

SENATE BILL 650

R2, R1

0lr1675

By: **Senator Pipkin**

Introduced and read first time: February 5, 2010

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2010

CHAPTER _____

1 AN ACT concerning

2 **Maryland Transportation Authority – Proposed Toll or Fee Charges – Public**
3 **Comments**

4 FOR the purpose of requiring certain staff of the Maryland Transportation Authority
5 to ~~receive and maintain written comments submitted by the public regarding~~
6 ~~proposed toll or fee charges for certain transportation facilities projects;~~
7 ~~requiring the staff to provide the members of the Authority with copies of the~~
8 ~~written comments~~ submit a certain report to the members of the Authority,
9 make the report available to the public in a certain manner at a certain time,
10 and make certain comments available to the members of the Authority on
11 request; and generally relating to public comments submitted to the Maryland
12 Transportation Authority regarding certain proposed toll or fee charges.

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 4–101(h)
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 4–312
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Transportation**

4 4–101.

5 (h) “Transportation facilities project” includes:

6 (1) The Susquehanna River Bridge, the Harry W. Nice Memorial
7 Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay
8 Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, the Fort
9 McHenry Tunnel, the Francis Scott Key Bridge, and the John F. Kennedy Memorial
10 Highway, together with their appurtenant causeways, approaches, interchanges,
11 entrance plazas, toll stations, and service facilities;

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

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

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

18 4–312.

19 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of
20 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may be
21 continued to be charged on the John F. Kennedy Memorial Highway and any project
22 constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds)
23 of Chapter 608 of the Acts of the General Assembly of 1976.

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

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

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

31 **(3) ~~THE~~ AT LEAST 10 WORKING DAYS PRIOR TO A VOTE BY THE**
32 **AUTHORITY TO IMPLEMENT A PROPOSAL TO FIX OR REVISE TOLLS, FEES, OR**
33 **OTHER CHARGES ON ANY PART OF A TRANSPORTATION FACILITIES PROJECT,**

1 THE EXECUTIVE SECRETARY OF THE AUTHORITY OR OTHER APPROPRIATE
2 STAFF DESIGNATED BY THE CHAIRMAN OF THE AUTHORITY SHALL:

3 ~~(I) RECEIVE AND MAINTAIN ALL WRITTEN COMMENTS~~
4 ~~SUBMITTED BY THE PUBLIC CONCERNING ANY PROPOSAL TO FIX, REVISE, OR~~
5 ~~CHARGE A TOLL OR FEE FOR A TRANSPORTATION FACILITIES PROJECT; AND~~

6 ~~(II) PROMPTLY PROVIDE EACH MEMBER OF THE~~
7 ~~AUTHORITY WITH COPIES OF THE WRITTEN COMMENTS RECEIVED FROM THE~~
8 ~~PUBLIC CONCERNING THE PROPOSAL.~~

9 (I) SUBMIT A REPORT TO THE MEMBERS OF THE
10 AUTHORITY THAT SUMMARIZES THE NATURE OF ANY PUBLIC COMMENTS
11 RECEIVED DURING THE PUBLIC COMMENT PERIOD ESTABLISHED BY THE
12 AUTHORITY;

13 (II) MAKE THE REPORT REQUIRED UNDER ITEM (I) OF THIS
14 PARAGRAPH AVAILABLE TO THE PUBLIC ON THE OFFICIAL WEBSITE OF THE
15 AUTHORITY; AND

16 (III) MAKE THE PUBLIC COMMENTS RECEIVED DURING THE
17 PUBLIC COMMENT PERIOD AVAILABLE TO THE MEMBERS OF THE AUTHORITY
18 ON REQUEST.

19 (b) The rentals, rates, fees, tolls, and other charges and revenues designated
20 as security for any bonds issued under this subtitle shall be fixed and adjusted from
21 time to time, either with respect to a particular transportation facilities project or in
22 respect of the aggregate of the charges and revenues from other transportation
23 facilities projects under the control of the Authority, as may be specified by law or in
24 any applicable resolution or trust agreement, so as to provide funds that, together
25 with any other available revenues, are sufficient as long as the bonds are outstanding
26 and unpaid to:

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

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

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

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

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

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

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

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

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

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

17 (iii) The proposed commuter discount rates.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.