

Chapter 416

(Senate Bill 838)

AN ACT concerning

**Transportation – Elderly and Handicapped Transportation Service – County
Funding**

FOR the purpose of requiring the Secretary of Transportation to identify separately within the Department of Transportation's annual budget at least a certain amount of funding in a certain fiscal year and all subsequent fiscal years to be used for county elderly and handicapped transportation service; and generally relating to county funding for elderly and handicapped transportation service.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 2–103.3(a), (c), (d), and (e)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.3(b) and (h)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Transportation

2–103.3.

(a) (1) In this section the following words have the meanings indicated.

(2) “County” includes Baltimore City.

(3) “Elderly and handicapped person” means any person who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable to use mass transit facilities and services as effectively as a person who is not so affected.

(4) “Transportation service” means any transportation option or mix of options that may include paratransit or fixed route service, established or employed by a county to accommodate the transportation needs of its elderly and handicapped residents.

(b) (1) (i) **[The] SUBJECT TO SUBPARAGRAPHS (II) THROUGH (IV) OF THIS PARAGRAPH, THE** Secretary shall identify separately within the Department's annual budget an amount **[that the Secretary deems necessary]** to be used for elderly and handicapped transportation service in each county.

(II) FOR FISCAL YEAR 2024, THE SECRETARY SHALL IDENTIFY SEPARATELY WITHIN THE DEPARTMENT'S ANNUAL BUDGET AT LEAST \$4,305,908 TO BE USED FOR ELDERLY AND HANDICAPPED TRANSPORTATION SERVICE.

(III) FOR FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE SECRETARY SHALL IDENTIFY SEPARATELY WITHIN THE DEPARTMENT'S ANNUAL BUDGET AN AMOUNT FOR ELDERLY AND HANDICAPPED TRANSPORTATION SERVICE THAT IS EQUAL TO AT LEAST THE AMOUNT IN THE IMMEDIATELY PRECEDING FISCAL YEAR ADJUSTED FOR INFLATION IN ACCORDANCE WITH SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

(IV) 1. THE INFLATION ADJUSTMENT SHALL EQUAL THE PRODUCT OF MULTIPLYING THE AMOUNT OF FUNDING IN THE IMMEDIATELY PRECEDING FISCAL YEAR BY THE PERCENTAGE INCREASE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS.

2. THE PERCENTAGE INCREASE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS SHALL BE DETERMINED BY COMPARING THE AVERAGE OF THE INDEX FOR THE 12 MONTHS ENDING ON THE NOVEMBER 30 IMMEDIATELY PRECEDING THE FISCAL YEAR FOR WHICH THE FUNDING AMOUNT IS BEING CALCULATED TO THE AVERAGE OF THE INDEX FOR THE PRIOR 12 MONTHS.

3. IF THERE IS A DECLINE OR NO GROWTH IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, THE AMOUNT OF FUNDING UNDER THIS PARAGRAPH SHALL REMAIN UNCHANGED.

(2) The amount the Secretary identifies, or such other amount as may be appropriated by the General Assembly for the provision of elderly and handicapped transportation service in each county, shall be distributed as provided in subsections (c), (d), and (e) of this section.

(c) (1) Of the amount separately identified or otherwise appropriated under subsection (b) of this section, the Secretary shall:

(i) Allocate 60 percent equally among the counties; and

(ii) Allocate the remaining amount among the counties in proportion to their respective percentages of the State's combined elderly and handicapped population.

(2) Subject to the limitations provided in subsection (f) of this section, the Secretary shall distribute all such allocated amounts to those counties which file a written application with the Department in such form and detail as the Secretary requires.

(3) A written application submitted by a county under this subsection may not be accepted or considered by the Secretary unless the local area agency on aging certifies its approval of the project for the funding for which the application is made.

(4) The Secretary shall consult with the Department of Aging and the Department of Disabilities in distributing the funds available under this section.

(d) (1) In determining local transportation needs, the counties shall take into account the elderly and handicapped transportation needs of the municipalities within their jurisdictions. Nothing in this section shall preclude a municipality from requesting the county to apply for part or all of the county's allocation of funds available under this section on behalf of the municipality.

(2) In the event a municipality believes it is not afforded a reasonable share of the funds available to the county under this section, the municipality may appeal the county's allocation decision directly to the Secretary.

(e) (1) If any of the allocated funds described in subsection (c) of this section are not applied for by the counties within 6 months after the beginning of the fiscal year, the Secretary shall make those funds available to counties pursuant to application procedures and criteria developed by the Secretary, in consultation with the Department of Aging and the Department of Disabilities. The criteria shall provide that:

(i) Such funds may be made available to counties in which the Secretary determines that additional funds for transportation service to the elderly and handicapped are most needed; and

(ii) Local match requirements described in subsection (f) of this section shall apply to all disbursements.

(2) A written application submitted by a county under this subsection may not be accepted or considered by the Secretary unless the local area agency on aging certifies its approval of the project for the funding for which the application is made.

(h) (1) The Secretary in consultation with the Department of Aging and the Department of Disabilities shall monitor the use of funds provided under this section.

(2) (1) ON OR BEFORE DECEMBER 1 EACH YEAR, THE SECRETARY SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE AMOUNT OF FUNDING DISTRIBUTED TO

EACH COUNTY AND MUNICIPALITY UNDER THIS SECTION DURING THE PRIOR FISCAL YEAR.

(II) THE REPORT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE AN ESTIMATE OF:

1. THE NUMBER OF INDIVIDUALS RECEIVING TRANSPORTATION SERVICES SUPPORTED BY THE DISTRIBUTIONS UNDER THIS SECTION DURING THE PRIOR FISCAL YEAR;

2. THE NUMBER OF INDIVIDUAL TRIPS PROVIDED TO INDIVIDUALS SUPPORTED BY THE DISTRIBUTIONS UNDER THIS SECTION DURING THE PRIOR FISCAL YEAR; AND

3. THE NUMBER OF INDIVIDUAL TRIPS REQUIRED BY ELDERLY AND HANDICAPPED PERSONS IN THE STATE FOR THE PRIOR FISCAL YEAR AND THE NEXT FISCAL YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

Approved by the Governor, May 16, 2022.