

HOUSE BILL 1238

R2

0lr2570

By: **Delegates Williams and Valentino-Smith**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Magnetic Levitation Projects – Requirements**

3 FOR the purpose of establishing that a certain transportation project involving a magnetic
4 levitation propulsion system may not be constructed and the State may not authorize
5 the use of or access to a State-owned right-of-way or State property for the project
6 without the consent of a majority of the governing bodies of the affected counties
7 given after the project owner provides the affected counties with a complete listing
8 of any private property that will need to be condemned as part of the project;
9 requiring a project owner to provide to each governing body of an affected county a
10 bond that is subject to certain requirements; providing for the application of this Act;
11 and generally relating to requirements for transportation projects involving a
12 magnetic levitation propulsion system.

13 BY adding to

14 Article – Transportation

15 Section 9–101 to be under the new title “Title 9. Railroads”

16 Annotated Code of Maryland

17 (2015 Replacement Volume and 2019 Supplement)

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

20 **Article – Transportation**

21 **TITLE 9. RAILROADS.**

22 **9–101.**

23 **(A) THIS SECTION APPLIES TO A PRIVATELY OWNED TRANSPORTATION**
24 **PROJECT IN THE STATE THAT INCLUDES THE CONSTRUCTION OF A RAILROAD**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 POWERED BY A MAGNETIC LEVITATION PROPULSION SYSTEM.

2 (B) NOTWITHSTANDING ANY OTHER LAW, A PROJECT MAY NOT BE
3 CONSTRUCTED AND THE STATE MAY NOT AUTHORIZE THE USE OF OR ACCESS TO A
4 STATE-OWNED RIGHT-OF-WAY OR STATE PROPERTY FOR A PROJECT UNLESS:

5 (1) THE PROJECT OWNER PROVIDES THE AFFECTED COUNTIES WITH
6 A COMPLETE LISTING OF ANY PRIVATE PROPERTY THAT WILL NEED TO BE
7 CONDEMNED AS PART OF THE PROJECT; AND

8 (2) AFTER RECEIVING THE INFORMATION REQUIRED UNDER ITEM (1)
9 OF THIS SUBSECTION, A MAJORITY OF THE GOVERNING BODIES OF THE AFFECTED
10 COUNTIES GIVE EXPRESS CONSENT FOR THE PROJECT.

11 (C) A PROJECT OWNER SHALL PROVIDE TO EACH GOVERNING BODY OF AN
12 AFFECTED COUNTY A BOND THAT IS:

13 (1) PAYABLE TO THE AFFECTED COUNTY;

14 (2) ISSUED BY AN APPROVED SURETY;

15 (3) IN A FORM DETERMINED BY THE AFFECTED COUNTY;

16 (4) CONDITIONED ON THE PROJECT OWNER COVERING ANY
17 LIABILITY FOR DAMAGES TO LAND OR INFRASTRUCTURE THAT IS DIRECTLY:

18 (I) CAUSED BY THE CONSTRUCTION OR OPERATION OF THE
19 PROJECT; OR

20 (II) RELATED TO PROJECT FAILURE; AND

21 (5) IN AN AMOUNT BASED ON AN INDEPENDENT ANALYSIS
22 COMMISSIONED BY THE AFFECTED COUNTY OF THE POTENTIAL COST OF THE
23 LIABILITY FOR DAMAGES REQUIRED TO BE COVERED UNDER ITEM (4) OF THIS
24 SUBSECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
26 1, 2020.