C5, N1 8lr1110

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Introduced and read first time: January 26, 2018 Assigned to: Environment and Transportation

A BILL ENTITLED

1	AN ACT concerning
2	Railroad Companies - Condemnation Authority - Application
3	FOR the purpose of establishing that certain authority of railroad companies to acquire
4	property by condemnation does not apply to an entity that owns or operates certain
5	modes of transportation.
6	BY repealing and reenacting, without amendments,
7	Article – Public Utilities
8	Section 5–405 through 5–408
9	Annotated Code of Maryland
10	(2010 Replacement Volume and 2017 Supplement)
11	BY repealing and reenacting, with amendments,
12	Article – Public Utilities
13	Section 5–409
14	Annotated Code of Maryland
15	(2010 Replacement Volume and 2017 Supplement)
16	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17	That the Laws of Maryland read as follows:

Article - Public Utilities

19 5–405.

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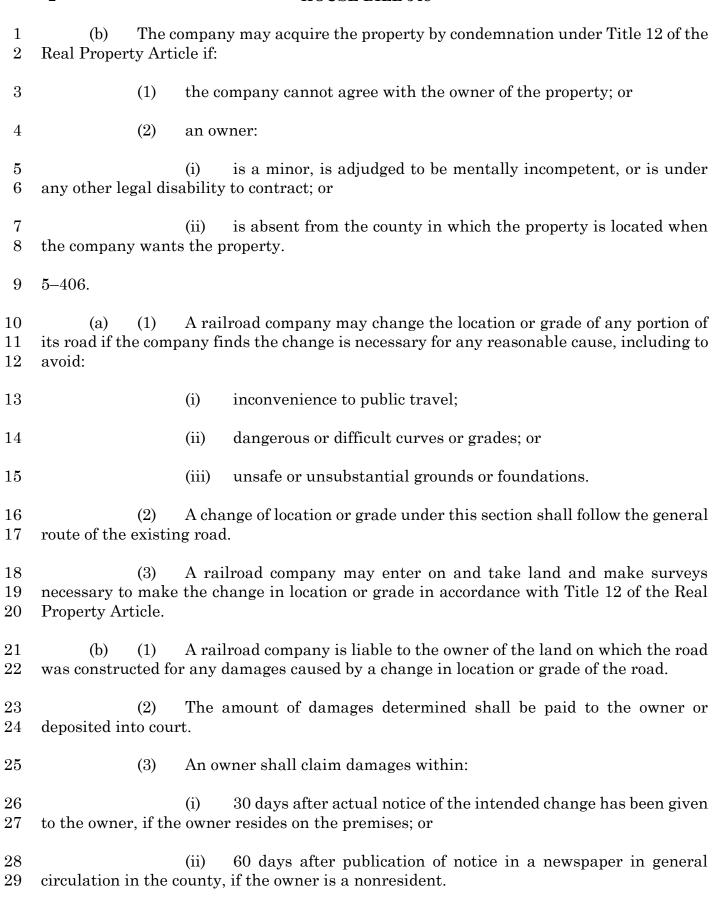
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20 (a) A railroad company or its authorized agent may agree with the owner to purchase, use, occupy, or divert the owner's land, earth, gravel, stone, timber, streams, 22 materials, or improvements that the company wants for the proper construction or repair of the railroad company's roads or works.



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(c)



If a railroad company condemns land under this section, the condemnation is

- binding on the company, unless the company chooses to abandon the location within 30 days after making the condemnation.
- 3 5–407.
- 4 (a) A railroad company and the municipal corporation, public officer, or public authority that owns or has control of any road, street, alley, or other public way or ground necessary to locate any part of the railroad may agree on the manner, terms, and conditions allowing the railroad company to use or occupy the road, street, alley, or other public way or ground.
- 9 (b) If the parties are unable to agree and the railroad company needs to use or occupy the road, street, alley, or other public way or ground, the railroad company may acquire the property by condemnation in accordance with Title 12 of the Real Property Article.
- 13 (c) (1) A railroad company that lays track on any public street, road, alley, or 14 other public way or ground is responsible for any damage done by the location of the track 15 to private property on or near the public way or ground.
- 16 (2) The owner of the private property shall bring a civil action for damages 17 under this subsection within 2 years after the completion of the track.
- 18 (d) A railroad company may not pass through Baltimore City without the consent 19 of the Mayor and City Council.
- 20 5–408.
- The power of a railroad company to condemn land and other property under this subtitle includes the power to condemn, for railroad purposes, private crossings or ways and land and other property to provide substitute outlets.
- 24 5–409.
- (A) [Sections] SUBJECT TO SUBSECTION (B) OF THIS SECTION, §§ 5–405, 26 5–406, and 5–407 of this subtitle apply to all railroads operated by electricity, cable, or other improved motive power, whether the property proposed to be condemned is located in a county or Baltimore City, where streets and alleys have not been opened and occupied as city streets.
- 30 (B) SECTIONS 5–405 THROUGH 5–408 OF THIS SUBTITLE DO NOT APPLY TO 31 AN ENTITY THAT OWNS OR OPERATES:
- 32 (1) A RAILROAD POWERED BY A MAGNETIC LEVITATION PROPULSION 33 SYSTEM; OR

HOUSE BILL 548

- 1 (2) PASSENGER OR FREIGHT TRANSPORTATION FOR WHICH 2 PRESSURIZED CAPSULES OR PODS TRAVEL AT HIGH SPEED IN REDUCED-PRESSURE 3 TUBES ON A THIN LAYER OF PRESSURIZED AIR OR OTHER GAS.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.