

HOUSE BILL 1249

R1

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By: **Delegates Korman, Acevero, B. Barnes, D. Barnes, Barron, Barve, Carr, Charkoudian, Charles, Crutchfield, Cullison, Dumais, Fennell, W. Fisher, Fraser-Hidalgo, Gilchrist, Harrison, Healey, Holmes, Ivey, M. Jackson, Kaiser, Kelly, Kerr, Krimm, Lehman, J. Lewis, Lopez, Love, Luedtke, Moon, Palakovich Carr, Pena-Melnyk, Proctor, Qi, Queen, Reznik, Shetty, Solomon, Stewart, Terrasa, Turner, Valderrama, Valentino-Smith, Walker, Washington, Wilkins, Williams, and K. Young**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **I-495 and I-270 Public-Private Partnership – Partnership Agreement –**
3 **Requirements**
4 **(Maryland State Department of Transportation Promises Act of 2020)**

5 FOR the purpose of requiring the public-private partnership agreement for the I-495 and
6 I-270 Public-Private Partnership Program to include certain provisions; authorizing
7 certain revenues derived from certain tolls to be distributed to a certain special fund
8 to be budgeted in a certain manner; establishing a certain special fund; requiring the
9 Board of Public Works, on or before a certain date, to request a certain determination
10 letter from the Maryland Transportation Authority and the State Department of
11 Transportation; making certain provisions of this Act subject to a certain
12 contingency; defining certain terms; and generally relating to the I-495 and I-270
13 Public-Private Partnership Program.

14 BY adding to
15 Article – State Finance and Procurement
16 Section 10A-404
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2019 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Transportation
21 Section 4-313(a)(1)
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY adding to
Article – Transportation
Section 4–408
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – State Finance and Procurement

10A–404.

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.**

**(2) “COMMUNITY BENEFIT AGREEMENT” MEANS AN AGREEMENT
APPLICABLE TO THE DEVELOPMENT OF ANY TRANSPORTATION PROJECT THAT:**

**(I) PROMOTES INCREASED OPPORTUNITIES FOR LOCAL
BUSINESSES AND SMALL, MINORITY, WOMEN–OWNED, AND VETERAN–OWNED
BUSINESSES IN THE TRANSPORTATION INDUSTRY;**

**(II) ENSURES THE TIMELY, SAFE, AND EFFICIENT COMPLETION
OF THE PROJECT BY FACILITATING A STEADY SUPPLY OF HIGHLY SKILLED CRAFT
WORKERS WHO ARE PAID NOT LESS THAN THE PREVAILING WAGE RATE
DETERMINED BY THE COMMISSIONER OF LABOR AND INDUSTRY UNDER TITLE 17,
SUBTITLE 2 OF THIS ARTICLE;**

**(III) PROMOTES SAFE COMPLETION OF THE PROJECT BY
ENSURING THAT AT LEAST 80% OF THE CRAFT WORKERS ON THE PROJECT HAVE
COMPLETED AN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION 10–HOUR
OR 30–HOUR COURSE;**

**(IV) PROMOTES CAREER TRAINING OPPORTUNITIES IN THE
TRANSPORTATION INDUSTRY FOR LOCAL RESIDENTS, VETERANS, WOMEN, AND
MINORITIES;**

**(V) PROVIDES FOR BEST EFFORTS AND EFFECTIVE OUTREACH
TO OBTAIN, AS A GOAL, THE USE OF A WORKFORCE THAT INCLUDES MINORITIES TO
THE EXTENT PRACTICABLE; AND**

(VI) REFLECTS A 21ST–CENTURY LABOR–MANAGEMENT

1 **APPROACH BASED ON COOPERATION, HARMONY, AND PARTNERSHIP.**

2 **(3) “DEPARTMENT” MEANS THE STATE DEPARTMENT OF**
3 **TRANSPORTATION AND INCLUDES THE OFFICE OF THE SECRETARY AND THE**
4 **MODAL ADMINISTRATIONS.**

5 **(4) “PROGRAM” MEANS THE I-495 AND I-270 PUBLIC-PRIVATE**
6 **PARTNERSHIP PROGRAM.**

7 **(B) THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT FOR THE PROGRAM**
8 **SHALL:**

9 **(1) (I) REQUIRE THAT AT LEAST 10% OF THE TOLL REVENUE FROM**
10 **TOLL LANES ON I-495 AND I-270 BE TRANSFERRED TO THE SPECIAL FUND**
11 **ESTABLISHED UNDER § 4-408 OF THE TRANSPORTATION ARTICLE; AND**

12 **(II) REQUIRE THE SPECIAL FUND TO BE BUDGETED IN**
13 **ACCORDANCE WITH MEMORANDUMS OF UNDERSTANDING BETWEEN THE**
14 **DEPARTMENT AND THE GOVERNING BODIES OF THE COUNTIES WHERE THE TOLL**
15 **FACILITIES THAT ARE PART OF THE PROGRAM ARE LOCATED;**

16 **(2) PROHIBIT THE DEPARTMENT FROM ISSUING A FINAL REQUEST**
17 **FOR PROPOSAL FOR THE PROJECT UNLESS THE REQUEST FOR PROPOSAL:**

18 **(I) GUARANTEES THAT ANY LOCAL, STATE, OR REGIONAL**
19 **TRANSIT SYSTEM MAY USE THE TOLL LANES ON I-495 AND I-270 FOR BUSES AND**
20 **OTHER MASS TRANSIT VEHICLES WITHOUT CHARGE; AND**

21 **(II) REQUIRES THAT THE AMERICAN LEGION BRIDGE HAVE A**
22 **SEPARATE PEDESTRIAN AND BICYCLE LANE OR LANES;**

23 **(3) PROHIBIT THE DEPARTMENT FROM USING STATE FUNDS TO**
24 **ACQUIRE LAND FOR THE PROGRAM BEFORE THE BOARD OF PUBLIC WORKS**
25 **APPROVES THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT;**

26 **(4) SUBJECT TO SUBSECTION (C)(1) OF THIS SECTION, PROHIBIT THE**
27 **DEPARTMENT FROM AWARDING A CONTRACT TO A BIDDER UNLESS THE BIDDER**
28 **AGREES TO INITIATE A COMMUNITY BENEFIT AGREEMENT THAT DEMONSTRATES**
29 **POSITIVE NET ECONOMIC, ENVIRONMENTAL, AND HEALTH BENEFITS TO THE STATE;**

30 **(5) SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION, REQUIRE THE**
31 **DEPARTMENT TO SHARE ORIGIN AND DESTINATION DATA AND TRAFFIC AND**
32 **REVENUE MODEL DATA, CONSISTENT WITH ANY LICENSES OR OTHER LEGAL**

1 AGREEMENTS RELATED TO THE DATA, WITH:

2 (I) COUNTY DEPARTMENTS OF TRANSPORTATION; AND

3 (II) THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING
4 COMMISSION;

5 (6) (I) REQUIRE THAT ALL INITIAL TRANSPORTATION TRUST
6 FUND EXPENDITURES AND MARYLAND TRANSPORTATION AUTHORITY LOANS BE
7 REPAYED BY VENDORS OR TOLLS; AND

8 (II) PROHIBIT THE EXPENDITURE OF ADDITIONAL STATE
9 FUNDS FOR THE PROGRAM BEYOND WHAT IS ALLOCATED IN THE CONSOLIDATED
10 TRANSPORTATION PROGRAM AS OF OCTOBER 1, 2020;

11 (7) PROHIBIT THE DEPARTMENT FROM SUBMITTING A CONTRACT TO
12 THE BOARD OF PUBLIC WORKS FOR REVIEW UNTIL A FINAL ENVIRONMENTAL
13 IMPACT STATEMENT THAT COMPLIES WITH THE NATIONAL ENVIRONMENTAL
14 POLICY ACT IS AVAILABLE;

15 (8) REQUIRE ANY TOLL ADJUSTMENTS TO BE SUBJECT TO PUBLIC
16 HEARINGS IN THE COUNTY WHERE THE TOLL FACILITY IS LOCATED;

17 (9) REQUIRE THE STATE TO UNDERTAKE EFFORTS TO ENGAGE WITH
18 VIRGINIA TO CONDUCT A TRANSIT STUDY OF THE AMERICAN LEGION BRIDGE
19 CORRIDOR; AND

20 (10) REQUIRE THAT THE MARYLAND TRANSPORTATION AUTHORITY
21 AND THE DEPARTMENT COMPLETE A MONORAIL FEASIBILITY STUDY.

22 (C) (1) THE PUBLIC–PRIVATE PARTNERSHIP AGREEMENT MAY REQUIRE
23 A BIDDER TO AGREE TO INITIATE A COMMUNITY BENEFIT AGREEMENT THAT
24 DEMONSTRATES BENEFITS IN ADDITION TO THE BENEFITS REQUIRED UNDER
25 SUBSECTION (B)(4) OF THIS SECTION.

26 (2) THE DEPARTMENT MAY ASSERT CONFIDENTIALITY AS
27 NECESSARY IN ACCORDANCE WITH § 4–335 OF THE GENERAL PROVISIONS ARTICLE
28 WITH REGARD TO THE REQUIREMENT TO SHARE ORIGIN AND DESTINATION DATA
29 AND TRAFFIC AND REVENUE MODEL DATA UNDER SUBSECTION (B)(5) OF THIS
30 SECTION.

31 Article – Transportation

4-313.

(a) (1) All rentals, rates, fees, tolls, and other charges and revenues derived from any transportation facilities project shall be set aside in a fund known as the "Transportation Authority Fund", except to the extent that they are [pledged]:

(I) REQUIRED UNDER THE I-495 AND I-270 PUBLIC-PRIVATE PARTNERSHIP AGREEMENT TO BE DISTRIBUTED TO THE SPECIAL FUND ESTABLISHED UNDER § 4-408 OF THIS TITLE; OR

(II) PLEDGED under an applicable trust agreement to secure either:

[(i)] 1. Revenue bonds issued under this subtitle if the trust agreement or bond authorizing resolution expressly provides that this section does not apply to those bonds; or

[(ii)] 2. Revenue bonds of prior issues.

4-408.

AT LEAST 10% OF THE TOLL REVENUES FROM THE I-495 AND I-270 PUBLIC-PRIVATE PARTNERSHIP PROGRAM SHALL BE DISTRIBUTED TO A SPECIAL FUND, TO BE USED ONLY FOR TRANSIT PROJECTS IN ACCORDANCE WITH MEMORANDUMS OF UNDERSTANDING BETWEEN THE DEPARTMENT AND THE GOVERNING BODIES OF THE COUNTIES WHERE THE TOLL FACILITIES THAT ARE PART OF THE PROGRAM ARE LOCATED.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before October 1, 2021, the Board of Public Works shall request a determination letter from the Maryland Transportation Authority and the State Department of Transportation confirming that the reporting agencies plan to issue a final request for proposals.

(b) Within 5 days after receiving the determination letter requested under subsection (a) of this section from the reporting agencies, the Board of Public Works shall forward a copy of the letter to the Department of Legislative Services, 90 State Circle, Annapolis, Maryland, 21401.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Section 1 of this Act shall take effect contingent on the receipt by the Board of Public Works of a determination letter confirming that the reporting agencies plan to issue a final request for proposals.

1 (b) If a determination letter requested under Section 2 of this Act is received on
2 or before October 1, 2021, Section 1 of this Act shall take effect on the date notice of the
3 letter is received by the Department of Legislative Services in accordance with Section 2 of
4 this Act.

5 (c) If the Board of Public Works does not receive a determination letter requested
6 under Section 2 of this Act on or before October 1, 2021, Section 1 of this Act, with no further
7 action required by the General Assembly, shall be null and void.

8 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this
9 Act, this Act shall take effect October 1, 2020.