

HOUSE BILL 259

R1

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CF SB 264

By: **Delegates Luedtke, Cassilly, Ebersole, Fraser-Hidalgo, Gutierrez, Holmes,
Kelly, McComas, and Robinson**

Introduced and read first time: January 23, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Transportation Authority – Public School Buses – Exemption From**
3 **Tolls**

4 FOR the purpose of requiring the Maryland Transportation Authority, beginning on or
5 before a certain date, to exempt school buses owned and operated by county boards
6 of education from tolls, fees, or any other charges for the use of transportation
7 facilities projects; requiring the Authority to renegotiate the trust agreement with
8 the Authority's bondholders to allow a school bus owned and operated by a county
9 board of education to use a transportation facilities project without paying a toll, a
10 fee, or any other charge; defining certain terms; and generally relating to an
11 exemption from tolls for public school buses using transportation facilities projects.

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 4–101(h) and 4–312(a)(2)
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2016 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 4–312(c)
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2016 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Transportation
24 Section 11–153, 11–154, and 11–173
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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) (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.

(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) (I) IN THIS PARAGRAPH, “SCHOOL BUS” HAS THE MEANING STATED IN § 11–153 OF THIS ARTICLE.

(II) BEGINNING ON OR BEFORE JANUARY 1, 2020, THE AUTHORITY SHALL EXEMPT SCHOOL BUSES OWNED AND OPERATED BY COUNTY BOARDS OF EDUCATION FROM TOLLS, FEES, OR ANY OTHER CHARGES FOR THE USE OF TRANSPORTATION FACILITIES PROJECTS.

[(4)] (5) 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.

11–153.

“School bus” means a Type I school vehicle, as defined in this subtitle.

11–154.

(a) “School vehicle” means, except as provided in subsection (b) of this section, any motor vehicle that:

(1) Is used regularly for the exclusive transportation of children, students, or teachers for educational purposes or in connection with a school activity; and

(2) Is either:

- (i) A Type I school vehicle, as defined in this subtitle; or
- (ii) A Type II school vehicle, as defined in this subtitle.

(b) “School vehicle” does not include:

(1) A privately owned vehicle while it is carrying members of its owner’s household and not operated for compensation; or

(2) A vehicle that is registered as a Class M (multipurpose) vehicle under § 13–937 of this article or a Class A (passenger) vehicle under § 13–912 of this article and

used to transport children between one or more schools or licensed child care centers or to and from designated areas that are approved by the Administration if:

(i) The vehicle is designed for carrying 15 persons or less, including the driver;

(ii) The children are permitted to embark or exit the vehicle only at a school or child care center or a designated area approved by the Administration;

(iii) The owner has obtained vehicle liability insurance or other security as required by Title 17 of this article; and

(iv) The vehicle is equipped with proper seat belts or safety seats so as to permit each child to be secured in a seat belt or a safety seat as required by §§ 22–412.2 and 22–412.3 of this article.

11–173.

(a) “Type I school vehicle” means a school vehicle that:

(1) Is designed and constructed to carry passengers;

(2) Is either of the body-on-chassis type construction or integral type construction; and

(3) Has a gross vehicle weight of more than 15,000 pounds and provides a minimum of 13 inches of seating space per passenger.

(b) “Type I school vehicle” does not include any bus operated by a common carrier under the jurisdiction of a State, regional, or federal regulatory agency or operated by the agency itself.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Transportation Authority shall renegotiate the trust agreement with its bondholders to allow a school bus owned and operated by a county board of education to use a transportation facilities project without paying a toll, fee, or other charge.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.