

May 25, 2018

The Honorable Michael E. Busch  
Speaker of the House  
State House  
Annapolis, Maryland 21401

Dear Speaker Busch:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 548 – *Privately Owned Transportation Projects – Construction and Authorization to Use State-Owned Rights-of-Way and Property – Requirements*.

The provisions of House Bill 548 as passed by the General Assembly were drafted in the waning hours of sine die. There was no meaningful opportunity for public input or scrutiny of the language in this bill. As a threshold matter, should this legislation become law, it is likely to conflict with or be preempted by federal law and regulation.

Enactment of this legislation will cripple the State's ability to deliver projects that connect Marylanders to regional jobs and opportunities, including any future efforts to increase passenger rail capacity along the Northeast Corridor. For example, the provisions of House Bill 548 could very well have impeded improvements to the Baltimore & Potomac Tunnel had the legislation been enacted prior to the development of that project, which would have had a significant negative impact on commuter rail service and transit service overall.

Alarming, this hastily drafted, last-minute legislation may impact several other vital projects, including the Howard Street Tunnel, our transformative public-private partnership Traffic Relief Plan, and the proposed Loop project as presented by Mr. Elon Musk's Boring Company. This ill-conceived legislation would place statutory hurdles in the way of these projects, but not others, in a thinly veiled attempt to pick winners and losers among private sector industries.

The practical impact of this legislation would be to stifle progress on innovative transportation solutions that have not yet moved beyond the very earliest of concept and planning phases. Maryland is gaining a strong reputation as being open for business when it comes to global transportation solutions. By enacting this cynical and destructive effort to constrain these projects, the State would weaken its position as a transformative leader in this field while thwarting potential transit and freight options for Maryland's citizens.

I have made it a top priority for my Administration to deliver a high-quality statewide transportation network that serves all Marylanders. To that end, I have pledged to repair or replace all structurally deficient bridges, I have approved the largest P3 Transit project in the nation, I continue to look for innovative transit and highway solutions for the traveling public and have moved forward on long-delayed transportation projects in all parts of the State. The Maryland Department of Transportation under my Administration has more projects under construction than at any other time in Maryland's history.

We cannot afford, as a State alone and as an integral regional player, to suppress innovative solutions to our most challenging transportation problems. The Mid-Atlantic and Northeast Corridors are desperate to resolve the transportation issues of the future. By suppressing new solutions before they have the chance to prove their value, Maryland would be signaling to the regional, national and global community that we are unable and unwilling to be a partner in solving our greatest challenges.

For these reasons, I have vetoed House Bill 548.

Sincerely,

Lawrence J. Hogan, Jr.  
Governor