

Title 11
DEPARTMENT OF TRANSPORTATION
Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY
11.07.05 Public Notice of Toll Schedule Revisions

Authority: Transportation Article, §§4-205, 4-312, 21-1401, 21-1414, and 27-110,
Annotated Code of Maryland

Notice of Proposed Action

[19-158-P]

The Executive Director of the Maryland Transportation Authority proposes to amend Regulations **.01**, **.02**, and **.04**, adopt new Regulation **.05**, and recodify existing Regulation **.05** to be Regulation **.06** under **COMAR 11.07.05 Public Notice of Toll Schedule Revisions**. This action was considered and unanimously approved by the MDTA Board of Directors at their open meeting held on April 25, 2019.

Statement of Purpose

The purpose of this action is to amend COMAR 11.07.05 to include the use of dynamic pricing for tolls, defined as “a method of determining the toll where the toll rate varies in real time to achieve a specified minimum operational metric,” and to define terms and procedures associated with the application of that method.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mary O’Keeffe, Chief of Staff, MDTA, 2310 Broening Highway, Baltimore, MD 21224, or call 410-537-1080, or email to mokeeffe@mdta.state.md.us, or fax to 410-537-5653. Comments will be accepted through September 16, 2019. A public hearing has not been scheduled.

.01 Scope.

This chapter applies to increase of tolls, certain fees, mileage rates, pricing periods, dynamic pricing, frequency of use, and commuter programs that apply to Authority highways or transportation facilities projects.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) — (2) (text unchanged)

(3) *“Dynamic pricing” means a method of calculating the toll where the dynamic pricing mileage rate varies within the approved toll rate range in real time.*

(4) *“Dynamic pricing mileage rate” means the amount per mile used to calculate the toll within the approved toll rate range on a variably priced facility with dynamic pricing.*

[(3)] (5) — [(5)] (7) (text unchanged)

(8) *“Pricing period” means the hours of the day, or portions thereof, and days of the week or special days such as holidays during which a time of day pricing mileage rate is in effect on a variably priced toll facility.*

(9) *“Time of day pricing” means a method of calculating the toll where the toll varies according to a fixed, advertised schedule depending on the time of day pricing mileage rate in effect for a pricing period and toll zone.*

[(6)] (10) *“Time of day pricing mileage rate” means the amount per mile used to calculate the tolls on [charged for] a variably priced toll facility with time of day pricing.*

[(7)] *“Pricing period” means the hours of the day and days of the week or special days such as holidays during which a mileage rate is in effect on a variably priced toll facility.*

[(8)] (11) (text unchanged)

(12) *“Toll facility operator” means a third party other than the Authority authorized to operate a toll facility under a contract.*

(13) *“Toll rate range” means the approved minimum and maximum toll rates as approved by the Authority.*

[(9)] (14) (text unchanged)

(15) *“Tolling algorithm” means an automated program or mathematical formula that utilizes real-time traffic data, predicted traffic patterns, any other selected data points or information, or any combination to adjust dynamic pricing mileage rates.*

[(10)] (16) *“Variably priced toll facility” means an Authority highway or transportation facilities project where travel on some or all lanes is subject to a toll [charge] that varies [in some fashion at different times of day] based on time of day pricing or dynamic pricing.*

.04 Procedures for Increases on Variably Priced Toll Facilities Using Time of Day Pricing.

A. (text unchanged)

B. The Executive Director may set or adjust the time of day pricing mileage rate, pricing period, or toll zones consistent with the [ranges] *toll rate range* established by the Authority in accordance with §A of this regulation. The Authority shall post notice of such action by the Executive Director on the Authority’s official website at least 10 days prior to the effective date.

.05 Procedures for Increases on Variably Priced Toll Facilities Using Dynamic Pricing.

A. *The Chairman and members of the Authority shall comply with the provisions established in Transportation Article, §4-312, Annotated Code of Maryland.*

B. *The Authority may, in accordance with §A of this regulation, establish a toll rate range with respect to the dynamic pricing mileage rate for any variably priced toll facility with dynamic pricing. A toll rate range established by the Authority in accordance with §A of this regulation may distinguish among classes of users and may be automatically adjusted from time to time according to an index, escalation factor identified by the Authority, or any combination, at the time such toll range is established.*

C. *The Executive Director may, or may contract with a toll facility operator to, adopt or create a tolling algorithm to adjust the dynamic pricing mileage rate and calculate the actual toll, provided that at all times such dynamic pricing mileage rate is within the toll rate range established by the Authority.*

D. *The Authority may, but is not required to, authorize the Executive Director to include in any contract entered into with a toll facility operator further limitations on the means and extent to which the dynamic pricing mileage rate may be adjusted from time to time, provided that at all times such dynamic pricing mileage rate remains within the toll rate range established by the Authority.*

JAMES F. PORTS, JR.
Executive Director