

# HOUSE BILL 1249

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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **I-495 and I-270 Public-Private Partnership – Partnership**  
3 **Agreement – 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)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,  
2 Article – Transportation  
3 Section 4–313(a)(1)  
4 Annotated Code of Maryland  
5 (2015 Replacement Volume and 2019 Supplement)

6 BY adding to  
7 Article – Transportation  
8 Section 4–408  
9 Annotated Code of Maryland  
10 (2015 Replacement Volume and 2019 Supplement)

11 Preamble

12 WHEREAS, Governor Hogan has claimed this is the largest highway P3 in the world;  
13 and

14 WHEREAS, The Maryland Department of Transportation and the Comptroller  
15 reached detailed agreements to amend the Pre–Solicitation Report in January of 2020; and

16 WHEREAS, The General Assembly wants to ensure that these promises are kept;  
17 now, therefore,

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

20 **Article – State Finance and Procurement**

21 **10A–404.**

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

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

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

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

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

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

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

11 (VI) REFLECTS A 21ST-CENTURY LABOR-MANAGEMENT  
12 APPROACH BASED ON COOPERATION, HARMONY, AND PARTNERSHIP.

13 (3) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF  
14 TRANSPORTATION AND INCLUDES THE OFFICE OF THE SECRETARY AND THE  
15 MODAL ADMINISTRATIONS.

16 (4) "PROGRAM" MEANS THE I-495 AND I-270 PUBLIC-PRIVATE  
17 PARTNERSHIP PROGRAM.

18 (B) ~~THE~~ ALL PUBLIC-PRIVATE PARTNERSHIP AGREEMENT AGREEMENTS  
19 FOR THE PROGRAM SHALL:

20 (1) (I) REQUIRE THAT AT LEAST 10% OF THE TOLL REVENUE  
21 REMAINING AFTER CONSTRUCTION COSTS FROM TOLL LANES ON I-495 AND I-270  
22 BE TRANSFERRED TO THE SPECIAL FUND ESTABLISHED UNDER § 4-408 OF THE  
23 TRANSPORTATION ARTICLE; AND

24 (II) AUTHORIZE THE DEPARTMENT TO MAKE THE PAYMENTS  
25 REQUIRED UNDER ITEM (I) OF THIS ITEM IN SCHEDULED FIXED PAYMENTS; AND

26 (III) REQUIRE THE SPECIAL FUND TO BE BUDGETED IN  
27 ACCORDANCE WITH MEMORANDUMS OF UNDERSTANDING BETWEEN THE  
28 DEPARTMENT AND THE GOVERNING BODIES OF THE COUNTIES WHERE THE TOLL  
29 FACILITIES THAT ARE PART OF THE PROGRAM ARE LOCATED;

30 (2) PROHIBIT THE DEPARTMENT FROM ISSUING A FINAL REQUEST  
31 FOR PROPOSAL FOR THE PROJECT UNLESS THE REQUEST FOR PROPOSAL:

1 (I) GUARANTEES THAT ANY LOCAL, STATE, OR REGIONAL  
2 TRANSIT SYSTEM MAY USE THE TOLL LANES ON I-495 AND I-270 FOR BUSES AND  
3 OTHER MASS TRANSIT VEHICLES WITHOUT CHARGE; ~~AND~~

4 (II) REQUIRES THAT THE AMERICAN LEGION BRIDGE HAVE A  
5 SEPARATE PEDESTRIAN AND BICYCLE LANE OR LANES;

6 (3) PROHIBIT THE DEPARTMENT FROM USING STATE FUNDS TO  
7 ACQUIRE LAND FOR THE PROGRAM BEFORE THE BOARD OF PUBLIC WORKS  
8 APPROVES THE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT, EXCEPT FOR OPTION  
9 PAYMENTS FOR THE RESERVATION OF THE PURCHASE OF LAND;

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

14 (5) SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION, REQUIRE THE  
15 DEPARTMENT TO SHARE RELEVANT DATA TO THE MAXIMUM EXTENT PRACTICABLE  
16 AND IN A TIMELY MANNER, INCLUDING ORIGIN AND DESTINATION DATA AND  
17 TRAFFIC AND REVENUE MODEL DATA, CONSISTENT WITH ANY LICENSES OR OTHER  
18 LEGAL AGREEMENTS RELATED TO THE DATA, WITH:

19 (I) COUNTY DEPARTMENTS OF TRANSPORTATION; AND

20 (II) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING  
21 COMMISSION;

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

25 (II) ~~PROHIBIT THE EXPENDITURE OF~~ ENCOURAGE THAT NO  
26 ADDITIONAL STATE FUNDS FOR THE PROGRAM BE EXPENDED BEYOND WHAT IS  
27 ALLOCATED IN THE CONSOLIDATED TRANSPORTATION PROGRAM AS OF OCTOBER  
28 1, 2020;

29 (7) PROHIBIT THE DEPARTMENT FROM SUBMITTING A CONTRACT TO  
30 THE BOARD OF PUBLIC WORKS FOR REVIEW UNTIL A FINAL ENVIRONMENTAL  
31 IMPACT STATEMENT THAT COMPLIES WITH THE NATIONAL ENVIRONMENTAL  
32 POLICY ACT IS AVAILABLE;

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



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

2 4-408.

3 AT LEAST 10% OF THE TOLL ~~REVENUES~~ REVENUE REMAINING AFTER  
4 CONSTRUCTION COSTS FROM THE I-495 AND I-270  
5 PUBLIC-PRIVATE PARTNERSHIP PROGRAM SHALL BE DISTRIBUTED TO A SPECIAL  
6 FUND, TO BE USED ONLY FOR TRANSIT PROJECTS IN ACCORDANCE WITH  
7 MEMORANDUMS OF UNDERSTANDING BETWEEN THE DEPARTMENT AND THE  
8 GOVERNING BODIES OF THE COUNTIES WHERE THE TOLL FACILITIES THAT ARE  
9 PART OF THE PROGRAM ARE LOCATED.

10 SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

19 SECTION 3. AND BE IT FURTHER ENACTED, That:

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

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

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

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