

# HOUSE BILL 23

R2

EMERGENCY BILL

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CF SB 32

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By: **Delegates Minnick, Olszewski, Weir, Aumann, Boteler, Cluster, and Frank**  
Introduced and read first time: October 18, 2011  
Assigned to: Rules and Executive Nominations

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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; authorizing the  
7 Authority, on or after the effective date of this Act, to continue to charge and  
8 collect a toll of the same amount in effect before the effective date of this Act;  
9 making this Act an emergency measure; and generally relating to tolls for the  
10 use of transportation facilities projects under the jurisdiction of the Maryland  
11 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  
24 constructed under the provisions of § 3 (bridge, tunnel, and motorway revenue bonds)  
25 of Chapter 608 of the Acts of the General Assembly of 1976.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8                   **(3)    THE AUTHORITY MAY NOT FIX OR REVISE A TOLL ON ANY**  
9 **PART OF ANY TRANSPORTATION FACILITIES PROJECT UNLESS THE GENERAL**  
10 **ASSEMBLY APPROVES THE TOLL THROUGH LEGISLATION.**

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

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

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

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

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

29           (c)    (1)    Except as otherwise provided in this [subsection] **SECTION**, the  
30 rentals, rates, fees, tolls, and other charges and revenues are not subject to  
31 supervision or regulation by any instrumentality, agency, or unit of this State or any  
32 of its political subdivisions.

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

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

4           (4) Prior to [fixing or revising tolls] **SUBMITTING TO THE GENERAL**  
5 **ASSEMBLY A REQUEST FOR LEGISLATION TO FIX OR REVISE A TOLL** on any part  
6 of any transportation facilities project, the Authority shall provide, in accordance with  
7 § 2-1246 of the State Government Article, to the Senate Budget and Taxation  
8 Committee, Senate Finance Committee, House Appropriations Committee, and House  
9 Ways and Means Committee information on the proposed toll charges, including:

- 10                   (i) The annual revenues generated by the toll charges;
- 11                   (ii) The proposed use of the revenues; and
- 12                   (iii) The proposed commuter discount rates.

13           SECTION 2. AND BE IT FURTHER ENACTED, That on or after the effective  
14 date of this Act the Maryland Transportation Authority may continue to charge and  
15 collect a toll on any part of any transportation facilities project in an amount equal to  
16 the amount of the toll in effect before the effective date of this Act.

17           SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
18 measure, is necessary for the immediate preservation of the public health or safety,  
19 has been passed by a ye and nay vote supported by three-fifths of all the members  
20 elected to each of the two Houses of the General Assembly, and shall take effect from  
21 the date it is enacted.