

March 5, 2020

The Honorable Kumar P. Barve
Chair, House Environment and Transportation Committee
Maryland General Assembly
251 House Office Building
6 Bladen Street
Annapolis, MD 21401

HB1238

RE: HB1238

POSITION: OPPOSE

Dear Chairman Barve, Vice Chair Stein and members of the Committee,

Baltimore-Washington Rapid Rail strongly OPPOSES HB1238.

As the Department of Legislative Services said in their Fiscal Note, this bill **could result in the delay or cancellation of the proposed Baltimore-Washington Superconducting Magnetic Levitation (SCMAGLEV) Project.** We agree. This legislation seeks to severely limit Baltimore Washington Rapid Rail's lawfully undertaken transportation project by way of requiring that the State withhold access to, or use of, State property unless unspecified county "governing bodies" give express consent for the Project. This legislation further attempts to stop the SCMAGLEV project by levying unprecedented, vaguely defined and unlimited bond requirements on the project owner.

HB1238 is designed to circumvent the administrative processes put in place governing use and disposition of state land and utilities (where franchise authority is granted by the Public Service Commission). After review, public notice and hearing. BWRR undertook this public process resulting in the granting of a railroad franchise by the Maryland Public Service Commission in October, 2015. In granting the railroad franchise, the **Maryland PSC found that "the construction and operation of the SCMAGLEV between Washington, DC and Baltimore will result in substantial economic and social benefits to the State (of Maryland) and Baltimore and be consistent with the State's environmental laws and policies enacted or adopted to reduce harmful emissions for cleaner air and address the causes of climate change,"** and that awarding a franchise to facilitate in development of the SCMAGLEV was **"in the public convenience and necessity."**

As written, the legislation acts to give unspecified county governing bodies unchecked ability to approve or disapprove of the Project and require any form and amount of bond coverage for any unspecified land or infrastructure damage.

HB1238 is an intervention into a project that is following the rules and regulatory framework. This bill would render as useless the years of collaborative state, federal and international effort to address a critical unmet need for safe, efficient, high speed travel along the entire Northeast Corridor.



Baltimore Office
6 South Gay Street
Baltimore, MD 21202
(443) 759-8360

We believe the system and the current laws should be allowed to work. It is bad public policy to intervene through lawmaking to circumvent the administrative and regulatory process being undertaken by over 30 agencies, targeted at a single project. Concerns of the public are being addressed and will continue to be addressed through an established public process that will last another two years, including many more opportunities for public hearing and input.

BWRR is committed to working with the state, landowners and communities in order to minimize impacts of the proposed SCMAGLEV project. Indeed, a route has been found that would result in no takings of residential homes.

There are adequate remedies at law for anyone who causes damage to property. Any construction contractor would be fully insured.

It is extremely important that we let the normal regulatory and legal processes in place work and do not set a precedent of upsetting current laws, not to address a problem, but to single out a project for unfair treatment.

We strongly recommend that HB1238 be provided a **negative report**.

Sincerely,

Wayne L. Rogers
Chairman/CEO