tolls and penalties. If enacted, House Bill 582 would have a significant fiscal and operational impact on the MDTA.

On February 24, 2022, the MDTA Board unanimously voted to approve the MDTA Customer Assistance Plan. The plan immediately discontinues referrals of toll bills to the Central Collections Unit (CCU) and MDOT Motor Vehicle Administration (MVA); establishes a civil penalty waiver grace period that waives all civil penalties for all customers who pay all their unpaid tolls by 11:59 p.m. on November 30, 2022; requires the MDTA to work with its toll vendor to increase the number of customer service agents to reduce call and web chat wait times; and explore a payment plan opportunity.

Toll Collection at MDTA Facilities

The bill requires that, to the greatest extent feasible, the MDTA provide *E-ZPass* account holders and other users of Transportation Facilities Projects the option to pay for toll transactions and associated penalties at toll collection facilities via cash, check, money order, and electronic funds transfer through certain methods. In August 2020, all-electronic (AET)/cashless tolling was implemented permanently across all toll facilities in Maryland. As such, complying with this provision would be impracticable as it would require the MDTA to restore cash collection at all of its toll collection facilities, including the Intercounty Connector and I-95 Express Toll Lanes which have been AET/cashless facilities since their opening.

It is estimated that it would cost \$335 million to restore cash collections at the MDTA's legacy facilities and to begin collecting cash at the Intercounty Connector and I-95 Express Toll Lane facilities. Also, it would cost approximately \$14.8 million annually in personnel expenses to hire toll collectors and supervisors for 24-hour operations at the MDTA's current toll facilities. Additional toll collector positions are needed as a result of employee attrition and efforts undertaken by the MDTA to transition toll collectors into new jobs following the conversion to AET/cashless tolling. Additionally, restoring cash collections would result in additional costs for armored car pick up services as well as higher bank fees due to daily cash deposits. Aside from the financial implications, resuming cash collections at MDTA facilities would eliminate the long-term benefits of AET/cashless tolling such as the environmental benefits from better fuel efficiency, reduced emissions, reduced traffic congestion, reduced crashes and increased driver and MDTA employee safety.

In addition, due to the large number of electronic funds transfer apps and the large growth of the variety of such apps it would be difficult to implement the digital wallet provision of the bill to cover all available electronic fund transfer apps "to the greatest extent feasible."

Recall of Debt & Civil Penalty Waiver

House Bill 582 requires the MDTA to recall a delinquent account from the Central Collections Unit (CCU) if the account exceeds \$300 in unpaid video tolls and associated civil penalties and the delinquent account holder agrees to enter into a certain installment plan. House Bill 582 also requires the MDTA to waive civil penalties associated with the toll debt recalled if (1) the notice of toll due (NOTD) for the video toll in question was sent more than 60 days after the video toll transaction occurred; and (2) the MDTA is responsible for the delay in the timely processing of the video toll transactions due to COVID-19 or other factors.

Under current law, there is no time requirement for when the MDTA must mail notice to a customer of their toll due after the customer incurs the transaction. As drafted, the civil penalty waiver provision does not limit the 60-day timeframe for mailing a NOTD to COVID-19-related delays, resulting in a broad application that all NOTDs be mailed within 60 days of the transaction. Currently, the MDTA's tolling system provider is under no contractual obligation to issue NOTDs within 60 days of the transaction and if enacted, House Bill 582 would require the MDTA to amend its contractual agreement. The costs associated with the MDTA amending its agreement with the tolling system provider are unknown. Furthermore, the current system allows customers to receive a 15 percent discount of up to \$5 if a video toll is paid before mailing. Requiring earlier mailings would result in customers receiving less opportunity to receive the early payment discount.

In response to the COVID-19 pandemic and to assist and provide financial relief to its customers, the MDTA ceased cash tolling operations and initiated statewide all-electronic tolling in March 2020. In addition, the MDTA also paused processing and mailing NOTDs to assist citizens who may have lost their job or had reduced hours due to COVID. As Maryland moved into Phase III of its COVID-19 recovery plan, the MDTA resumed mailing NOTDs in October 2020, beginning with unpaid transactions for trips made from March through June 2020. The temporary pausing of the mailing of NOTDs, coupled with the MDTA's transition to its Third Generation Electronic Toll Collection System, resulted in a significant backlog of customer NOTD mailings.

As of January 11, 2022, 1.8 million citations remain unpaid that are associated with transactions that were not processed during the mid-March 2020 to mid-October 2020 timeframe. If the civil penalties associated with these transactions are waived, the amount of outstanding debt owed to the MDTA would be reduced by as much as \$45.7 million. Furthermore, the civil penalty is one of the strongest tools to trigger payments on the original tolling due. Eliminating the civil penalties will discourage compliance and cooperation with the State's tolling systems and will reduce tolling payments on valid tolls. The MDTA already can and often does provide courtesy waivers of civil penalties when working with customers to resolve their outstanding toll debt. In doing so, the agency often waives the civil penalty owed on a case-by-case basis. Since transitioning to the new tolling system in April 2021, the MDTA has already waived over 174,500 civil penalties to settle customer's outstanding tolls.

Installment Plan

While noting that the MDTA already has the authority to enter into installment plans with customers and can coordinate with the CCU to offer customer installment plans, House Bill 582 requires the MDTA to offer an installment plan agreement to any delinquent account holder, *E-ZPass* account holder, or Pay-by-Plate customer alleged to be liable for unpaid video tolls and associated civil penalties that total at least \$300. Installment plan participants are required to make monthly installment payments of 10 percent per month on the total amount of the unpaid video tolls and associated civil penalties owed. Given that the legislation does not specify a timeframe for the repayment of outstanding video tolls and civil penalties, it could take over 15 years for all accounts that would qualify for an installment plan to remit all unpaid tolls and civil penalties.

Personnel costs associated with hiring the needed contractual positions to establish and administer the installment plans is estimated to total approximately \$252,000 annually. Additionally, it is estimated that it would cost approximately \$2.1 million to (1) modify the MDTA's existing tolling system to establish a mechanism for administering and tracking monthly installment plan accounts in lieu of CCU performing these activities. Furthermore, additional costs totaling \$452,000 would be required to provide customers with the option to make payments using a digital wallet payment platform. It is also unclear whether the MDTA would have to accept payment from a third-party app which would result in additional costs to the MDTA. It is important to note that the costs above assume that the installment plans will be managed with proper system changes that allow for effective and efficient account management, and not extraordinary manual efforts that may be required to comply with the legislation based on the effective date of July 1, 2022. Costs will be higher to comply with the stated effective date of the legislation.

Trust Agreement

Since 1971, the MDTA has been responsible for constructing, managing, operating, and improving the State's toll facilities, as well as for financing new transportation projects under its purview, such as the Governor Harry W. Nice/Senator Thomas "Mac" Middleton Bridge in Charles County. The agency is entirely reliant on tolls collected from its users, as the MDTA does not receive any State General Fund or Transportation Trust Fund dollars. In accordance with the MDTA's Trust Agreement with bondholders, toll revenues are first pledged to pay operating expenses, including debt service for bonds that are used to fund major transportation projects at existing and new facilities.

The MDTA is governed by a Trust Agreement with its bondholders, as allowed by statute. Revenues from Transportation Facilities Projects are pledged as bondholder security to repay the MDTA's debt. If the proposed civil penalty waiver and protracted installment payment plan goes into effect as written in the bill, it could cause the MDTA to fail to generate sufficient revenues to comply with the Rate Covenant. Failure to comply with the Rate Covenant would cause the MDTA to be in default of its contractual obligations under its Trust Agreement with its bondholders. Additionally, violations of the Trust Agreement may result in a downgrading of the MDTA credit rating by the rating agencies. Other toll agencies, such as the Miami-Dade County Expressway Authority (MDX), experienced bond ratings downgrades due to legislative interventions that interfered with its toll rate setting autonomy. A downgrade of MDTA's credit would lead to lower credit worthiness as well as higher financing rates for capital projects.

Effective Date

Finally, the effective date of the legislation does not permit traditional procurements and reasonable and feasible timeframes for tolling system modifications for proper account management and would result in additional expenses. Even with emergency procedures, the MDTA does not anticipate it is feasible to comply with the legislation within the timeframe provided.

The Maryland Department of Transportation respectfully requests the Committee consider this information as it deliberates House Bill 582.

Respectfully submitted,

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