

# SENATE BILL 820

R2  
SB 25/ISS11 – SRU

2lr1447  
CF HB 40

By: **Senators Pipkin, Brinkley, Colburn, Getty, Glassman, Klausmeier, Shank, and Stone**

Introduced and read first time: February 3, 2012

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2012

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Transportation – Toll, Fee, or Other Charge Increases – ~~Notice and Public~~**  
3 **~~Comment~~ Required Procedures**

4 FOR the purpose of requiring ~~certain staff~~ of the Maryland Transportation Authority  
5 to ~~provide, by a certain date, public notice regarding a proposal to increase~~  
6 ~~certain tolls, fees, or other charges; requiring the Authority to make the~~  
7 ~~proposal available to the public in a certain manner; requiring the Authority to~~  
8 ~~receive comments from the public at the meeting at which the Authority votes~~  
9 ~~to implement the proposal~~ provide an opportunity for public review and  
10 comment on a proposal to increase tolls, fees, mileage rate ranges, pricing  
11 periods, toll zones, or other charges on any part of certain transportation  
12 facilities projects in a certain manner before the Authority adopts the proposal;  
13 requiring the Authority to provide to the public certain information and studies  
14 in a certain manner; requiring the Authority to provide the public with an  
15 opportunity to submit certain written comments for a certain period of time;  
16 requiring the Authority to provide to the public in a certain manner a summary  
17 and analysis of certain public comments; requiring the Authority, before voting  
18 on a certain proposal, to provide certain information to the public in a certain  
19 manner and to each member of the Authority, provide an opportunity for public  
20 review and comment on the recommendation of the Authority, provide certain  
21 information on its official Web site, and provide to certain members of the  
22 Authority and to the public in a certain manner a certain summary and analysis  
23 of certain public comments; requiring the Authority, at a certain meeting, to  
24 provide the public a reasonable amount of time to comment on a certain

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 recommendation before the Authority votes on the recommendation; providing  
 2 that the Authority is not required to provide a certain opportunity for public  
 3 comment under a certain circumstance; requiring the Authority to adopt certain  
 4 temporary adjustments to certain tolls, fees, mileage rate ranges, pricing  
 5 periods, toll zones, or other charges on certain transportation facilities under  
 6 certain circumstances; establishing certain limitations and certain procedural  
 7 requirements for certain temporary adjustments; and generally relating to  
 8 ~~notice and public comments regarding a proposal to increase certain tolls, fees,~~  
 9 ~~or other charges by~~ the Maryland Transportation Authority and required  
 10 procedures regarding proposals to increase tolls, fees, or other charges.

11 BY repealing and reenacting, without amendments,  
 12 Article – Transportation  
 13 Section 4–101(h)  
 14 Annotated Code of Maryland  
 15 (2008 Replacement Volume and 2011 Supplement)

16 BY repealing and reenacting, with amendments,  
 17 Article – Transportation  
 18 Section 4–312  
 19 Annotated Code of Maryland  
 20 (2008 Replacement Volume and 2011 Supplement)

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

23 **Article – Transportation**

24 4–101.

25 (h) “Transportation facilities project” includes:

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

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

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

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

1 4-312.

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

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

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

11 (ii) 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  
13 revenues for this use.

14 (3) ~~(I) AT LEAST 90 DAYS BEFORE A VOTE BY THE AUTHORITY~~  
15 ~~TO IMPLEMENT A PROPOSAL TO INCREASE TOLLS, FEES, OR OTHER CHARGES~~  
16 ~~ON ANY PART OF A TRANSPORTATION FACILITIES PROJECT, THE EXECUTIVE~~  
17 ~~SECRETARY OF THE AUTHORITY OR OTHER APPROPRIATE STAFF DESIGNATED~~  
18 ~~BY THE CHAIR OF THE AUTHORITY SHALL PROVIDE NOTICE OF THE PROPOSAL~~  
19 ~~TO THE PUBLIC.~~

20 ~~(II) THE AUTHORITY SHALL:~~

21 ~~1. MAKE THE PROPOSAL AVAILABLE TO THE PUBLIC~~  
22 ~~ON THE OFFICIAL WEB SITE OF THE AUTHORITY; AND~~

23 ~~2. DISPLAY THE PROPOSAL IN AT LEAST 12 POINT~~  
24 ~~FONT IN A POSITION THAT IS CLEARLY VISIBLE IN THE WINDOW OF THE WEB~~  
25 ~~SITE AS THE WEB SITE LOADS.~~

26 ~~(III) THE AUTHORITY SHALL RECEIVE COMMENTS FROM THE~~  
27 ~~PUBLIC ON THE PROPOSAL AT THE MEETING AT WHICH THE AUTHORITY VOTES~~  
28 ~~TO IMPLEMENT THE PROPOSAL~~

29 (I) BEFORE THE AUTHORITY ADOPTS AN INCREASE IN  
30 TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A FIXED TOLL  
31 TRANSPORTATION FACILITIES PROJECT OR ADOPTS AN INCREASE IN MILEAGE  
32 RATE RANGES, PRICING PERIODS, TOLL ZONES, FEES, OR OTHER CHARGES ON A  
33 VARIABLY PRICED TOLL TRANSPORTATION FACILITIES PROJECT, THE  
34 AUTHORITY SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC REVIEW AND

1 COMMENT ON THE PROPOSED INCREASE AT ONE OR MORE MEETINGS HELD AT A  
2 TIME AND PLACE OF CONVENIENCE TO THE PUBLIC IN EACH COUNTY IN WHICH  
3 THE INCREASE IS PROPOSED TO BE IMPLEMENTED.

4 (II) AT LEAST 10 WORKING DAYS BEFORE THE START OF  
5 THE FIRST MEETING UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE  
6 AUTHORITY SHALL PROVIDE TO THE PUBLIC ON THE AUTHORITY'S OFFICIAL  
7 WEB SITE THE PROPOSED INCREASE IN TOLLS, FEES, MILEAGE RATE RANGES,  
8 PRICING PERIODS, TOLLS ZONES, OR OTHER CHARGES AND INFORMATION AND  
9 STUDIES USED IN ITS ANALYSIS TO JUSTIFY THE PROPOSED INCREASE.

10 (III) FOR A PERIOD OF AT LEAST 10 WORKING DAYS AFTER  
11 THE LAST SCHEDULED MEETING FOR PUBLIC REVIEW AND COMMENT UNDER  
12 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE THE  
13 PUBLIC WITH AN OPPORTUNITY TO SUBMIT ADDITIONAL WRITTEN COMMENTS  
14 ON THE PROPOSAL.

15 (IV) WITHIN 10 DAYS AFTER THE CLOSE OF THE WRITTEN  
16 COMMENT PERIOD UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE  
17 AUTHORITY SHALL PROVIDE TO THE PUBLIC ON ITS OFFICIAL WEB SITE AND TO  
18 THE MEMBERS OF THE AUTHORITY A SUMMARY AND ANALYSIS OF THE  
19 COMMENTS RECEIVED FROM THE PUBLIC ON THE PROPOSAL.

20 (4) BEFORE THE AUTHORITY VOTES ON ANY PROPOSAL TO  
21 INCREASE TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A FIXED TOLL  
22 TRANSPORTATION FACILITIES PROJECT OR VOTES ON AN INCREASE IN MILEAGE  
23 RATE RANGES, PRICING PERIODS, TOLL ZONES, FEES, OR OTHER CHARGES ON  
24 ANY PART OF A VARIABLY PRICED TOLL TRANSPORTATION FACILITIES  
25 PROJECT, THE AUTHORITY SHALL:

26 (i) PROVIDE IN WRITING TO ALL OF THE MEMBERS OF THE  
27 AUTHORITY AND, ON REQUEST, TO THE PUBLIC ANY RECOMMENDATION OF THE  
28 AUTHORITY REGARDING THE PROPOSAL;

29 (ii) FOR A PERIOD OF AT LEAST 10 WORKING DAYS AFTER  
30 MAKING ANY RECOMMENDATION ON THE PROPOSAL, PROVIDE AN  
31 OPPORTUNITY FOR PUBLIC REVIEW AND WRITTEN COMMENT ON THE  
32 RECOMMENDATION;

33 (iii) PROVIDE TO THE PUBLIC ON ITS OFFICIAL WEB SITE:

34 1. ANY RECOMMENDATION OF THE AUTHORITY  
35 REGARDING THE PROPOSAL; AND

1                   **2. THE TIME, PLACE, AND DATE OF THE MEETING AT**  
2 **WHICH THE AUTHORITY WILL VOTE ON THE PROPOSAL; AND**

3                   **(IV) PROVIDE TO EACH MEMBER OF THE AUTHORITY AND**  
4 **PROVIDE TO THE PUBLIC ON ITS OFFICIAL WEB SITE A SUMMARY AND ANALYSIS**  
5 **OF ANY PUBLIC COMMENTS RECEIVED UNDER ITEM (II) OF THIS PARAGRAPH BY**  
6 **THE AUTHORITY REGARDING THE AUTHORITY'S RECOMMENDATION.**

7                   **(5) (I) AT ANY MEETING IN WHICH A RECOMMENDATION TO**  
8 **INCREASE TOLLS, FEES, OR OTHER CHARGES ON A FIXED TOLL**  
9 **TRANSPORTATION FACILITIES PROJECT OR A RECOMMENDATION TO INCREASE**  
10 **MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, FEES, OR OTHER**  
11 **CHARGES ON A VARIABLY PRICED TRANSPORTATION FACILITIES PROJECT IS**  
12 **SCHEDULED FOR CONSIDERATION, THE AUTHORITY SHALL PROVIDE THE**  
13 **PUBLIC A REASONABLE AMOUNT OF TIME TO COMMENT ON THE**  
14 **RECOMMENDATION BEFORE THE AUTHORITY VOTES ON THE**  
15 **RECOMMENDATION.**

16                   **(II) IF THE AUTHORITY AMENDS ITS RECOMMENDATION**  
17 **AFTER RECEIVING PUBLIC COMMENT AT THE MEETING UNDER SUBPARAGRAPH**  
18 **(I) OF THIS PARAGRAPH AND THEN VOTES ON THE AMENDED**  
19 **RECOMMENDATION AT THAT MEETING, THE AUTHORITY IS NOT REQUIRED TO**  
20 **PROVIDE AN ADDITIONAL OPPORTUNITY FOR PUBLIC COMMENT UNDER**  
21 **PARAGRAPH (4) OF THIS SUBSECTION.**

22                   **(6) (I) IF THE AUTHORITY DETERMINES THAT IT MUST**  
23 **INCREASE TOLLS, FEES, MILEAGE RATE RANGES, PRICING PERIODS, TOLLS**  
24 **ZONES, OR OTHER CHARGES WITHIN A TIME PERIOD OR IN A MANNER THAT**  
25 **WILL NOT PERMIT COMPLIANCE WITH PARAGRAPHS (3) AND (4) OF THIS**  
26 **SUBSECTION TO REMAIN IN COMPLIANCE WITH THE PROVISIONS OF ANY TRUST**  
27 **AGREEMENT, ESCROW DEPOSIT AGREEMENT, OR RESOLUTION THAT PROVIDES**  
28 **FOR THE PAYMENT OF BONDS ISSUED BY THE AUTHORITY, OR TO ENSURE THAT**  
29 **UNFORESEEN CIRCUMSTANCES DO NOT ADVERSELY AFFECT THE CONTINUITY**  
30 **OF OPERATIONS AT ONE OR MORE TRANSPORTATION FACILITIES PROJECTS,**  
31 **THE AUTHORITY SHALL DETERMINE THAT AN EMERGENCY STATUS EXISTS.**

32                   **(II) IF THE AUTHORITY DETERMINES THAT AN EMERGENCY**  
33 **STATUS EXISTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE**  
34 **AUTHORITY SHALL ADOPT TEMPORARY ADJUSTMENTS TO TOLLS, FEES,**  
35 **MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, OR OTHER CHARGES**  
36 **THAT SHALL TAKE EFFECT IMMEDIATELY ON ADOPTION BY THE AUTHORITY OR**  
37 **ON THE EFFECTIVE DATE ESTABLISHED BY THE AUTHORITY.**

1                   (III) IF THE AUTHORITY ADOPTS ANY TEMPORARY  
2 ADJUSTMENTS TO TOLLS, FEES, MILEAGE RATE RANGES, PRICING PERIODS,  
3 TOLL ZONES, OR OTHER CHARGES UNDER SUBPARAGRAPH (II) OF THIS  
4 PARAGRAPH, THE AUTHORITY SHALL:

5                   1. PROVIDE NOTICE TO THE PUBLIC ON THE  
6 AUTHORITY'S OFFICIAL WEB SITE OF ANY TEMPORARY ADJUSTMENT ADOPTED  
7 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH; AND

8                   2. COMMENCE THE PUBLIC NOTICE AND COMMENT  
9 PROCEDURES UNDER PARAGRAPHS (3) AND (4) OF THIS SUBSECTION  
10 IMMEDIATELY.

11                   (IV) AN EMERGENCY STATUS DETERMINATION MAY NOT  
12 EXCEED 180 DAYS AND MAY BE SUBJECT TO ONE OR MORE ADDITIONAL  
13 CONDITIONS IMPOSED BY THE AUTHORITY.

14                   (V) WHEN THE EMERGENCY STATUS EXPIRES, THE  
15 TEMPORARY ADJUSTMENTS ADOPTED UNDER SUBPARAGRAPH (II) OF THIS  
16 PARAGRAPH SHALL END.

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

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

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

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

33                   (4) Provide funds for paying the cost of replacements, renewals, and  
34 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, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.