

# HOUSE BILL 1157

R2  
HB 15/1SS11 – HRU

EMERGENCY BILL

2lr0851

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By: **Delegates Hershey, Afzali, Bates, Boteler, Cluster, Eckardt, Elliott, Frank, Glass, Haddaway–Riccio, Jacobs, Kach, Kipke, Krebs, McComas, McDermott, W. Miller, Norman, O’Donnell, Ready, Schulz, Serafini, Stocksdale, and Szeliga**

Introduced and read first time: February 10, 2012

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Fixing or Revising Tolls – Legislative**  
3 **Approval Required**

4 FOR the purpose of prohibiting the Maryland Transportation Authority from fixing or  
5 revising a toll on any part of any transportation facilities project unless the  
6 General Assembly approves the toll through legislation enacted into law;  
7 prohibiting the Authority, subject to a certain exception, from charging and  
8 collecting a toll that exceeds the amount of the toll in effect before a certain  
9 date; making a technical change; making this Act an emergency measure; and  
10 generally relating to tolls for the use of transportation facilities projects under  
11 the jurisdiction of the Maryland Transportation Authority.

12 BY repealing and reenacting, with amendments,  
13 Article – Transportation  
14 Section 4–312  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2011 Supplement)

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

19 **Article – Transportation**

20 4–312.

21 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of  
22 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may  
23 continue to be charged on the John F. Kennedy Memorial Highway and any project

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds)  
2 of Chapter 608 of the Acts of the General Assembly of 1976.

3 (2) [As] **EXCEPT WITH RESPECT TO TOLLS, AS** to all or any part of  
4 any transportation facilities project, the Authority may:

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

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

10 **(3) (I) THE AUTHORITY MAY NOT FIX OR REVISE A TOLL ON**  
11 **ANY PART OF ANY TRANSPORTATION FACILITIES PROJECT UNLESS THE**  
12 **GENERAL ASSEMBLY APPROVES THE TOLL THROUGH LEGISLATION ENACTED**  
13 **INTO LAW.**

14 **(II) UNLESS THE TOLL IS APPROVED IN ACCORDANCE WITH**  
15 **SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY MAY NOT CHARGE**  
16 **AND COLLECT A TOLL ON ANY PART OF ANY TRANSPORTATION FACILITIES**  
17 **PROJECT IN AN AMOUNT THAT EXCEEDS THE AMOUNT OF THE TOLL IN EFFECT**  
18 **BEFORE OCTOBER 1, 2011.**

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] SECTION, the  
2 rentals, rates, fees, tolls, and other charges and revenues are not subject to  
3 supervision or regulation by any instrumentality, agency, or unit of this State or any  
4 of its political subdivisions.

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

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

11           (4)   Prior to [fixing or revising tolls] **SUBMITTING TO THE GENERAL**  
12 **ASSEMBLY A REQUEST FOR LEGISLATION TO FIX OR REVISE A TOLL** on any part  
13 of any transportation facilities project, the Authority shall provide, in accordance with  
14 § 2-1246 of the State Government Article, to the Senate Budget and Taxation  
15 Committee, Senate Finance Committee, House Appropriations Committee, and House  
16 Ways and Means Committee information on the proposed toll charges, including:

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

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

19                   (iii)   The proposed commuter discount rates.

20           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
21 measure, is necessary for the immediate preservation of the public health or safety,  
22 has been passed by a yea and nay vote supported by three-fifths of all the members  
23 elected to each of the two Houses of the General Assembly, and shall take effect from  
24 the date it is enacted.