

SENATE BILL 1013

R2, C5

2lr3316
CF 2lr3319

By: **Senators Beidle, Augustine, and Hayes**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 25, 2022

Assigned to: Budget and Taxation and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Magnetic Levitation Transportation Systems – Rapid Rail**
3 **Local Development Councils**

4 FOR the purpose of requiring a railroad company that acquires property by condemnation
5 for a magnetic levitation transportation system to pay a certain percentage of the
6 acquisition cost to a local development council; authorizing the governing body of
7 certain counties to establish a rapid rail local development council; requiring a rapid
8 rail local development council to distribute funds in a certain manner; and generally
9 relating to property acquired by condemnation for a magnetic levitation
10 transportation system.

11 BY repealing and reenacting, with amendments,
12 Article – Public Utilities
13 Section 5–407
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2021 Supplement)

16 BY adding to
17 Article – Transportation
18 Section 7–904
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2021 Supplement)

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

23 **Article – Public Utilities**

24 5–407.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) A railroad company and the municipal corporation, public officer, or public
2 authority that owns or has control of any road, street, alley, or other public way or ground
3 necessary to locate any part of the railroad may agree on the manner, terms, and conditions
4 allowing the railroad company to use or occupy the road, street, alley, or other public way
5 or ground.

6 (b) (1) [If] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF the
7 parties are unable to agree and the railroad company needs to use or occupy the road, street,
8 alley, or other public way or ground, the railroad company may acquire the property by
9 condemnation in accordance with Title 12 of the Real Property Article.

10 (2) A RAILROAD COMPANY THAT ACQUIRES PROPERTY BY
11 CONDEMNATION IN ACCORDANCE WITH TITLE 12 OF THE REAL PROPERTY ARTICLE
12 FOR A MAGNETIC LEVITATION TRANSPORTATION SYSTEM LOCATED OR TO BE
13 LOCATED IN THE STATE SHALL PAY AN ADDITIONAL AMOUNT EQUAL TO 25% OF THE
14 ACQUISITION COST OF THE PROPERTY TO A RAPID RAIL LOCAL DEVELOPMENT
15 COUNCIL ESTABLISHED IN ACCORDANCE WITH § 7-904 OF THE TRANSPORTATION
16 ARTICLE.

17 (c) (1) A railroad company that lays track on any public street, road, alley, or
18 other public way or ground is responsible for any damage done by the location of the track
19 to private property on or near the public way or ground.

20 (2) The owner of the private property shall bring a civil action for damages
21 under this subsection within 2 years after the completion of the track.

22 (d) A railroad company may not pass through Baltimore City without the consent
23 of the Mayor and City Council.

24 Article – Transportation

25 7-904.

26 (A) THE GOVERNING BODY OF A COUNTY WHERE A RAILROAD COMPANY
27 ACQUIRES PROPERTY BY CONDEMNATION FOR A MAGNETIC LEVITATION
28 TRANSPORTATION SYSTEM LOCATED OR TO BE LOCATED IN THE STATE MAY
29 ESTABLISH A RAPID RAIL LOCAL DEVELOPMENT COUNCIL.

30 (B) A RAPID RAIL LOCAL DEVELOPMENT COUNCIL SHALL CONSIST OF THE
31 FOLLOWING MEMBERS:

32 (1) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT
33 OF THE SENATE;

1 **(2) THREE MEMBERS OF THE HOUSE, APPOINTED BY THE SPEAKER**
2 **OF THE HOUSE;**

3 **(3) SEVEN RESIDENTS OF THE COUNTY, SELECTED BY THE**
4 **GOVERNING BODY OF THE COUNTY; AND**

5 **(4) FOUR BUSINESS OWNERS, SELECTED BY THE GOVERNING BODY**
6 **OF THE COUNTY.**

7 **(c) (1) A RAPID RAIL LOCAL DEVELOPMENT COUNCIL SHALL DISTRIBUTE**
8 **FUNDS PAID TO THE COUNCIL UNDER § 5-407 OF THE PUBLIC UTILITIES ARTICLE**
9 **FOR COMMUNITY PROJECTS WITHIN A 5-MILE RADIUS OF A PROPERTY A RAILROAD**
10 **COMPANY ACQUIRES BY CONDEMNATION FOR A MAGNETIC LEVITATION**
11 **TRANSPORTATION SYSTEM LOCATED OR TO BE LOCATED IN THE STATE.**

12 **(2) A RAPID RAIL LOCAL DEVELOPMENT COUNCIL MAY DISTRIBUTE**
13 **FUNDS TO:**

14 **(i) A NONPROFIT ORGANIZATION;**

15 **(ii) A SCHOOL;**

16 **(iii) A FAITH-BASED ORGANIZATION; OR**

17 **(iv) A COMMUNITY ASSOCIATION IN GOOD STANDING WITH THE**
18 **STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2022.