

HOUSE BILL 1742

C5

8lr3800

By: **Delegates Beidle, Barron, Chang, Healey, Holmes, Pena–Melnyk, and Valentino–Smith**

Introduced and read first time: February 21, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Railroad Companies – Magnetic Levitation (MAGLEV) Projects – County**
3 **Approval**

4 FOR the purpose of prohibiting a railroad company from constructing, building, or locating
5 any railroad facility for a railroad powered by a magnetic levitation propulsion
6 system in any county without the consent of the county governing body; and
7 generally relating to county approval for magnetic levitation (MAGLEV) projects.

8 BY repealing and reenacting, with amendments,

9 Article – Public Utilities

10 Section 5–407

11 Annotated Code of Maryland

12 (2010 Replacement Volume and 2017 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Public Utilities**

16 5–407.

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

22 (b) If the parties are unable to agree and the railroad company needs to use or
23 occupy the road, street, alley, or other public way or ground, the railroad company may
24 acquire the property by condemnation in accordance with Title 12 of the Real Property

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article.

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

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

7 (d) (1) A railroad company may not pass through Baltimore City without the
8 consent of the Mayor and City Council.

9 (2) **A RAILROAD COMPANY MAY NOT CONSTRUCT, BUILD, OR LOCATE**
10 **ANY RAILROAD FACILITY FOR A RAILROAD POWERED BY A MAGNETIC LEVITATION**
11 **PROPULSION SYSTEM IN ANY COUNTY WITHOUT THE CONSENT OF THE COUNTY**
12 **GOVERNING BODY.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2018.