

HOUSE BILL 704

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EMERGENCY BILL

11r0906

By: **Delegate Ivey**

Introduced and read first time: January 26, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Magnetic Levitation Transportation System Siting**
3 **(Maryland Stop the Maglev Act of 2021)**

4 FOR the purpose of prohibiting a person from constructing a magnetic levitation
5 transportation system within a certain distance of certain property; prohibiting units
6 of State and local government from taking certain actions related to the construction
7 of a magnetic levitation transportation system within a certain distance of certain
8 property; establishing that the prohibitions under this Act do not apply under certain
9 circumstances; authorizing counties to adopt local laws for the use of certain land
10 under certain circumstances; defining certain terms; making this Act an emergency
11 measure; and generally relating to land use and magnetic levitation transportation
12 systems.

13 BY renumbering

14 Article – Land Use
15 Section 1–401(b)(16) through (27), respectively
16 to be Section 1–401(b)(17) through (28), respectively
17 Annotated Code of Maryland
18 (2012 Volume and 2020 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Land Use
21 Section 1–101(a) and (c) through (e), 1–401(a) and (c), and 1–402
22 Annotated Code of Maryland
23 (2012 Volume and 2020 Supplement)

24 BY adding to

25 Article – Land Use
26 Section 1–401(b)(16) and 4–215
27 Annotated Code of Maryland
28 (2012 Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That Section(s) 1–401(b)(16) through (27), respectively, of Article – Land Use of the
3 Annotated Code of Maryland be renumbered to be Section(s) 1–401(b)(17) through (28),
4 respectively.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
6 as follows:

7 **Article – Land Use**

8 1–101.

9 (a) In this division the following words have the meanings indicated.

10 (c) “Charter county” means a county that has adopted charter home rule under
11 Article XI–A of the Maryland Constitution.

12 (d) “Code county” means a county that has adopted code home rule under Article
13 XI–F of the Maryland Constitution.

14 (e) “County” means a county of the State or Baltimore City.

15 1–401.

16 (a) Except as provided in this section, this division does not apply to charter
17 counties.

18 (b) The following provisions of this division apply to a charter county:

19 **(16) § 4–215 (MAGLEV SITING RESTRICTIONS);**

20 (c) This section supersedes any inconsistent provision of Division II of this article.

21 1–402.

22 (a) In addition to the powers the county may have had under this division before
23 adopting code home rule, a code county may exercise the powers relating to land use stated
24 in Title 10 of the Local Government Article.

25 (b) A code county that chooses to exercise the powers relating to land use stated
26 in Title 10 of the Local Government Article shall be treated as a charter county for purposes
27 of § 1–401 of this subtitle.

28 **4–215.**

1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
2 **INDICATED.**

3 **(2) “MAGNETIC LEVITATION TRANSPORTATION SYSTEM” INCLUDES A**
4 **FACILITY OR STRUCTURE INCIDENT TO THE CONSTRUCTION OR OPERATION OF A**
5 **MAGNETIC LEVITATION TRANSPORTATION SYSTEM.**

6 **(3) “PROTECTED PROPERTY” MEANS:**

7 **(I) A LOT WHERE A RESIDENCE IS LOCATED;**

8 **(II) A WATERFRONT PARK;**

9 **(III) PROPERTY OWNED BY THE FEDERAL GOVERNMENT;**

10 **(IV) A NATIONAL PARK; OR**

11 **(V) A FOREST PRESERVE.**

12 **(4) “WATERFRONT PARK” MEANS A STATE, LOCAL, OR REGIONAL**
13 **PARK THAT:**

14 **(I) CONSISTS, IN WHOLE OR IN PART, OF COASTAL OR RIVERINE**
15 **LANDS OF THE STATE;**

16 **(II) IS DESIGNED FOR THE PURPOSE OF:**

17 **1. FLOOD MITIGATION; OR**

18 **2. RESOURCE CONSERVATION; AND**

19 **(III) MAY INCLUDE AN EDUCATIONAL, ENTERTAINMENT, OR**
20 **RECREATIONAL FACILITY.**

21 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:**

22 **(1) A PERSON MAY NOT CONSTRUCT A MAGNETIC LEVITATION**
23 **TRANSPORTATION SYSTEM WITHIN 2 MILES OF A PROTECTED PROPERTY; AND**

24 **(2) A STATE, REGIONAL, OR LOCAL GOVERNMENTAL UNIT MAY NOT**
25 **APPROVE A PROPOSAL FOR THE CONSTRUCTION, OR APPROVE CONDEMNATION OF**
26 **PROPERTY FOR THE CONSTRUCTION, OF A MAGNETIC LEVITATION**
27 **TRANSPORTATION SYSTEM WITHIN 2 MILES OF A PROTECTED PROPERTY.**

1 **(C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO PROPERTY THAT**
2 **IS NOT PROTECTED PROPERTY BEFORE THE DATE THAT A PERSON OBTAINS ALL**
3 **REQUIRED APPROVALS UNDER FEDERAL, STATE, AND LOCAL LAW TO BEGIN**
4 **CONSTRUCTION OF A MAGNETIC LEVITATION TRANSPORTATION SYSTEM.**

5 **(D) THE COUNTY COUNCIL, COUNTY COMMISSIONERS, OR CITY COUNCIL OF**
6 **BALTIMORE CITY, AS APPROPRIATE, MAY ADOPT LOCAL LAWS FOR THE USE OF**
7 **LAND WITHIN 2 MILES OF A MAGNETIC LEVITATION TRANSPORTATION SYSTEM THAT**
8 **IS UNDER CONSTRUCTION OR IN OPERATION.**

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
10 measure, is necessary for the immediate preservation of the public health or safety, has
11 been passed by a ye and nay vote supported by three-fifths of all the members elected to
12 each of the two Houses of the General Assembly, and shall take effect from the date it is
13 enacted.