

Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

Drafted by: Ward

Typed by: Gail

Stored – 10/10/08

Proofread by \_\_\_\_\_

Checked by \_\_\_\_\_

By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Highway User Revenues – Highway Maintenance**

3 **MC 903–09**

4 FOR the purpose of altering the allocation of certain transportation revenues among  
5 political subdivisions; requiring that a certain portion of certain transportation  
6 revenues be allocated to Montgomery County; requiring the State Highway  
7 Administration to transfer to Montgomery County all responsibility for  
8 maintenance of certain State highways located in Montgomery County on or  
9 before a certain date; and generally relating to the allocation of highway user  
10 revenues to political subdivisions and the maintenance of State highways in  
11 Montgomery County.

12 BY repealing and reenacting, without amendments,  
13 Article – Transportation  
14 Section 8–304(a), 8–401(a) and (d), and 8–402  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume)

17 BY repealing and reenacting, with amendments,  
18 Article – Transportation  
19 Section 8–403, 8–404, and 8–405

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



20 Annotated Code of Maryland  
21 (2008 Replacement Volume)

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

24 **Article – Transportation**

25 8–304.

26 (a) The Administration and any political subdivision may agree to transfer  
27 title to, jurisdiction over, or responsibility for maintenance of:

28 (1) A county road to this State; or

29 (2) A State highway to the political subdivision.

30 8–401.

31 (a) In this subtitle the following words have the meanings indicated.

32 (d) “Highway user revenues” means the funds credited to the Gasoline and  
33 Motor Vehicle Revenue Account of the Transportation Trust Fund.

34 8–402.

35 (a) There is a Gasoline and Motor Vehicle Revenue Account in the  
36 Transportation Trust Fund.

37 (b) All revenues collected from the following, after deductions provided by  
38 law, shall be credited to the Gasoline and Motor Vehicle Revenue Account:

39 (1) All of the motor vehicle fuel tax;

40 (2) Except as otherwise provided by law, two-thirds of the vehicle  
41 titling tax;

42                   (3)     Except for revenues collected under Parts III and IV of Title 13,  
43     Subtitle 9 of this article, vehicle registration fees;

44                   (4)     The revenue disbursed to this Account under § 2–614 of the Tax –  
45     General Article; and

46                   (5)     80 percent of the funds distributed on short–term vehicle rentals  
47     under § 2–1302.1 of the Tax – General Article to the Transportation Trust Fund from  
48     the sales and use tax.

49           (c)     (1)     During each fiscal year, the Account shall be used to pay the  
50     allocations of highway user revenues provided by this subtitle to the counties,  
51     municipalities, and Baltimore City; and

52                   (2)     The balance of the Account may be used as provided in § 3–216 of  
53     this article.

54     8–403.

55           (a)     (1)     Subject to [the limitation under paragraph (2) of this subsection  
56     and subject to] §§ 3–307 and 3–308 of this article, during each fiscal year, **12.3%** of  
57     the total highway user revenues[, an amount] shall be distributed to Baltimore City  
58     [equal to the sum of:

59                   (i)     The greater of \$157,500,000 or 11.5% of the total highway  
60     user revenues for the fiscal year; and

61                   (ii)    11.5% of the amount by which:

62                               1.     30% of the total highway user revenues for the fiscal  
63     year minus the greater of \$157,500,000 or 11.5% of total highway user revenues for  
64     the fiscal year; exceeds

65                               2.     30% of the total highway user revenues for the fiscal  
66     year that began July 1, 1997 minus the greater of \$157,500,000 or 11.5% of the total  
67     highway user revenues for the fiscal year that began July 1, 1997].

68           (2)    [If the amount distributed to Baltimore City under paragraph (1)  
69 of this subsection for any fiscal year is less than 12.25% of the total highway user  
70 revenues for the fiscal year, the amount distributed to Baltimore City for any  
71 subsequent fiscal year that begins before July 1, 2007 may not exceed 12.25% of the  
72 total highway user revenues for the fiscal year for which the distribution is made.

73           (3)]   The amount distributed under this subsection shall be distributed  
74 in monthly installments.

75           **(B)   (1)   SUBJECT TO §§ 3-307 AND 3-308 OF THIS ARTICLE, DURING**  
76 **EACH FISCAL YEAR, 12.3% OF THE TOTAL HIGHWAY USER REVENUES SHALL BE**  
77 **ALLOCATED TO MONTGOMERY COUNTY.**

78           **(2)   THE AMOUNT ALLOCATED TO MONTGOMERY COUNTY UNDER**  
79 **PARAGRAPH (1) OF THIS SUBSECTION IS MONTGOMERY COUNTY'S GROSS**  
80 **SHARE OF HIGHWAY USER REVENUES.**

81           **(3)   (I)   FROM MONTGOMERY COUNTY'S GROSS SHARE OF**  
82 **HIGHWAY USER REVENUES, THE ADMINISTRATION SHALL DEDUCT THE AMOUNT**  
83 **OF HIGHWAY USER REVENUES ALLOCATED TO ANY MUNICIPALITY IN THE**  
84 **COUNTY UNDER § 8-405 OF THIS SUBTITLE.**

85                       **(II)   THE RESULTING AMOUNT IS THE COUNTY'S NET SHARE**  
86 **OF HIGHWAY USER REVENUES.**

87           **(4)   THE AMOUNT ALLOCATED TO MONTGOMERY COUNTY UNDER**  
88 **THIS SUBSECTION OR AN AMOUNT ALLOCATED TO A MUNICIPALITY IN**  
89 **MONTGOMERY COUNTY UNDER § 8-405 OF THIS SUBTITLE SHALL BE**  
90 **DISTRIBUTED AT THE TIMES SPECIFIED IN § 8-407 OF THIS SUBTITLE.**

91           **[(b)] (C)   (1)   THIS SUBSECTION DOES NOT APPLY TO MONTGOMERY**  
92 **COUNTY.**

93           **(2)   Subject to §§ 3-307 and 3-308 of this article, during each fiscal**  
94 **year, [30%] 15.4% of the total highway user revenues[, less the amount distributed to**  
95 **Baltimore City under subsection (a) of this section,] shall be distributed to the**  
96 **counties and municipalities of this State at the times specified in § 8-407 of this**  
97 **subtitle.**

98 8-404.

99 (A) **THIS SECTION DOES NOT APPLY TO MONTGOMERY COUNTY.**

100 [(a)] (B) Highway user revenues shall be allocated to the counties:

101 (1) One half on a county road mileage basis, as provided in subsection  
102 [(b)(1)] (C)(1) of this section; and

103 (2) One half on a motor vehicle registration basis, as provided in  
104 subsection [(b)(2)] (C)(2) of this section.

105 [(b)] (C) The Administration shall allocate for the account of each county,  
106 out of the highway user revenues provided for under § 8-403 of this subtitle, its gross  
107 share, to be determined by adding:

108 (1) The amount that results from applying to one half of these  
109 highway user revenues the ratio that, as of December 1 of the preceding calendar year,  
110 the total mileage of county roads in the county bears to the total mileage of county  
111 roads in all of the counties **EXCEPT MONTGOMERY COUNTY**; and

112 (2) The amount that results from applying to one half of these  
113 highway user revenues the ratio that, as of December 1 of the preceding calendar year,  
114 the total number of motor vehicles registered to owners having addresses in the county  
115 bears to the total number of motor vehicles registered to owners in all the counties  
116 **EXCEPT MONTGOMERY COUNTY**.

117 [(c)] (D) The allocation of highway user revenues to a county under  
118 subsection [(b)](C) of this section may not be less than the amount allocated to the  
119 county from highway user revenue sources in the fiscal year that began July 1, 1967.

120 [(d)] (E) From each county's share of highway user revenues determined  
121 under this section, the Administration shall deduct the amount of highway user  
122 revenues allocated to any municipality in the county under § 8-405 of this subtitle.  
123 The resulting amount is the county's net share of highway user revenues.

124 8-405.

125 (a) Any municipality authorized by law to construct or maintain streets or  
126 roads may request its share of the highway user revenues provided under this subtitle  
127 from the Administration. The request shall be made in writing at least 6 months  
128 before the start of the fiscal year in which the funds are desired.

129 (b) During the fiscal year beginning after a request is made, the  
130 Administration shall allocate to the municipality, from the gross share of highway  
131 user revenues allocated under [~~§ 8-404~~] ~~§ 8-403~~ OR ~~§ 8-404~~ of this subtitle to the  
132 county within which the municipality is located, its net share of highway user  
133 revenues, to be determined by adding:

134 (1) The amount that results from applying to one half of the available  
135 revenues the ratio that, as of December 1 of the preceding calendar year, the total  
136 mileage of county roads in the municipality bears to the total mileage of county roads  
137 in the county; and

138 (2) The amount that results from applying to one half of the available  
139 revenues the ratio that, as of December 1 of the preceding calendar year, the total  
140 number of motor vehicles registered to owners having addresses in the municipality  
141 bears to the total number of motor vehicles registered to owners having addresses in  
142 the county.

143 (c) For purposes of the mileage formula distributions under this section, each  
144 special improvement district in Prince George's County in existence in January, 1953,  
145 shall be treated as a municipality, but the amounts distributed shall be:

146 (1) Paid to the county and retained by it as credits to the district; and

147 (2) Applied to the cost of maintaining the streets and roads in the  
148 district so long as the district has any indebtedness.

149 SECTION 2. AND BE IT FURTHER ENACTED, That on July 1, 2009, the  
150 State Highway Administration shall transfer to Montgomery County all responsibility  
151 for maintenance of State highways located in Montgomery County, except for  
152 Interstates 270 and 495.

9lr0563

153           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
154   July 1, 2009.