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 $\mathrm{SB}\;476/09-\mathrm{FIN}$ 

# By: Senator Pipkin

Introduced and read first time: February 5, 2010 Assigned to: Finance

# A BILL ENTITLED

## 1 AN ACT concerning

# 2 Transportation - Chesapeake Bay Bridge Crossing - Environmental Impact 3 Study for a Third Span

4 FOR the purpose of explicitly stating the power of the Maryland Transportation  $\mathbf{5}$ Authority to conduct or coordinate a study of the environmental impact of a 6 proposed transportation facility; requiring the Maryland Transportation  $\mathbf{7}$ Authority, in collaboration with certain other agencies, to commence the 8 process, on or before a certain date, to conduct and complete an Environmental 9 Impact Study for a third crossing of the Chesapeake Bay; requiring that the 10 Environmental Impact Study be for a span at a certain location; and generally relating to an Environmental Impact Study for a third span of the Chesapeake 11 12Bav.

- 13 BY repealing and reenacting, with amendments,
- 14 Article Transportation
- 15 Section 4–205
- 16 Annotated Code of Maryland
- 17 (2008 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 19 MARYLAND, That the Laws of Maryland read as follows:

20

### Article – Transportation

21 4-205.

(a) Subject to § 4–306 of this title and in addition to the powers otherwise
specifically granted by law, the Authority has the powers described in this section.

24 (b) The Authority may acquire, hold, and dispose of property in the exercise 25 of its powers and performance of its duties.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



1 (c) (1) Subject to the limitations described in paragraphs (2) and (3) of 2 this subsection, the Authority may make any contracts and agreements necessary or 3 incidental to the exercise of its powers and performance of its duties.

4 (2) Not less than 45 days before entering into any contract or 5 agreement to acquire or construct a revenue-producing transportation facilities 6 project, subject to § 2–1246 of the State Government Article, the Authority shall 7 provide, to the Senate Budget and Taxation Committee, the House Committee on 8 Ways and Means, and the House Appropriations Committee, for review and comment, 9 and to the Department of Legislative Services, a description of the proposed project, a 10 summary of the contract or agreement, and a financing plan that details:

(i) The estimated annual revenue from the issuance of bonds tofinance the project; and

(ii) The estimated impact of the issuance of bonds to finance theproject on the bonding capacity of the Authority.

15 (3) (i) 1. In this paragraph the following words have the 16 meanings indicated.

17 2. "Public notice of procurement" includes a request for18 proposals issued by the Authority.

19 3. "Public-private partnership arrangement" means a 20 lease agreement between the Authority and a private entity under which the private 21 entity assumes control of the operation and maintenance of an existing or future 22 revenue-producing highway, bridge, tunnel, or transit facility.

(ii) Not less than 45 days before issuing a public notice of
procurement related to a public-private partnership arrangement, subject to § 2–1246
of the State Government Article, the Authority shall provide, to the Senate Budget
and Taxation Committee, the House Committee on Ways and Means, and the House
Appropriations Committee, for review and comment, and to the Department of
Legislative Services, a summary of the proposed procurement document to be used for
solicitation of the public-private partnership arrangement.

30 (iii) Not less than 45 days before entering into any public-private partnership arrangement, subject to § 2-1246 of the State Government 3132Article, the Authority shall provide, to the Senate Budget and Taxation Committee, 33 the House Committee on Ways and Means, and the House Appropriations Committee, 34for review and comment, and to the Department of Legislative Services, a description 35 of the proposed lease agreement and a financing plan, including:

36 1. The length of the proposed lease;

1 2. The scope of any toll-setting authority to be granted  $\mathbf{2}$ to the private entity: 3 The scope of payments to the Authority from the 3. 4 proposed public-private partnership arrangement;  $\mathbf{5}$ A cost–benefit analysis of the proposed public–private 4. 6 partnership arrangement; and 7 5. Requirements pertaining to the ongoing operation and 8 maintenance of the facility and contract oversight. 9 Subject to paragraph (2) of this subsection, the Authority may (d) (1)employ and fix the compensation of attorneys, consulting engineers, accountants, 10 construction and financial experts, superintendents, managers, and any other agents 11 12and employees that it considers necessary to exercise its powers and perform its duties. The compensation established by the Authority for executive management 1314positions shall be consistent with the compensation of comparable positions in the 15Department of Transportation. The compensation established by the Authority shall 16 be reported to the General Assembly each year as part of the Authority's presentation 17of its budget.

18 (2) The expense of employing these persons may be paid only from19 revenues or from the proceeds of revenue bonds issued by the Authority.

20 (e) The Authority may apply for and receive grants from any federal agency 21 for the planning, construction, operation, or financing of any transportation facilities 22 project and may receive aid or contributions of money, property, labor, or other things 23 of value from any source, to be held, used, and applied for the purposes for which the 24 grants, aid, and contributions are made.

25 (f) The Authority may adopt rules and regulations to carry out the 26 provisions of this title.

(g) The Authority may do anything else necessary or convenient to carry out
the powers granted in this title, INCLUDING CONDUCTING OR COORDINATING A
STUDY OF THE ENVIRONMENTAL IMPACT OF A PROPOSED TRANSPORTATION
FACILITY.

31SECTION 2. AND BE IT FURTHER ENACTED, That, acting on behalf of the 32Maryland Department of Transportation, on or before January 1, 2011, the Maryland Transportation Authority, in collaboration with the Maryland Department of the 33 Environment, the Maryland Department of Natural Resources, the United States 3435Environmental Protection Agency, and any other relevant federal agency, shall take 36 the steps necessary to commence the process to conduct and complete an 37Environmental Impact Study for a third bridge to span the Chesapeake Bay that is 38 located either:

1 (1) adjacent to the existing dual bridges spanning the Chesapeake Bay 2 between Anne Arundel County, Maryland and Kent Island, Queen Anne's County, 3 Maryland; or

4 (2) at other locations in Maryland with termini on the Western and 5 Eastern shores that are determined to be environmentally and economically feasible 6 by the Maryland Department of Transportation.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effectOctober 1, 2010.