

Chapter 592

(Senate Bill 820)

AN ACT concerning

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

FOR the purpose of requiring ~~certain staff of the Maryland Transportation Authority to provide, by a certain date, public notice regarding a proposal to increase certain tolls, fees, or other charges; requiring the Authority to make the proposal available to the public in a certain manner; requiring the Authority to receive comments from the public at the meeting at which the Authority votes to implement the proposal~~ provide an opportunity for public review and comment on a proposal to increase tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges on any part of certain transportation facilities projects in a certain manner before the Authority adopts the proposal; requiring the Authority to provide to the public certain information and studies in a certain manner; requiring the Authority to provide the public with an opportunity to submit certain written comments for a certain period of time; requiring the Authority to provide to the public in a certain manner a summary and analysis of certain public comments; requiring the Authority, before voting on a certain proposal, to provide certain information to the public in a certain manner and to each member of the Authority, provide an opportunity for public review and comment on the recommendation of the Authority, provide certain information on its official Web site, and provide to certain members of the Authority and to the public in a certain manner a certain summary and analysis of certain public comments; requiring the Authority, at a certain meeting, to provide the public a reasonable amount of time to comment on a certain recommendation before the Authority votes on the recommendation; providing that the Authority is not required to provide a certain opportunity for public comment under a certain circumstance; requiring the Authority to adopt certain temporary adjustments to certain tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges on certain transportation facilities under certain circumstances; establishing certain limitations and certain procedural requirements for certain temporary adjustments; and generally relating to ~~notice and public comments regarding a proposal to increase certain tolls, fees, or other charges by~~ the Maryland Transportation Authority and required procedures regarding proposals to increase tolls, fees, or other charges.

BY repealing and reenacting, without amendments,
 Article – Transportation
 Section 4-101(h)
 Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 4–312

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

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

Article – Transportation

4–101.

(h) “Transportation facilities project” includes:

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

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

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

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

4–312.

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

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

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

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

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

~~(ii) THE AUTHORITY SHALL:~~

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

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

~~(iii) THE AUTHORITY SHALL RECEIVE COMMENTS FROM THE PUBLIC ON THE PROPOSAL AT THE MEETING AT WHICH THE AUTHORITY VOTES TO IMPLEMENT THE PROPOSAL~~

(i) BEFORE THE AUTHORITY ADOPTS AN INCREASE IN TOLLS, FEES, OR OTHER CHARGES ON ANY PART OF A FIXED TOLL TRANSPORTATION FACILITIES PROJECT OR ADOPTS AN INCREASE IN MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, FEES, OR OTHER CHARGES ON A VARIABLY PRICED TOLL TRANSPORTATION FACILITIES PROJECT, THE AUTHORITY SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC REVIEW AND COMMENT ON THE PROPOSED INCREASE AT ONE OR MORE MEETINGS HELD AT A TIME AND PLACE OF CONVENIENCE TO THE PUBLIC IN EACH COUNTY IN WHICH THE INCREASE IS PROPOSED TO BE IMPLEMENTED.

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

(iii) FOR A PERIOD OF AT LEAST 10 WORKING DAYS AFTER THE LAST SCHEDULED MEETING FOR PUBLIC REVIEW AND COMMENT UNDER

SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE AUTHORITY SHALL PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO SUBMIT ADDITIONAL WRITTEN COMMENTS ON THE PROPOSAL.

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

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

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

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

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

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

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

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

(5) (I) AT ANY MEETING IN WHICH A RECOMMENDATION TO INCREASE TOLLS, FEES, OR OTHER CHARGES ON A FIXED TOLL TRANSPORTATION FACILITIES PROJECT OR A RECOMMENDATION TO INCREASE MILEAGE RATE RANGES, PRICING PERIODS, TOLL ZONES, FEES, OR OTHER

CHARGES ON A VARIABLY PRICED TRANSPORTATION FACILITIES PROJECT IS SCHEDULED FOR CONSIDERATION, THE AUTHORITY SHALL PROVIDE THE PUBLIC A REASONABLE AMOUNT OF TIME TO COMMENT ON THE RECOMMENDATION BEFORE THE AUTHORITY VOTES ON THE RECOMMENDATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Prior to fixing or revising tolls on any part of any transportation facilities project, the Authority shall provide, in accordance with § 2-1246 of the State

Government Article, to the Senate Budget and Taxation Committee, Senate Finance Committee, House Appropriations Committee, and House Ways and Means Committee information on the proposed toll charges, including:

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 22, 2012.