



# 2021 Legislative Session Update

## Transportation Issues Briefing

February 23, 2021



# Background

- These are the key transportation-related legislative issues as we see them.
- For more information about any of these bills, please visit <http://mgaleg.maryland.gov>
- This report reflects the status of bills as of February 18, 2021.

# Key Dates – 2021 Legislative Session

- January 13 – Legislature Convenes
- February 5 & 8 – House & Senate Introduction Deadlines – (After which bills are referred directly to Rules Committee)
- March 8 – Final Date for Introduction of Bills without Suspension of the Rules
- March 16 – Committee Reporting Courtesy Deadline – (bills should be moved by committees of origin)
- March 23 – Crossover Deadline – (Bills must be passed by chamber of origin. If not, then referred to Rules)
- April 5 – Budget Bill Passage Deadline
- April 12 – Sine Die – All bills must pass or die today.

# Key Issues

- MTA Liability & Funding
- Maglev
- Public-Private Partnerships
- Toll Roads
- Complete Streets & Pedestrian Facilities
- Theft & Litter
- Revenue & Bonding Capacity
- Environment & Clean Vehicles
- Equity
- Trenching & Land Acquisition

# MTA Liability

- SB32 – “Maryland Transit Administration – Limitation of Liability” – (Administration Bill) - Limits the liability of the Maryland Transit Administration (MTA) in a tort action to \$800,000 to a single claimant for injuries arising from a single incident or occurrence. MTA is not covered by the Maryland Tort Claims Act because it was a successor entity to the Baltimore Transit Company.
- Status: **The Senate Judicial Proceedings Committee gave this bill an unfavorable report in a 9 to 2 vote.**

# MTA Funding

- HB114/SB199 – “Maryland Transit Administration – Funding (Transit Safety and Investment Act)” – Del. Lierman (D – Baltimore City)/ Sens. McCray & Zucker (Ds – Baltimore City & Montgomery) - Requires the Governor to include certain appropriations in the State budget from the Transportation Trust Fund to MTA for state of good repair needs (\$360M+ in FY23 and \$415M to \$560M thereafter)
- **Status:** This bill is a reintroduction from 2020. The bill passed the house last year but did not receive any action in the senate.

# Maglev

- SB188/HB63 – “State Finance and Procurement - Prohibited Appropriations - Magnetic Levitation Transportation System” - Sen. Pinsky / Del. Williams (Ds - Prince George’s) Generally prohibiting the use of State dollars in the construction of a magnetic levitation system.
- **Status:** This bill is a reintroduction from 2020. No action yet.

# Maglev

- **HB510 – “Transportation - Private Sector Transportation Projects Ombudsman - Established” - Del. Valentino-Smith (D - Prince George’s) Creates a Private Sector Transportation Projects Ombudsman within MDOT to respond to concerns, complaints, and inquiries from residents, local government officials, and other entities regarding private sector transportation projects being developed or tested within the State (ie: Maglev or Howard St. Tunnel)**
- **Status: This bill is a reintroduction. Neither bill received a vote in 2020.**

# Public-Private Partnerships (P3s)

- HB485/SB361 – “Public-Private Partnerships - Process and Oversight” - Del. Solomon (D – Mont.) / Sen. Rosapepe (D – AA/PG) – Establishes a P3 Oversight Review Board, alters the review and approval process for P3s valued at more than \$500M and expands the requirements for all P3 agreements. The bill requires BMC, MWCOCG and/or MPOs to staff the Review Board and analyze P3 Pre-solicitation reports; make recommendations regarding projects; review best practices; and monitor implementation of P3s.
- Status: BMC & MWCOCG submitted testimony in opposition to the bill.

# Public-Private Partnerships (P3s)

- **HB67/SB843 – “I-495 and I-270 Public-Private Partnership - Partnership Agreement - Requirements (MDOT Promises Act of 2021)” - Del. Korman (D – Montgomery) / Sen. Benson (D – Prince George’s) – Requires the P3 agreement for the I-495 and I-270 projects to contain certain provisions including that all transit systems may use toll lanes free of charge; authorizes 10% of revenues derived from tolls to be distributed to a special fund to be budgeted for local transit projects; requires a private developer of the projects to enter into a community benefits agreement with positive net benefits to the State; etc.**
- **Status:** Reintroduction from 2020. This bill passed the house but did NOT receive any action in the senate.

# I-270 and I-495

- HBs 703 & 705 – “Transportation – I-270 and I-495 – Prohibition on Adding New Lanes / on Toll Lanes” - Del. Ivey (D – Prince George’s) Prohibits SHA from adding new lanes to I-270 and I-495 or imposing a toll on either roadway.
- Status: No Action.

# MDTA – John F. Kennedy Memorial Highway

- HB1329/SB541 – “Maryland Transportation Authority – John F. Kennedy Memorial Highway – Toll Plazas” – (Cecil County Delegation) Prohibits MDTA from making any capital investment in the John F. Kennedy Memorial Highway toll plaza; and requires the Authority to remove the John F. Kennedy Memorial Highway toll plaza when it becomes functionally obsolete and establish a new toll plaza for the John F. Kennedy Memorial Highway at a location between Maryland Route 279 and Maryland Route 272.
- Status: No Action.

# Complete Streets/ Speed Cameras

- **HB226 – “Baltimore City – Complete Streets Program Funding – Traffic and Vehicle Monitoring Systems” – Del. R. Lewis (D – Baltimore City) – Authorizes Baltimore City to recover the costs of implementing a red light, speed, or school bus camera, or a vehicle height monitoring system; requires the City, after recovering costs, to spend the balance of fines collected solely on public safety or transportation infrastructure improvements consistent with the purpose and goals of the Complete Streets Program and the Complete Streets Transportation System**
- **Status:** This bill is a reintroduction from 2020. The bill passed the house last year but did not receive any action in the senate.

# Crosswalks and Curb Ramps

- SB387 – “Intersections of State and Local Highways – Crosswalks and Curb Ramps” - Sen. Cassilly (R – Harford) Requires SHA to install and maintain a crosswalk and curb ramps at the intersection of a State highway and a local highway if (1) doing so has been requested by the local governing body responsible for the local highway; (2) the crosswalk and curb ramps will connect at least one mile of sidewalk on each side of the State highway; (3) the affected intersection is controlled by a traffic control signal; and (4) doing so conforms to the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways
- Status: No Action.

# Theft of Transportation Property

- SB170 – “Transportation – Related Property and Copper or Aluminum Items – Duties, Prohibited Acts, and Enforcement” – (Administration Bill) - Establishes a 30-day hold period for certain copper or aluminum items acquired by a junk dealer or scrap metal processor. The bill prohibits a person from willfully altering, disconnecting, tampering with, removing, or otherwise interfering with a transportation-related electrical devices. The bill aims to track and prevent theft of copper wire, lighting and intelligent transportation systems from MDTA and SHA facilities.
- Status: **The bill has passed the Senate.**

# Vehicle Litter

- SB847 – “Department of Transportation – Vehicle Litter Reporting Program” – Sen. Benson (D – Prince George’s) - Establishing the Vehicle Litter Reporting Program in the Department of Transportation with the intent of deterring littering from motor vehicles; requiring the Program to operate a hotline to receive certain complaints of littering and to send a certain letter to certain motor vehicle owners; and generally relating to the Vehicle Litter Reporting Program.
- Status: No action.

# Highway User Revenue

- HB649/SB362 – “Transportation – Highway User Revenues – Revenue and Distribution” – Del. Anderton (R – Lower Shore) / Sen. McCray (D – Baltimore City)  
Alters state and local share of HURs beginning in FY25

<u>Current Law</u>		<u>Under the Bill</u>	
MDOT	90.4%	MDOT	85.4%
Baltimore City	7.7%	Baltimore City	8.8%
Counties	1.5%	Counties	3.2%
Municipalities	0.4%	Municipalities	2.6%

- **Status:** Reintroduction from 2020. Passed the Senate last year.

# Transportation Bond Capacity

- SB259 – “Department of Transportation – Grant Anticipation Revenue Vehicle Bonds – Calculation of Debt Limit” – (Administration Bill) - Expands the authority of MDOT and MDTA to issue additional Grant Anticipation Revenue Vehicle (GARVEE) bonds backed by future federal aid. Authorizes MDOT and MDTA to issue such debt as long as the aggregate ***outstanding and unpaid*** principal amount of the debt does not exceed \$750 million as of June 30 of any year. MDOT advises the cost of the ICC project in 2007 and 2008 maxed out GARVEE capacity as written in current law, but this debt has since been paid back.
- Status: No action.

# Environment – Pay-For-Success

- SB737 – “Comprehensive Conservation Finance Act” - Sen. Rosapepe (D – Anne Arundel/Pr. George’s) – Authorizes various departments (including MDOT) to use “pay-for-success” contracting for certain environmental outcomes, including Chesapeake Bay restoration.
- Status: No Action.

# Environment – Clean Vehicles

- HB334/SB137 – “Maryland Transit Administration - Conversion to Zero-Emission Buses (Zero-Emission Bus Transition Act)” - Del. Korman/Sen. Zucker (Ds – Montgomery) Prohibiting, MTA from purchasing buses that are not “zero-emission buses” beginning in fiscal year 2023 and requires an annual report on the conversion process.
- **Status:** This bill is a reintroduction from last year. It passed the house in 2020 but did not receive any action in the senate.

# Environment – Clean Vehicles

- HB583/SB414 – “Climate Solutions Now Act of 2021”  
– Del. Stein (D – Baltimore Co.) / Sen. Pinsky (D – Pr. George’s) – Beginning in fiscal 2023, MTA is prohibited from entering into a contract to purchase buses for its transit bus fleet that are not zero-emission buses. The State must ensure that (1) from fiscal 2022 through 2024 at least 50% of the light-duty vehicles purchased for the State vehicle fleet are zero-emission vehicles and (2) beginning in fiscal 2025, 100% of the light-duty vehicles purchased for the State vehicle fleet are zero-emission vehicles.
- Status: No Action.

# Equity

- HB1204 – “Equity in Transportation Sector – Guidelines and Analyses (Transportation Equity Analyses and Assurances Act of 2021)” - Del. Ruth (D – Baltimore Co.) Requires the Maryland Transportation Plan to include achieving equity in the transportation sector in the State transportation goals; requiring the State Report on Transportation to include certain measurable transportation indicators; requiring MDOT evaluate the transportation indicators to identify any racial disparities; requiring MDOT to evaluate certain indicators to identify any impact on persons with disabilities.
- Status: No action

# Broadband Trenching

- HB1328/SB824 – “Economic Development – Broadband Providers – Joint Trenching and Fee (Building Out Broadband Act of 2021)” - Del. Feldmark / Sen. Hester (Ds – Howard) Requires local governments and MDOT modal agencies to allow joint trenching for broadband development activities on a nonexclusive or discriminatory basis.
- Status: No action

# Land Acquisition

- SB230 – “Maryland Port Administration – Land Acquisition and Payment to Counties” – (Administration Bill) - Reduces, from 90 to 30, the number of days that political subdivisions have to respond to a request by the Maryland Port Administration to acquire property in the political subdivision before approval is deemed given; limiting the number of years to 3 that the Administration and a county may agree to the Administration paying the county a stated sum in place of certain taxes or assessments or voluntary contributions.
- Status: No action.

# For More Information

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