

SENATE BILL 424

R2

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CF HB 368

By: **Senators Zucker, McCray, Augustine, Beidle, Carter, Elfreth, Ellis, Feldman, Guzzone, Hayes, King, Smith, and Washington**

Introduced and read first time: January 27, 2020

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transit Administration – Funding**
3 **(Transit Safety and Investment Act)**

4 FOR the purpose of requiring the Governor to include certain appropriations in the State
5 budget from the Transportation Trust Fund to the Maryland Transit Administration
6 for the operating and capital needs of the Administration in certain fiscal years;
7 requiring that certain capital appropriations to the Administration be in addition to
8 any funds appropriated for the capital needs of a certain transit project; requiring
9 the Administration to submit a report each year on the planning and use of capital
10 funds for certain capital projects in the prior fiscal year; altering the termination
11 date for certain provisions of law concerning funding for the Administration; making
12 conforming changes; and generally relating to funding for the Maryland Transit
13 Administration.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 7–205 and 7–309
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2019 Supplement)

19 BY repealing and reenacting, with amendments,
20 Chapter 351 of the Acts of the General Assembly of 2018
21 Section 9

22 BY repealing and reenacting, with amendments,
23 Chapter 352 of the Acts of the General Assembly of 2018
24 Section 9

25 Preamble

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Section 7–309 of the Transportation Article of the Annotated Code of
2 Maryland requires the Maryland Transit Administration (Administration) to assess its
3 ongoing, unconstrained capital needs; and

4 WHEREAS, The Administration released the Capital Needs Inventory in July 2019,
5 which captured and quantified the capital investment needs over a 10–year period for the
6 assets of the following modes: (1) Local Bus, including CityLink, LocalLink, and Express
7 BusLink; (2) Commuter Bus; (3) Maryland Area Regional Commuter trains; (4) Baltimore
8 Metro SubwayLink; (5) Light RailLink; and (6) MobilityLink; and

9 WHEREAS, These services provide nearly 320,000 rides a day for residents in
10 Baltimore City and Anne Arundel, Baltimore, Calvert, Charles, Frederick, Harford,
11 Howard, Montgomery, Prince George’s, Queen Anne’s, and St. Mary’s counties; and

12 WHEREAS, The Capital Needs Inventory identified that in order to provide safe,
13 reliable transit services the Administration would need, on average, \$462 million per year
14 in capital funding for state of good repair needs during the 10–year period identified in the
15 report; and

16 WHEREAS, In addition to its state of good repair needs, the Capital Needs Inventory
17 identified a need of more than \$100 million per year over the same period for capital
18 enhancement needs; and

19 WHEREAS, Section 7–301.1 of the Transportation Article requires the
20 Administration to prepare the Central Maryland Regional Transit Plan, a long–range
21 transit plan for Maryland transit service growth in Baltimore City and Anne Arundel,
22 Baltimore, Harford, and Howard counties; and

23 WHEREAS, The Central Maryland Regional Transit Plan is to be completed by
24 October 1, 2020, but early findings suggest that the existing public transportation system
25 does not provide adequate service to meet existing demand; and

26 WHEREAS, The Maryland Department of Transportation’s draft FY 2020–2025
27 Consolidated Transportation Program (CTP) provides the Administration only \$326 million
28 on average per year for the Capital Needs Inventory during this period; and

29 WHEREAS, The funding levels identified in the CTP for the Administration will
30 increase the agency’s Capital Needs Inventory and delay the implementation of the Central
31 Maryland Regional Transit Plan, including the growth of the transit system; and

32 WHEREAS, Infrastructure becomes more expensive to operate and maintain if
33 maintenance is deferred; and

34 WHEREAS, Emergency shutdowns, such as the 2018 shutdown of the Baltimore
35 subway system, and equipment failures impact the reliability of Administration services;
36 and

WHEREAS, Riders and the public at large expect the State to maintain its public transit infrastructure at a level of reasonable reliability and the utmost safety; now, therefore,

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

Article – Transportation

7–205.

(a) For fiscal year 2020, the Governor shall include in the State budget an appropriation from the Transportation Trust Fund for the operation of the Administration that is equal to the appropriation for the operation of the Administration in the fiscal year 2019 State budget as introduced, increased by at least 4.4%.

(b) For each of fiscal years 2021 and 2022, the Governor shall include in the State budget an appropriation from the Transportation Trust Fund for the operation of the Administration that is equal to the appropriation for the operation of the Administration in the State budget for the immediately preceding fiscal year, increased by at least 4.4%.

(C) FOR EACH OF FISCAL YEARS 2023 THROUGH 2027, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FROM THE TRANSPORTATION TRUST FUND FOR THE OPERATION OF THE ADMINISTRATION THAT MAY NOT BE LESS THAN THE FISCAL YEAR 2022 APPROPRIATION FOR THE OPERATION OF THE ADMINISTRATION.

[(c)] (D) (1) For each of fiscal years 2020 [through 2022] **AND 2021**, the Governor shall include in the State budget an appropriation for the capital needs of the Administration of at least \$29,100,000 from the revenues available for the State capital program in the Transportation Trust Fund.

(2) (I) FOR EACH OF FISCAL YEARS 2022 THROUGH 2027, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FOR THE CAPITAL NEEDS OF THE ADMINISTRATION OF AT LEAST \$500,000,000 FROM THE REVENUES AVAILABLE FOR THE STATE CAPITAL PROGRAM IN THE TRANSPORTATION TRUST FUND.

(II) IN ADDITION TO THE APPROPRIATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, FOR FISCAL YEAR 2022, THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET AN APPROPRIATION FOR THE CAPITAL NEEDS OF THE ADMINISTRATION OF \$29,100,000 FROM THE REVENUES AVAILABLE FOR THE STATE CAPITAL PROGRAM IN THE TRANSPORTATION TRUST FUND.

[(2)] (3) (I) The appropriation required under paragraph (1) of this

subsection may not supplant any other capital funding otherwise available for the Administration.

(II) THE APPROPRIATIONS REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE IN ADDITION TO ANY FUNDS APPROPRIATED FOR THE CAPITAL PLANNING, ENGINEERING, RIGHT-OF-WAY ACQUISITION, OR CONSTRUCTION OF THE PURPLE LINE IN MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY.

7-309.

(a) The Administration shall, at least every 3 years, assess the ongoing, unconstrained capital needs of the Administration.

(b) In undertaking the assessment required under subsection (a) of this section, the Administration shall:

(1) Compile and prioritize capital needs without regard to cost;

(2) Identify the backlog of repairs and replacements needed to achieve a state of good repair for all Administration assets, including a separate analysis of these needs over the following 10 years; and

(3) Identify the needs to be met in order to enhance service and achieve system performance goals.

(c) On or before July 1, 2019, and on or before July 1 every 3 years thereafter, the Administration shall, in accordance with § 2-1257 of the State Government Article, submit the assessment required under subsection (a) of this section to the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Environment and Transportation Committee.

(D) ON OR BEFORE JANUARY 20, 2021, AND ON OR BEFORE JANUARY 20 EACH YEAR THEREAFTER, THE ADMINISTRATION SHALL, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, SUBMIT AN ACCOUNTING OF THE CAPITAL FUNDS PROGRAMMED, APPROPRIATED, AND EXPENDED ON EACH OF THE PROJECTS IDENTIFIED IN THE ASSESSMENT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION FOR THE PRIOR FISCAL YEAR TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.

Chapter 351 of the Acts of 2018

SECTION 9. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this Act, this Act shall take effect June 1, 2018. Section 2 of this Act shall remain effective for a period of [4] 9 years and 1 month and, at the end of June 30, [2022] 2027, Section 2 of this

1 Act, with no further action required by the General Assembly, shall be abrogated and of no
2 further force and effect.

3 **Chapter 352 of the Acts of 2018**

4 SECTION 9. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this
5 Act, this Act shall take effect June 1, 2018. Section 2 of this Act shall remain effective for a
6 period of [4] 9 years and 1 month and, at the end of June 30, [2022] 2027, Section 2 of this
7 Act, with no further action required by the General Assembly, shall be abrogated and of no
8 further force and effect.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
10 1, 2020.