
By: **Chairman, Commerce and Government Matters**
Committee (Departmental - Transportation)

Introduced and read first time: January 23, 1998
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Mass Transit Administration - Right and Liabilities of Civil Engineers**

3 FOR the purpose of authorizing the Mass Transit Administration and its agents to
4 enter upon private property to conduct certain environmental and engineering
5 studies under certain circumstances; requiring certain actions by the
6 Administration under certain circumstances; and generally relating to the
7 powers of the Mass Transit Administration to enter private property.

8 BY repealing and reenacting, with amendments,
9 Article - Real Property
10 Section 12-111(g)
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1997 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Real Property**

16 12-111.

17 (g) (1) IN THIS SUBSECTION, "ADMINISTRATION" MEANS THE STATE
18 HIGHWAY ADMINISTRATION OR THE MASS TRANSIT ADMINISTRATION.

19 (2) The [State Highway] Administration, its agents, employees, and
20 consultants may enter upon private property to conduct environmental and
21 engineering studies, including soil boring and excavation, necessary to determine the
22 suitability of the property for Administration use. Entry onto private property for
23 these purposes shall not be undertaken without prior consent of the property owner.
24 If, after real and bona fide effort, the consent of the property owner cannot be secured,
25 the Administration may apply to a law or equity court where the property or any part
26 of it is located for an order directing that entry be permitted. "Bona fide effort" shall
27 include either 30 days advance notice in writing by certified mail return receipt
28 requested to the last known address of the property owner or posting notice on the

1 property not less than 30 days in advance, and such other requirements as the court
2 may deem appropriate. The Administration, when removing, displacing, boring, or
3 excavating soil under the provisions of this section, shall replace the topsoil in a
4 manner which will approach the level of compaction and contour as when removed.
5 The Administration shall reimburse the landowner or lessee who is farming the
6 property for agricultural products destroyed or damaged by its agents, employees, or
7 consultants. The Administration shall be responsible for any other damages that may
8 be incurred as a result of such entry on private property.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 1998.