

HOUSE BILL 67

R1

EMERGENCY BILL
(PRE-FILED)

1lr1136
CF SB 843

By: **Delegate Korman**

Requested: October 26, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation and Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2021

CHAPTER _____

1 AN ACT concerning

2 **I-495 and I-270 Public-Private Partnership – Partnership Agreement –**
3 **Requirements**
4 **(Maryland Department of Transportation Promises Act of 2021)**

5 FOR the purpose of prohibiting the Board of Public Works from approving a phase
6 public-private partnership agreement for the I-495 and I-270 Public-Private
7 Partnership Program unless the agreement includes certain provisions; authorizing
8 ~~the~~ a public-private partnership agreement for the Program to require a bidder to
9 agree to initiate a community benefit agreement; requiring the Maryland
10 Department of Transportation to enter into nondisclosure agreements with certain
11 entities with regard to certain shared data; authorizing the Department to require
12 that certain entities maintain confidentiality with regard to certain shared data;
13 requiring the Department to execute a certain memorandum of understanding with
14 certain counties; authorizing certain revenues derived from certain tolls to be
15 distributed to a certain special fund to be budgeted in a certain manner; establishing
16 a certain special fund; making this Act an emergency measure; defining certain
17 terms; and generally relating to the I-495 and I-270 Public-Private Partnership
18 Program.

19 BY adding to
20 Article – State Finance and Procurement
21 Section 10A-405
22 Annotated Code of Maryland
23 (2015 Replacement Volume and 2020 Supplement)

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 (2020 Replacement Volume)

6 BY adding to
7 Article – Transportation
8 Section 4–408
9 Annotated Code of Maryland
10 (2020 Replacement Volume)

11 Preamble

12 WHEREAS, The Reason Foundation has found that the overwhelming majority of
13 public–private partnership road expansion projects require public subsidies; and

14 WHEREAS, The Maryland Department of Transportation has said the I–495 and
15 I–270 Public–Private Partnership will not require any public subsidies; and

16 WHEREAS, It is the intent of the General Assembly to make clear that any
17 submitted budget seeking additional State taxpayer funds for the I–495 and I–270
18 Public–Private Partnership will be reduced from the budget; and

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

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

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

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

27 **Article – State Finance and Procurement**

28 **10A–405.**

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

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

1 (I) PROMOTES INCREASED OPPORTUNITIES FOR LOCAL
2 BUSINESSES AND SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED
3 BUSINESSES IN THE TRANSPORTATION INDUSTRY;

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

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

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

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

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

21 (3) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF
22 TRANSPORTATION AND INCLUDES THE OFFICE OF THE SECRETARY AND THE
23 MODAL ADMINISTRATIONS.

24 (4) "PHASE DEVELOPER" MEANS AN ENTITY THE DEPARTMENT
25 SELECTS TO MANAGE PREDEVELOPMENT WORK AND THE PROCESS FOR EXECUTING
26 EACH SECTION PUBLIC-PRIVATE PARTNERSHIP AGREEMENT.

27 (5) "PHASE PUBLIC-PRIVATE PARTNERSHIP AGREEMENT" MEANS AN
28 AGREEMENT BETWEEN THE DEPARTMENT AND A PHASE DEVELOPER TO MANAGE
29 PREDEVELOPMENT WORK AND THE PROCESS FOR EXECUTING EACH SECTION
30 PUBLIC-PRIVATE PARTNERSHIP AGREEMENT.

31 (6) "PROGRAM" MEANS THE I-495 AND I-270 PUBLIC-PRIVATE
32 PARTNERSHIP PROGRAM.

33 (7) "PROJECT LABOR AGREEMENT" MEANS AN AGREEMENT
34 BETWEEN A PHASE DEVELOPER AND A SECTION DEVELOPER THAT:

1 (I) BINDS ALL CONTRACTORS AND SUBCONTRACTORS
2 ENGAGED IN CONSTRUCTION OF THE PROJECT TO THE TERMS OF THE PROJECT
3 LABOR AGREEMENT;

4 (II) CONTAINS GUARANTEES AGAINST STRIKES, LOCKOUTS, AND
5 OTHER JOB DISRUPTIONS;

6 (III) SETS FORTH EFFECTIVE, PROMPT, AND MUTUALLY BINDING
7 PROCEDURES FOR RESOLVING LABOR DISPUTES ARISING DURING THE TERM OF THE
8 PROJECT LABOR AGREEMENT;

9 (IV) PROVIDES OTHER MECHANISMS FOR COOPERATION
10 BETWEEN LABOR AND MANAGEMENT ON MATTERS OF MUTUAL INTEREST AND
11 CONCERN, INCLUDING PRODUCTIVITY, QUALITY OF WORK, SAFETY, AND HEALTH;
12 AND

13 (V) INCLUDES ANY ADDITIONAL REQUIREMENTS THAT THE
14 DEPARTMENT CONSIDERS NECESSARY TO PROMOTE THE EFFICIENT AND TIMELY
15 COMPLETION OF A PROJECT.

16 (8) "SECTION DEVELOPER" MEANS A SEPARATE LEGAL ENTITY THAT
17 IS:

18 (I) ESTABLISHED BY A PHASE DEVELOPER TO ENTER INTO A
19 SECTION PUBLIC-PRIVATE PARTNERSHIP AGREEMENT; AND

20 (II) RESPONSIBLE FOR THE FINAL DESIGN, CONSTRUCTION,
21 FINANCING, TOLLING, OPERATING, MAINTENANCE, AND HANDBACK OF A SECTION.

22 (9) "SECTION PUBLIC-PRIVATE PARTNERSHIP AGREEMENT" MEANS
23 AN AGREEMENT BETWEEN THE DEPARTMENT AND A SECTION DEVELOPER FOR
24 WORK ON A SPECIFIC SECTION OF THE PROGRAM.

25 (B) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE A PHASE
26 PUBLIC-PRIVATE PARTNERSHIP AGREEMENT FOR THE PROGRAM UNLESS THE
27 AGREEMENT:

28 (1) (I) REQUIRES THAT ~~AT LEAST 10% OF THE TOLL REVENUE~~
29 ~~REMAINING AFTER CONSTRUCTION COSTS~~ THE PAYMENT OF THE TOLL REVENUE
30 FROM TOLL LANES ON I-495 AND I-270 AGREED ON IN ACCORDANCE WITH THE
31 MEMORANDA OF UNDERSTANDING BETWEEN THE DEPARTMENT AND THE
32 GOVERNING BODIES OF THE COUNTIES WHERE THE TOLL FACILITIES THAT ARE

1 PART OF THE PROGRAM ARE LOCATED BE TRANSFERRED TO THE SPECIAL FUND
2 ESTABLISHED UNDER § 4-408 OF THE TRANSPORTATION ARTICLE;

3 (II) AUTHORIZES THE DEPARTMENT TO MAKE THE PAYMENTS
4 REQUIRED UNDER ITEM (I) OF THIS ITEM IN SCHEDULED FIXED PAYMENTS; AND

5 (III) REQUIRES THE SPECIAL FUND TO BE BUDGETED IN
6 ACCORDANCE WITH MEMORANDA OF UNDERSTANDING BETWEEN THE DEPARTMENT
7 AND THE GOVERNING BODIES OF THE COUNTIES WHERE THE TOLL FACILITIES THAT
8 ARE PART OF THE PROGRAM ARE LOCATED;

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

12 (II) REQUIRES THAT THE AMERICAN LEGION BRIDGE HAVE A
13 ~~SEPARATE PEDESTRIAN AND BICYCLE LANE OR LANES~~ SHARED-USE PATH FOR
14 BICYCLISTS AND PEDESTRIANS THAT IS CONNECTED TO ONE OR MORE EXISTING
15 PATHS ON THE MARYLAND SIDE OF THE POTOMAC RIVER;

16 (3) PROHIBITS THE DEPARTMENT FROM USING STATE FUNDS TO
17 ACQUIRE LAND FOR THE PROGRAM BEFORE THE BOARD OF PUBLIC WORKS
18 APPROVES ~~THE~~ A SECTION PUBLIC-PRIVATE PARTNERSHIP AGREEMENT, EXCEPT
19 FOR OPTION PAYMENTS FOR THE RESERVATION OF THE PURCHASE OF LAND;

20 (4) SUBJECT TO SUBSECTION (C)(1) OF THIS SECTION, PROHIBITS
21 THE DEPARTMENT FROM AWARDING A CONTRACT TO A BIDDER UNLESS THE BIDDER
22 AGREES TO INITIATE A COMMUNITY BENEFIT AGREEMENT THAT DEMONSTRATES
23 POSITIVE NET ECONOMIC, ENVIRONMENTAL, AND HEALTH BENEFITS TO THE STATE;

24 (5) SUBJECT TO SUBSECTION (C)(2) OF THIS SECTION, REQUIRES THE
25 DEPARTMENT TO SHARE RELEVANT DATA TO THE MAXIMUM EXTENT PRACTICABLE
26 AND IN A TIMELY MANNER, INCLUDING ORIGIN AND DESTINATION DATA AND
27 TRAFFIC AND REVENUE MODEL DATA, CONSISTENT WITH ANY LICENSES OR OTHER
28 LEGAL AGREEMENTS RELATED TO THE DATA, WITH:

29 (I) COUNTY DEPARTMENTS OF TRANSPORTATION; AND

30 (II) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
31 COMMISSION;

32 (6) (I) REQUIRES THAT ALL INITIAL TRANSPORTATION TRUST
33 FUND EXPENDITURES AND MARYLAND TRANSPORTATION AUTHORITY LOANS BE

1 REPAID BY VENDORS OR TOLLS WITH NO NET COST TO THE STATE OR STATE
2 TAXPAYERS;

3 ~~(H) PROHIBITS THE BOARD OF PUBLIC WORKS FROM~~
4 ~~APPROVING ANY AGREEMENTS THAT EXPEND ADDITIONAL STATE FUNDS FOR THE~~
5 ~~PROGRAM BEYOND WHAT IS ALLOCATED IN THE CONSOLIDATED TRANSPORTATION~~
6 ~~PROGRAM AS OF OCTOBER 1, 2021; AND~~

7 ~~(H)~~ (II) ENCOURAGES THAT NO ADDITIONAL STATE FUNDS
8 FOR THE PROGRAM BE EXPENDED BEYOND WHAT IS ALLOCATED IN THE
9 CONSOLIDATED TRANSPORTATION PROGRAM AS OF OCTOBER 1, 2021;

10 (7) PROHIBITS THE DEPARTMENT FROM SUBMITTING A ~~CONTRACT~~
11 SECTION PUBLIC-PRIVATE PARTNERSHIP AGREEMENT TO THE BOARD OF PUBLIC
12 WORKS FOR REVIEW UNTIL A FINAL ENVIRONMENTAL IMPACT STATEMENT THAT
13 COMPLIES WITH THE NATIONAL ENVIRONMENTAL POLICY ACT IS AVAILABLE;

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

16 (9) REQUIRES THE ~~STATE~~ ADMINISTRATION TO UNDERTAKE
17 ~~EFFORTS TO ENGAGE WITH VIRGINIA TO CONDUCT A TRANSIT STUDY OF THE~~
18 ~~AMERICAN LEGION BRIDGE CORRIDOR, AT MINIMUM, COMMIT TO ESTABLISHING~~
19 PRIORITY BICYCLE AND PEDESTRIAN CONNECTIONS TO REMOVE BARRIERS AND
20 PROVIDE CONNECTIVITY FOR BICYCLISTS AND PEDESTRIANS CONSISTENT WITH
21 CONNECTIONS IDENTIFIED IN THE AFFECTED COUNTY MASTER PLANS AND
22 PRIORITIES, INCLUDING:

23 (i) IN MONTGOMERY COUNTY:

24 1. A NEW PEDESTRIAN AND BICYCLE CONNECTION
25 ACROSS THE AMERICAN LEGION BRIDGE;

26 2. REPLACING AND WIDENING THE BETHESDA TROLLEY
27 TRAIL BRIDGE CROSSINGS OF I-495 AND I-270;

28 3. LENGTHENING THE I-270 BRIDGE OVER TUCKERMAN
29 LANE NORTH OF BETHESDA TO ACCOMMODATE A FUTURE SEPARATED BIKEWAY
30 ALONG TUCKERMAN LANE;

31 4. NEW BUFFER-SEPARATED SIDE PATHS ACROSS MD
32 190 OVER I-495 NEAR CARDEROCK SPRINGS;

1 **5. WIDENING THE PATH ALONG SEVEN LOCKS ROAD**
2 **UNDER I-495 NEAR CARDEROCK SPRINGS; AND**

3 **6. A NEW SEPARATED BIKEWAY ALONG NORTHBOUND**
4 **MD 355 OVER I-495 BETWEEN BETHESDA AND ROCKVILLE; AND**

5 **(II) IN PRINCE GEORGE'S COUNTY:**

6 **1. NEW SIDEWALKS ACROSS THE MD 212 BRIDGE OVER**
7 **I-495 NEAR WHITE OAK MANOR THAT MEASURE 8 FEET WIDE;**

8 **2. A NEW SHARED-USE PATH THAT MEASURES 10 FEET**
9 **WIDE, PLUS A BUFFER THAT IS 5 FEET WIDE, ALONG CHERRY HILL ROAD NEAR**
10 **BELTSVILLE ON TWO BRIDGES CROSSING THE I-495 INNER LOOP AND THE I-495**
11 **OUTER LOOP TO PROVIDE TRAIL CONNECTION ACROSS THE INTERSTATE;**

12 **3. NEW SIDEWALKS THAT ARE 8 FEET WIDE ON BOTH**
13 **SIDES OF GLENARDEN PARKWAY OVER I-495 TO IMPROVE CONNECTION AND**
14 **SAFETY BETWEEN GLENARDEN NEIGHBORHOODS;**

15 **4. AFTER EVALUATING THE BEST LOCATION FOR THE**
16 **CONNECTION, A PEDESTRIAN CROSSING OF I-495 BETWEEN ARENA DRIVE, METRO**
17 **BRIDGE, CENTRAL AVENUE, AND SOUTHWEST BRANCH;**

18 **5. EXPANDING THE SIDEWALKS TO MEASURE 8 FEET**
19 **WIDE ON BOTH SIDES OF AUTH ROAD OVER I-495 TO IMPROVE ACCESS TO THE**
20 **BRANCH AVENUE METRO STATION; AND**

21 **6. A NEW CONNECTION TO THE HENSON CREEK TRAIL**
22 **NEAR TEMPLE HILLS; ~~AND~~**

23 **(10) REQUIRES THAT THE MARYLAND TRANSPORTATION AUTHORITY**
24 **AND THE DEPARTMENT COMPLETE A MONORAIL FEASIBILITY STUDY THE**
25 **ADMINISTRATION TO, AT MINIMUM, COMMIT TO COLLABORATING WITH LOCAL**
26 **STAKEHOLDERS AND DELIVERING REGIONAL TRANSIT IMPROVEMENTS TO**
27 **ENHANCE EXISTING AND PLANNED TRANSIT AND SUPPORT NEW OPPORTUNITIES**
28 **FOR REGIONAL TRANSIT SERVICE, INCLUDING:**

29 **(I) ESTABLISHING HIGH-OCCUPANCY TOLL LANES;**

30 **(II) AUTHORIZING BUSES, CARPOOLERS, AND VANPOOLERS TO**
31 **USE THE HIGH-OCCUPANCY TOLL LANES AT NO COST;**

(III) IN MONTGOMERY COUNTY, EXPANDING:

1. BUS CAPACITY AT THE WMATA SHADY GROVE METRORAIL STATION; AND

2. THE PARK AND RIDE AT MONTGOMERY MALL TRANSIT CENTER; AND

(IV) IN PRINCE GEORGE'S COUNTY, ESTABLISHING:

1. VIRTUAL BUS RAPID TRANSIT STATIONS, STOPS, AND TECHNOLOGY TO SUPPORT A VIRTUAL BUS RAPID TRANSIT ROUTE EXTENSION OF THE PURPLE LINE, INCLUDING STOP ENHANCEMENTS AND TECHNOLOGY SUCH AS NEXT VEHICLE ARRIVAL INFORMATION; AND

2. A COUNTY BUS MAINTENANCE FACILITY TO SUPPORT THE COUNTY BUS SYSTEM AND THE BUSES THAT TRAVEL ALONG MANAGED LANES;

(11) REQUIRES THE ADMINISTRATION TO COMMIT TO WORKING COLLABORATIVELY WITH PARTNER AGENCIES TO:

(I) AVOID AND MINIMIZE COMMUNITY, CULTURAL, ENVIRONMENTAL, AND PARKLAND IMPACTS OF THE PROJECT;

(II) FINALIZE MITIGATION BASED ON IDENTIFIED PRIORITIES THAT WOULD, AT A MINIMUM, BRING NO NET LOSS TO IMPACTED RESOURCES, WITH A GOAL OF NET BENEFIT;

(III) REDUCE IMPACTS ON NATIONAL PARK SERVICE PROPERTIES, WITH A SPECIAL FOCUS ON AREAS NEAR:

1. THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORIC PARK;

2. THE GEORGE WASHINGTON MEMORIAL PARKWAY;
AND

3. THE BALTIMORE-WASHINGTON PARKWAY;

(IV) INCORPORATE AN OPTION IN THE DEPARTMENT'S RECOMMENDED PREFERRED ALTERNATIVE THAT SIGNIFICANTLY REDUCES IMPACT TO THE MOSES LODGE CEMETERY;

1 (V) COMPLETE ENVIRONMENTAL ENHANCEMENTS THAT
 2 WOULD PROVIDE MEANINGFUL BENEFITS TO ADJACENT RESOURCES, INCLUDING:

3 1. WATER QUALITY IMPROVEMENTS;

4 2. STREAM RESTORATION; AND

5 3. REMOVAL OF INVASIVE SPECIES ON COUNTY
 6 PARKLAND; AND

7 (VI) CONDUCT STREAM BANK AND BED STABILIZATION
 8 IMPROVEMENTS, AND REMOVE CONCRETE-LINED CHANNELS IN IDENTIFIED
 9 PRIORITY AREAS IN:

10 1. CABIN JOHN STREAM VALLEY PARK;

11 2. ROCK CREEK STREAM VALLEY PARK;

12 3. SLIGO CREEK PARKWAY;

13 4. INDIAN SPRINGS TERRACE LOCAL PARK;

14 5. NORTHWEST BRANCH STREAM VALLEY PARK;

15 6. SOUTHWEST BRANCH STREAM VALLEY PARK;

16 7. HERITAGE GLEN PARK; AND

17 8. MANCHESTER ESTATES PARK; AND

18 (12) REQUIRES A PHASE DEVELOPER TO INITIATE A PROJECT LABOR
 19 AGREEMENT.

20 (C) (1) ~~THE~~ A PUBLIC-PRIVATE PARTNERSHIP AGREEMENT FOR THE
 21 PROGRAM MAY REQUIRE A BIDDER TO AGREE TO INITIATE A COMMUNITY BENEFIT
 22 AGREEMENT THAT DEMONSTRATES BENEFITS IN ADDITION TO THE BENEFITS
 23 REQUIRED UNDER SUBSECTION (B)(4) OF THIS SECTION.

24 (2) (I) THE DEPARTMENT SHALL ENTER INTO NONDISCLOSURE
 25 AGREEMENTS WITH COUNTY DEPARTMENTS OF TRANSPORTATION AND THE
 26 MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION WITH
 27 REGARDS TO THE REQUIREMENT TO SHARE DATA UNDER SUBSECTION (B)(5) OF
 28 THIS SECTION.

1 **(II) THE DEPARTMENT MAY REQUIRE THAT COUNTY**
 2 **DEPARTMENTS OF TRANSPORTATION AND THE MARYLAND–NATIONAL CAPITAL**
 3 **PARK AND PLANNING COMMISSION, THROUGH NONDISCLOSURE AGREEMENTS,**
 4 **MAINTAIN CONFIDENTIALITY WITH REGARD TO DATA SHARED, INCLUDING ORIGIN**
 5 **AND DESTINATION DATA AND TRAFFIC AND REVENUE MODEL DATA SHARED.**

6 **Article – Transportation**

7 4–313.

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

11 **(I) REQUIRED UNDER A I–495 AND I–270 PUBLIC–PRIVATE**
 12 **PARTNERSHIP AGREEMENT TO BE DISTRIBUTED TO THE SPECIAL FUND**
 13 **ESTABLISHED UNDER § 4–408 OF THIS TITLE; OR**

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

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

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

19 4–408.

20 **(A) (1) THE DEPARTMENT SHALL EXECUTE A MEMORANDUM OF**
 21 **UNDERSTANDING WITH THE GOVERNING BODY OF EACH COUNTY WHERE TOLL**
 22 **FACILITIES ARE LOCATED.**

23 **(2) A MEMORANDUM OF UNDERSTANDING EXECUTED UNDER THIS**
 24 **SECTION SHALL:**

25 **(I) SPECIFY THE NATURE, AMOUNT, AND TIMING OF PAYMENTS**
 26 **OF TOLL REVENUE TO THE COUNTY FOR THE COMPLETION AND OPERATION OF**
 27 **PUBLIC TRANSIT IMPROVEMENTS; AND**

28 **(II) BE EXECUTED WITH EACH COUNTY BEFORE THE**
 29 **DEPARTMENT SUBMITS FOR BOARD OF PUBLIC WORKS APPROVAL A**
 30 **PUBLIC–PRIVATE PARTNERSHIP AGREEMENT FOR ANY PHASE OF A PROGRAM THAT**
 31 **INCLUDES CONSTRUCTION OR OPERATION OF A TOLL FACILITY LOCATED IN THAT**
 32 **COUNTY.**

1 ~~(B) AT LEAST 10% OF THE TOLL REVENUE REMAINING AFTER~~
2 ~~CONSTRUCTION COSTS~~ THE PAYMENT OF TOLL REVENUE FROM THE I-495 AND
3 I-270 PUBLIC-PRIVATE PARTNERSHIP PROGRAM MADE IN ACCORDANCE WITH A
4 MEMORANDUM OF UNDERSTANDING EXECUTED UNDER THIS SECTION SHALL BE
5 DISTRIBUTED TO A SPECIAL FUND, TO BE USED ONLY FOR ESTABLISHING AND
6 PROVIDING FUNDS FOR THE COUNTIES WHERE TOLL FACILITIES THAT ARE PART OF
7 THE PROGRAM ARE LOCATED TO OPERATE TRANSIT PROJECTS IMPROVEMENTS IN
8 ~~ACCORDANCE WITH MEMORANDA OF UNDERSTANDING BETWEEN THE DEPARTMENT~~
9 ~~AND THE GOVERNING BODIES OF THE COUNTIES WHERE THE TOLL FACILITIES THAT~~
10 ~~ARE PART OF THE PROGRAM ARE LOCATED.~~

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
12 measure, is necessary for the immediate preservation of the public health or safety, has
13 been passed by a yea and nay vote supported by three-fifths of all the members elected to
14 each of the two Houses of the General Assembly, and shall take effect from the date it is
15 enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.