



OFFICE OF THE COUNTY ATTORNEY

Douglas M. Duncan
County Executive

Charles W. Thompson, Jr.
County Attorney

MEMORANDUM

TO: Arthur Holmes, Director
Department of Public Works and Transportation

FROM: Edward B. Lattner *EBL*
Associate County Attorney

DATE: April 26, 2005

RE: **Responsibility For Setting Transportation Management Fees**

You have asked whether the County Executive is still responsible for setting transportation management fees in light of Bill 16-04, which gives the County Council a lead role in setting certain transportation-related fees. The County Executive is still responsible for setting transportation management fees because § 42A-29 authorizes the Executive to set those fees by executive regulation and Bill 16-04 does not apply where another law governs.

In July 2004, the Council passed, and the County Executive signed, Bill 16-04, which gave the Council a lead role setting “fees, charges, and fares for any transportation or transportation-related service or product provided the Department” of Public Works and Transportation. Before Bill 16-04, the County Council allowed the County Executive to set these fees unilaterally. These fees include bus fares, vehicle impoundment costs, parking fees, residential parking permit area application fees, fines for violations of Chapter 31 (motor vehicles and traffic), and parking ticket late fees.

Bill 16-04 contains a saving clause that states that it does not apply where “any law expressly requires a different result.” One such law is § 42A-29, which authorizes the County Executive to set transportation management fees by executive regulation. Bill 16-04 does not purport to amend Chapter 42A of the County Code, which sets out the County Executive’s authority to impose transportation management fees. Thus, Bill 16-04 does not affect the Executive’s authority to set transportation management fees under § 42A-29.

Finally, there is some doubt whether transportation management fees even fit within the category of fees described by Bill 16-04 because they are not “fees, charges, and fares for any transportation or transportation-related service or product provided the Department.”

Arthur Holmes
April 26, 2005
Page 2

If you have any questions, please do not hesitate to call.

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cc: Sandra Brecher, Administrator, DPWT/DTS/Commuter Services
✓ Marc P. Hansen, Chief, General Counsel Division
Eileen Basaman, Associate County Attorney

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