

HOUSE BILL 1348

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R2

1998 Regular Session  
8lr6156  
CF 8lr2476

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

Introduced and read first time: February 24, 1998  
Assigned to: Rules and Executive Nominations  
Re-referred to: Commerce and Government Matters, March 2, 1998

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 27, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Port Land Use Development**

3 FOR the purpose of establishing a Port Land Use Development Zone and an Advisory  
4 Council for port land use development; providing for the appointment of  
5 members to the Advisory Council; providing for the terms and conditions of  
6 members on the Advisory Council; establishing the responsibilities and duties of  
7 the Advisory Council; creating a Port Land Use Development Office within the  
8 Maryland Department of Transportation; providing for the responsibilities and  
9 duties of the Office; ~~requiring a certain report~~ certain reports; providing for the  
10 effective date of this Act; defining certain terms; and generally relating to port  
11 land use development.

12 BY renumbering  
13 Article - Transportation  
14 Section 6-501 and 6-502 and the subtitle "Subtitle 5. Liberal Construction;  
15 Penalties", respectively  
16 to be Section 6-601 and 6-602 and the subtitle "Subtitle 6. Liberal Construction;  
17 Penalties", respectively  
18 Annotated Code of Maryland  
19 (1993 Replacement Volume and 1997 Supplement)

20 BY adding to  
21 Article - Transportation  
22 Section 6-501 through 6-504, inclusive, to be under the new subtitle "Subtitle 5.  
23 Port Land Use Development"

1 Annotated Code of Maryland  
2 (1993 Replacement Volume and 1997 Supplement)

3 Preamble

4 WHEREAS, The Port of Baltimore has experienced major changes in land use  
5 during the past 25 years impacting the economies of Baltimore City, Eastern  
6 Baltimore County, and Northern Anne Arundel County; and

7 WHEREAS, As a result of the deindustrialization of Baltimore City, important  
8 tracts of water-dependent and water-accessible land have fallen fallow and with the  
9 abundance of greenfield suburban sites, there was little incentive to infill and  
10 redevelop urban waterfront properties once they became fallow; and

11 WHEREAS, The evolution of the Port of Baltimore's competitive strategy has  
12 dictated that a new port land use strategy be developed; and

13 WHEREAS, Governor Parris N. Glendening through his Smart Growth and  
14 Neighborhood Conservation initiatives, has reinforced State policy so as to preserve  
15 existing neighborhoods and agricultural, natural, and rural resources and to provide  
16 for investment in the revitalization of older neighborhoods and concentrated  
17 development; and

18 WHEREAS, In 1996, as part of the Smart Growth effort, Governor Parris N.  
19 Glendening established the Port Land Use Task Force to undertake an in-depth  
20 analysis and inventory of land, land uses, and the challenges facing effective  
21 redevelopment of these waterfront assets, including the study of environmental  
22 contamination, inconsistent zoning, variations in land use planning between  
23 jurisdictions, regulatory impediments to land reuse, capital availability, and existing  
24 economic development initiatives; and

25 WHEREAS, After studying the problems inhibiting port land development,  
26 the Task Force identified the need for an ongoing multijurisdictional advisory council  
27 to promote and manage port land use and development; and

28 WHEREAS, After passage by the General Assembly on February 25, 1997,  
29 Governor Glendening signed into law Chapters 1 and 2 of the Laws of Maryland of  
30 1997 identical bills which begin the implementation of several of the Port Land Use  
31 Task Force recommendations and which establish two programs designed to make it  
32 easier to redevelop contaminated properties in Maryland, including property in the  
33 vicinity of the Port of Baltimore; and

34 WHEREAS, The General Assembly has determined that there is a need for the  
35 creation of an Advisory Council and a Port Land Use Development Zone, to be the  
36 vehicle for reconciling the important environmental, economic, and local jurisdictional  
37 issues that need to be coordinated for any successful redevelopment; now, therefore,

38 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
39 MARYLAND, That Section(s) 6-501 and 6-502 and the subtitle "Subtitle 5. Liberal

1 Construction; Penalties", respectively, of Article - Transportation of the Annotated  
2 Code of Maryland be renumbered to be Section(s) 6-601 and 6-602 and the subtitle  
3 "Subtitle 6. Liberal Construction; Penalties", respectively.

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

6 **Article - Transportation**

7 SUBTITLE 5. PORT LAND USE DEVELOPMENT.

8 6-501.

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (B) "ADVISORY COUNCIL" MEANS THE PORT LAND USE DEVELOPMENT ZONE  
12 ADVISORY COUNCIL.

13 (C) "BROWNFIELDS SITES" MEANS:

14 (1) ELIGIBLE PROPERTY AS DEFINED IN § 7-501(G) OF THE  
15 ENVIRONMENT ARTICLE; AND

16 (2) PROPERTY WHERE THERE IS A RELEASE, DISCHARGE, OR  
17 THREATENED RELEASE OF OIL, AS DEFINED IN § 4-401 OF THE ENVIRONMENT  
18 ARTICLE.

19 (D) "LAND ASSEMBLAGE" MEANS THE COMPILATION OF VACANT OR  
20 UNDERUTILIZED PROPERTY WITHIN THE PORT LAND USE DEVELOPMENT ZONE TO  
21 CREATE MORE VIABLE PROPERTY FOR SPECIFIC REDEVELOPMENT PROJECTS.

22 (E) "ZONE" MEANS THE PORT LAND USE DEVELOPMENT ZONE WHICH  
23 CONSISTS OF RESIDENTIALLY, COMMERCIALY, OR INDUSTRIALLY ZONED PROPERTY  
24 WITHIN THE IMMEDIATE INFLUENCE OF PORT ACTIVITY. THIS INCLUDES LAND  
25 DIRECTLY ON THE BALTIMORE HARBOR OR SERVING THE PORT OF BALTIMORE, AND  
26 ALL PUBLIC AND PRIVATE PROPERTIES WITHIN 3,000 FEET SURROUNDING THE  
27 PORT'S WATERFRONT, AND EXTENDS FROM BRANDON SHORES IN ANNE ARUNDEL  
28 COUNTY AROUND THE WATERFRONT TO MIDDLE RIVER IN BALTIMORE COUNTY.

29 6-502.

30 (A) THERE IS AN ADVISORY COUNCIL FOR PORT LAND USE DEVELOPMENT.

31 (B) THE ADVISORY COUNCIL IS COMPOSED OF THE FOLLOWING:

32 (1) SIX EX OFFICIO MEMBERS, TO INCLUDE:

1 (I) THE SECRETARY OF THE MARYLAND DEPARTMENT OF  
2 TRANSPORTATION OR THE SECRETARY'S DESIGNEE, WHO SHALL BE THE  
3 CHAIRPERSON OF THE ADVISORY COUNCIL;

4 (II) THE SECRETARY OF THE DEPARTMENT OF BUSINESS AND  
5 ECONOMIC DEVELOPMENT OR THE SECRETARY'S DESIGNEE;

6 (III) THE DIRECTOR OF THE MARYLAND OFFICE OF PLANNING OR  
7 THE DIRECTOR'S DESIGNEE;

8 (IV) THE MAYOR OF BALTIMORE CITY OR THE MAYOR'S DESIGNEE;

9 (V) THE COUNTY EXECUTIVE OF BALTIMORE COUNTY OR THE  
10 EXECUTIVE'S DESIGNEE; AND

11 (VI) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY OR THE  
12 EXECUTIVE'S DESIGNEE.

13 (2) FIVE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

14 (I) ONE MEMBER TO REPRESENT A MARITIME-RELATED BUSINESS  
15 WITH FACILITIES IN THE ZONE;

16 (II) ONE MEMBER TO REPRESENT THE ENVIRONMENTAL  
17 COMMUNITY;

18 (III) ONE MEMBER TO REPRESENT A RESIDENTIAL COMMUNITY  
19 LOCATED WITHIN OR CONTIGUOUS TO THE ZONE;

20 (IV) ONE MEMBER TO REPRESENT THE DEVELOPMENT COMMUNITY  
21 OR INVESTMENT COMMUNITY; AND

22 (V) ONE MEMBER TO REPRESENT THE GENERAL PUBLIC.

23 (C) EACH APPOINTED MEMBER SERVES FOR A TERM OF 2 YEARS AND UNTIL A  
24 SUCCESSOR IS APPOINTED.

25 (D) MEMBERS OF THE ADVISORY COUNCIL APPOINTED BY THE GOVERNOR  
26 ARE NOT ENTITLED TO COMPENSATION.

27 6-503.

28 (A) THERE IS A PORT LAND USE DEVELOPMENT OFFICE IN THE MARYLAND  
29 PORT ADMINISTRATION OF THE DEPARTMENT. THE OFFICE IS RESPONSIBLE FOR  
30 THE COORDINATION OF A PORT LAND USE DEVELOPMENT ZONE AS DEFINED IN §  
31 6-501(E) OF THIS SUBTITLE.

32 (B) THE OFFICE SHALL COORDINATE AND SUPPORT THE ACTIVITIES OF THE  
33 ADVISORY COUNCIL AND ESTABLISH A COLLABORATIVE EFFORT TO VIGOROUSLY  
34 MARKET PORT LAND USE DEVELOPMENT ZONE PROPERTIES FOR PORT-RELATED OR  
35 PORT-COMPATIBLE USES.

1 (C) THE OFFICE MAY BE AUGMENTED BY STAFF SUPPORT OF THE STATE  
2 AGENCIES AND LOCAL JURISDICTIONS INVOLVED.

3 6-504.

4 (A) THE ADVISORY COUNCIL, WITH THE ASSISTANCE OF THE PORT LAND USE  
5 DEVELOPMENT OFFICE, SHALL COORDINATE EFFORTS AMONG EXISTING PROGRAMS  
6 WITHIN THE STATE AND LOCAL GOVERNMENTS TO INVIGORATE LAND  
7 DEVELOPMENT IN AND AROUND THE PORT OF BALTIMORE. IN CARRYING OUT THIS  
8 DUTY, THE ADVISORY COUNCIL SHALL:

9 (1) COMPLETE, MAINTAIN, AND DISSEMINATE AN INVENTORY OF  
10 VACANT OR UNDERUTILIZED PROPERTY WITHIN THE ZONE THAT IS NOT NEEDED BY  
11 THE MARYLAND PORT ADMINISTRATION FOR ITS OWN FUTURE USE, AND IS  
12 THEREFORE AVAILABLE FOR REDEVELOPMENT;

13 (2) COORDINATE THE DEVELOPMENT OF A MASTER PLAN FOR THE  
14 ZONE, WHICH SHALL CONSIDER:

15 (I) EXPECTATIONS, PLANS, AND PROGRAMS OF LOCAL  
16 JURISDICTIONS RELATED TO THE ZONE AND PORT LAND REDEVELOPMENT EFFORTS;

17 (II) EXPECTATIONS, PLANS, AND PROGRAMS OF STATE AGENCIES  
18 RELATED TO THE ZONE AND PORT LAND REDEVELOPMENT EFFORTS; AND

19 (III) EXPECTATIONS, PLANS, AND CONCERNS OF BUSINESS,  
20 RESIDENTIAL, AND ENVIRONMENTAL COMMUNITIES RELATED TO THE ZONE AND  
21 PORT LAND REDEVELOPMENT EFFORTS;

22 (3) RECOMMEND TO THE GOVERNOR ANY APPROPRIATE ACTIONS THAT  
23 MAY LEAD TO THE DEVELOPMENT AND REUSE OF BROWNFIELDS SITES WITHIN THE  
24 ZONE, TO INCLUDE THE USE OF ANY AVAILABLE FEDERAL, STATE, LOCAL, OR  
25 PRIVATE SECTOR FUNDS FOR BROWNFIELDS SITES ACTIVITIES;

26 (4) FACILITATE ACCESS TO AVAILABLE FINANCIAL INCENTIVES AND  
27 EXPLORE INNOVATIVE FINANCING PROGRAMS FOR EXISTING AS WELL AS NEW  
28 BUSINESSES INTERESTED IN FURTHERING THE REDEVELOPMENT OF AVAILABLE  
29 ZONE PROPERTIES;

30 (5) RECOMMEND TO THE GOVERNOR ANY APPROPRIATE USE OF TAX  
31 INCENTIVES AND ENTERPRISE AND FOREIGN TRADE ZONES NECESSARY TO ATTRACT  
32 BUSINESSES TO SITES IN THE ZONE;

33 (6) WORK WITH AND COORDINATE THE EFFORTS OF STATE AND LOCAL  
34 AUTHORITIES IN LAND ASSEMBLAGE ACTIVITIES DESIGNED TO RETURN TO  
35 PRODUCTIVE USE VACANT OR UNDERUTILIZED PUBLIC AND PRIVATE PROPERTIES  
36 WHICH WILL FACILITATE ECONOMIC DEVELOPMENT AND LAND REDEVELOPMENT  
37 EFFORTS IN THE ZONE;

1 (7) ESTABLISH ANY SUBCOMMITTEES NECESSARY TO CARRY OUT THE  
2 DUTIES OF THE ADVISORY COMMITTEE; AND

3 (8) PROVIDE SUCH OTHER ASSISTANCE AS MAY BE REQUIRED TO  
4 FURTHER THE PURPOSE OF THIS SUBTITLE.

5 (B) THE PORT LAND USE DEVELOPMENT ZONE ADVISORY COUNCIL SHALL  
6 MAKE AN INITIAL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY BY  
7 JANUARY 1, 1999, ON ITS RECOMMENDATIONS FOR PROGRAMS AND ACTIVITIES THAT  
8 WILL FURTHER ENHANCE DEVELOPMENT IN THE ZONE. THEREAFTER, BY  
9 DECEMBER 31 OF EACH YEAR THE ADVISORY COUNCIL SHALL SUBMIT AN ANNUAL  
10 REPORT OF ITS ACTIVITIES DURING THAT CALENDAR YEAR, TOGETHER WITH ANY  
11 RECOMMENDATIONS IT DESIRES TO PROPOSE, TO THE GOVERNOR AND THE  
12 GENERAL ASSEMBLY.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 ~~October~~ June 1, 1998.