

**ANTHONY G. BROWN**  
*Attorney General*



**CANDACE MCLAREN LANHAM**  
*Chief of Staff*

**CAROLYN A. QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.  
(410) 576-7036

WRITER'S DIRECT DIAL NO.  
(410) 576-6584

January 31, 2023

**TO:** The Honorable Ben Barnes  
Chair, Appropriations Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** HB 0074 Transportation – Maryland Rail Authority – Establishment  
(Maryland Rail Investment Act of 2023) (Letter of Information)

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The Office of Attorney General (“OAG”) takes no position on the underlying merits of House Bill 74. This Letter of Information is limited to observing that under proposed § 9-210 of HB 74, the legislation provides that the newly established “Rail Authority shall employ a general counsel who serves at the pleasure of the Secretary.” Under current law, our Office employs Assistant Attorneys General and a Principal Counsel who advise the Department of Transportation and its many modalities (e.g. Aviation Administration, Motor Vehicle Administration, Port Administration, State Highway Administration, Transit Administration, and Transportation Authority).

Having the OAG provide representation and advice to all of the modal administrations within the Department of Transportation has helped ensure consistency in the legal advice provided on the same or similar matters. If HB 74 were enacted with § 9-210 in its current form, the OAG would be advising the Secretary on MDOT matters (which may encompass the new Railroad Authority), and that advice may conflict with the advice provided by the newly authorized general counsel. We believe that such an occurrence would be suboptimal for both the MDOT and its new Rail Authority.

We hope that this information is useful to the bill Sponsor, Delegate Korman, and the Appropriations Committee Members.

cc: The Honorable Marc Korman and Committee Members