



January 29, 2020

The Honorable Delores Kelley
Chair, Finance Committee
Maryland Senate
3 East Miller Senate Office Building
Annapolis, MD 21401

RE: SB 229 - *Toll Roads, Highways, and Bridges - County Government Consent Requirement - Expansion*

Chairwoman Kelley,

The Maryland Association of Counties (MACo) hopes to raise technical concerns with SB 229 as drafted. **MACo has not taken a position** on the bill related to its essential aims, but hopes to raise these technical concerns with the Committee and its staff.

SB 229 nominally seeks to expand a limited approval authority for new or expanded State toll facilities – to extend language currently limited to nine numerated Eastern Shore counties. The tenuous interpretation of this current law, including the meaning of “affected counties,” has been a matter of substantial community concern as a potential Chesapeake Bay Bridge project gathers public attention.

Because SB 229 is written into the same section of law as the current provisions for only the shore counties, those jurisdictions are concerned that its passage could compromise the current understanding of that law, and what input it affords to any jurisdiction directly affected by a future Bay crossing project.

As you consider this proposal, we hope that you will consider these potential unintended effects on a matter of great importance to the shore counties. MACo would suggest that were any proposal to advance from the Committee, its best path would be to leave the current Transportation Section 4-407 completely intact, and enshrine any new policy regarding projects other than a Bay crossing in a new, stand-alone section of law (perhaps a new Section 4-408) with provisions designed to effect that goal with no potential for interference with the current law.

As always, please do not hesitate to contact me at 410.269.0043 if more information regarding the local effects of this proposed legislation would be helpful to you and the Committee.

Regards,

A handwritten signature in black ink, appearing to read 'Michael Sanderson', is written over a light blue horizontal line.

Michael Sanderson
Executive Director, MACo

CC: The Honorable Susan Lee, Maryland State Senate
The Honorable Members, Finance Committee, Maryland State Senate
Staff, Finance Committee, Maryland State Senate

CLARIFYING AMENDMENT SUGGESTED BY MACo

On page 1, strike in their entirety lines 8 through 12 and substitute:

“BY adding to
Article – Transportation 10 Section 4-408
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement).”

On pages 1 and 2, strike in their entirety the lines beginning with page 1 line 16 down through page 2 line 9, and substitute:

“~~4-408. A STATE AGENCY, INCLUDING THE AUTHORITY, MAY NOT CONSTRUCT ANY TOLL ROAD, TOLL HIGHWAY, OR TOLL BRIDGE WITHOUT THE EXPRESS CONSENT OF A MAJORITY OF THE GOVERNMENTS OF THE AFFECTED COUNTIES.~~”