

SENATE BILL 256

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R2

1998 Regular Session
(8lr1432)

ENROLLED BILL
-- Finance/Appropriations --

Introduced by **Senators Dyson and Middleton**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Mass Transit Administration - Light Rail St. Mary's County Mass Transit~~
3 ~~Administration - Future Extension of Mass Transit Systems to St. Mary's~~
4 ~~County~~

5 FOR the purpose of requiring the Mass Transit Administration to study a long term
6 future light rail extension between certain locations in St. Mary's and Charles
7 Counties; requiring the study to include an identification of the property needed
8 for the light rail line, an identification of the ownership of the property, an
9 estimate of certain costs, an examination of certain alternatives, and a
10 determination of the feasibility of using an existing railroad for a portion of the
11 future extension; prohibiting the expenditure of funds from the Transportation
12 Trust Fund or any other State source for certain purposes until the
13 Administration has completed the study under this Act and reported its findings
14 to certain committees of the General Assembly for review and comment;
15 requiring the Administration to consult certain agencies; defining a certain
16 term; requiring the Administration to report to the Governor, Secretary of
17 Transportation, and the General Assembly before a certain date; providing for

1 the construction of this Act; and generally relating to the study of a future light
 2 rail extension. ~~requiring the Board of Commissioners of St. Mary's County to~~
 3 ~~ensure that a certain right of way owned by St. Mary's County is preserved for~~
 4 ~~future use by the State for certain purposes; requiring the County~~
 5 ~~Commissioners to attempt to acquire certain rights of way under certain~~
 6 ~~circumstances; prohibiting the County Commissioners from encumbering a~~
 7 ~~certain right of way under certain circumstances; requiring the County~~
 8 ~~Commissioners to attempt to eliminate certain existing encumbrances on a~~
 9 ~~certain right of way; defining certain terms; requiring the Department of~~
 10 ~~Transportation to study the feasibility of preserving and acquiring rights-of-way~~
 11 ~~for a future mass transit extension to St. Mary's County and to report its findings~~
 12 ~~and recommendations to the General Assembly by a certain date; requiring the~~
 13 ~~Department to study and report on certain matters; providing for the effective~~
 14 ~~date of this Act; providing for the abrogation of this Act; and generally relating to~~
 15 ~~future extension of mass transit systems.~~

16 ~~BY adding to~~
 17 ~~Article Transportation~~
 18 ~~Section 7-309~~
 19 ~~Annotated Code of Maryland~~
 20 ~~(1993 Replacement Volume and 1997 Supplement)~~

21 ~~BY adding to~~
 22 ~~Article 25 County Commissioners~~
 23 ~~Section 236D~~
 24 ~~Annotated Code of Maryland~~
 25 ~~(1996 Replacement Volume and 1997 Supplement)~~

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

28 **~~Article Transportation~~**

29 ~~7-309.~~

30 (A) ~~IN THIS SECTION, "FUTURE EXTENSION" MEANS A PROPOSED LONG TERM~~
 31 ~~FUTURE LIGHT RAIL EXTENSION:~~

32 (1) ~~ORIGINATING IN BRANDYWINE IN PRINCE GEORGE'S COUNTY, AT A~~
 33 ~~LOCATION THAT WILL CONNECT WITH THE PROPOSED LIGHT RAIL TRANSIT SYSTEM~~
 34 ~~IN THE MARYLAND ROUTE 5 CORRIDOR, RUNNING FROM THE BRANCH AVENUE~~
 35 ~~METRORAIL STATION TO WHITE PLAINS IN CHARLES COUNTY; AND~~

36 (2) ~~TERMINATING IN LEXINGTON PARK IN ST. MARY'S COUNTY.~~

37 (B) ~~THE ADMINISTRATION SHALL CONDUCT A STUDY:~~

1 (1) ~~IDENTIFYING THE PROPERTY THAT WILL BE NEEDED FOR THE~~
2 ~~FUTURE EXTENSION AND DETERMINING THE OWNERSHIP OF THE PROPERTY;~~

3 (2) ~~ESTIMATING THE COST FOR THE STATE TO PURCHASE THE~~
4 ~~NECESSARY RIGHTS OF WAY FOR THE FUTURE EXTENSION;~~

5 (3) ~~DETERMINING THE FEASIBILITY OF USING A PORTION OF THE~~
6 ~~EXISTING CONRAIL BRANCH LINE BETWEEN BRANDYWINE AND THE VICINITY OF~~
7 ~~HUGHESVILLE FOR A PORTION OF THE FUTURE EXTENSION;~~

8 (4) ~~ESTIMATING THE TOTAL PROJECT COSTS FOR:~~

9 (I) ~~ALL ASPECTS OF DESIGN AND CONSTRUCTION, INCLUDING THE~~
10 ~~DESIGN AND CONSTRUCTION OF ALL PROPOSED STATIONS AND PARKING AREAS;~~

11 (II) ~~THE COMPLETION OF DRAFT AND FINAL ENVIRONMENTAL~~
12 ~~IMPACT STATEMENTS;~~

13 (III) ~~PRELIMINARY AND FINAL ENGINEERING; AND~~

14 (IV) ~~ALL NECESSARY LIGHT RAIL VEHICLES AND EQUIPMENT;~~

15 (5) ~~ESTIMATING THE PROJECTED RIDERSHIP, OPERATING COSTS, AND~~
16 ~~LEVEL OF FARES NECESSARY TO GENERATE A FAREBOX RECOVERY LEVEL OF 50% OF~~
17 ~~NET OPERATING EXPENSES FOR THE FUTURE EXTENSION;~~

18 (6) ~~DETERMINING THE NECESSITY AND ESTIMATING THE COST OF:~~

19 (I) ~~ANCILLARY CAPITAL IMPROVEMENTS SUCH AS~~
20 ~~IMPROVEMENTS TO STATE HIGHWAYS OR COUNTY OWNED ROADS; AND~~

21 (II) ~~BUS SERVICES TO AUGMENT THE SERVICE PROVIDED BY THE~~
22 ~~FUTURE EXTENSION; AND~~

23 (7) ~~EXAMINING ALTERNATIVES TO THE FUTURE EXTENSION,~~
24 ~~INCLUDING ALIGNMENTS COVERING SHORTER DISTANCES.~~

25 (C) ~~FUNDS MAY NOT BE EXPENDED FROM THE TRANSPORTATION TRUST~~
26 ~~FUND OR ANY OTHER STATE SOURCE FOR THE FUTURE EXTENSION, INCLUDING~~
27 ~~ACQUISITION OF RIGHTS OF WAY, THE DEVELOPMENT OF DRAFT OR FINAL~~
28 ~~ENVIRONMENTAL IMPACT STATEMENTS, PRELIMINARY OR FINAL ENGINEERING, OR~~
29 ~~CONSTRUCTION, UNTIL THE ADMINISTRATION:~~

30 (1) ~~HAS COMPLETED THE STUDY REQUIRED UNDER SUBSECTION (B) OF~~
31 ~~THIS SECTION; AND~~

32 (2) ~~HAS SUBMITTED A REPORT OF ITS FINDINGS TO THE HOUSE~~
33 ~~COMMITTEE ON WAYS AND MEANS, THE HOUSE APPROPRIATIONS COMMITTEE, THE~~
34 ~~SENATE FINANCE COMMITTEE, AND THE SENATE BUDGET AND TAXATION~~
35 ~~COMMITTEE FOR REVIEW AND COMMENT DURING THE CALENDAR YEAR 2000~~
36 ~~SESSION OF THE GENERAL ASSEMBLY.~~

1 ~~(D) THE ADMINISTRATION SHALL CONSULT THE APPROPRIATE AGENCIES IN~~
 2 ~~THE AREA OF THE FUTURE EXTENSION AND ESTABLISH A TECHNICAL ADVISORY~~
 3 ~~COMMITTEE OF REGIONAL AND LOCAL AGENCY STAFFS TO REVIEW AND OVERSEE~~
 4 ~~THE STUDY.~~

5 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Mass Transit~~
 6 ~~Administration shall report to the Governor, the Secretary of Transportation, and, in~~
 7 ~~accordance with § 2-1246 of the State Government Article, the General Assembly and~~
 8 ~~the Committees of the General Assembly specified in Section 1 of this Act on or before~~
 9 ~~December 1, 2000 on the results of the study required by this Act.~~

10 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be~~
 11 ~~construed as endorsing the proposed light rail extension described in Section 1 of this~~
 12 ~~Act or as authorizing the Mass Transit Administration to take any action with respect~~
 13 ~~to the proposed light rail extension beyond conducting the study required under~~
 14 ~~Section 1 of this Act.~~

15 Article 25 – County Commissioners

16 236D.

17 ~~(A) (1) IN THIS SECTION THE FOLLOWING TERMS AND PHRASES HAVE THE~~
 18 ~~MEANINGS INDICATED.~~

19 ~~(2) "BOARD" MEANS THE BOARD OF COUNTY COMMISSIONERS OF ST.~~
 20 ~~MARY'S COUNTY.~~

21 ~~(3) "SOUTHERN MARYLAND RAILROAD RIGHT-OF-WAY" MEANS:~~

22 ~~(I) THE RIGHT OF WAY OWNED BY ST. MARY'S COUNTY SINCE~~
 23 ~~JUNE 26, 1970 THAT EXTENDS APPROXIMATELY 28 MILES FROM HUGHESVILLE,~~
 24 ~~MARYLAND TO PATUXENT RIVER, MARYLAND; AND~~

25 ~~(II) ANY LAND OR RIGHT OF WAY ACQUIRED BY ST. MARY'S~~
 26 ~~COUNTY UNDER THIS SECTION.~~

27 ~~(B) THE BOARD SHALL ENSURE THAT THE SOUTHERN MARYLAND RAILROAD~~
 28 ~~RIGHT OF WAY IS PRESERVED FOR FUTURE USE BY THE STATE FOR THE PURPOSE~~
 29 ~~OF EXTENDING A MASS TRANSIT SYSTEM THROUGH THE RIGHT OF WAY OR ANY~~
 30 ~~PORTION OF THE RIGHT OF WAY.~~

31 ~~(C) TO THE EXTENT THAT ANY LAND OR RIGHT OF WAY OWNED BY A PERSON~~
 32 ~~OTHER THAN ST. MARY'S COUNTY INTERRUPTS OR INTERFERES WITH THE~~
 33 ~~SOUTHERN MARYLAND RAILROAD RIGHT OF WAY OR WITH A POTENTIAL~~
 34 ~~CONNECTING ROUTE BETWEEN BRANDYWINE, MARYLAND AND THE SOUTHERN~~
 35 ~~MARYLAND RAILROAD RIGHT OF WAY, THE BOARD SHALL MAKE EVERY EFFORT TO~~
 36 ~~ACQUIRE AT A REASONABLE PRICE A RIGHT OF WAY TO ELIMINATE THE~~
 37 ~~INTERRUPTION OR INTERFERENCE.~~

1 ~~(D) (1) THE BOARD MAY NOT ENCUMBER THE SOUTHERN MARYLAND~~
 2 ~~RAILROAD RIGHT OF WAY IN ANY WAY THAT INTERFERES WITH THE POTENTIAL~~
 3 ~~FOR THE LAND TO BE USED BY THE STATE WHEN NEEDED.~~

4 ~~(2) TO THE EXTENT THAT THE SOUTHERN MARYLAND RAILROAD~~
 5 ~~RIGHT OF WAY IS ENCUMBERED BEFORE OCTOBER 1, 1998, THE BOARD SHALL MAKE~~
 6 ~~EVERY EFFORT TO ELIMINATE ANY ENCUMBRANCE THAT INTERFERES WITH THE~~
 7 ~~POTENTIAL FOR THE LAND TO BE USED BY THE STATE WHEN NEEDED.~~

8 SECTION 4. ~~2.~~ AND BE IT FURTHER ENACTED, That this Act shall take
 9 effect October 1, 1998.

10 (a) *The Maryland Department of Transportation shall examine and make*
 11 *recommendations regarding the feasibility of preserving or acquiring the*
 12 *rights-of-way for a future mass transit extension from Hughesville in Charles County*
 13 *to Lexington Park in St. Mary's County.*

14 (b) *The Department shall examine and make recommendations with regard to:*

15 (1) *Identifying the property that will be needed for any future extension;*
 16 *and*

17 (2) *Estimating the cost for the State to purchase the necessary*
 18 *rights-of-way for the future extension;*

19 (c) *The Department shall solicit input for the study from:*

20 (1) *The St. Mary's County Commissioners;*

21 (2) *Utility companies that currently use the old railroad right-of-way;*
 22 *and*

23 (3) *Citizens who have been granted property access across the old railroad*
 24 *right-of-way.*

25 (d) *The Department shall report its findings and recommendations under this*
 26 *Act to the General Assembly in accordance with § 2-1246 of the State Government*
 27 *Article by January 1, 1999.*

28 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
 29 General Assembly that the Maryland Department of Transportation utilize existing
 30 resources to examine and make recommendations regarding the feasibility of
 31 preserving or acquiring rights-of-way in accordance with Section 1 of this Act.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 33 June 1, 1998. It shall remain effective until December 31, 1998, and at the end of
 34 December 31, 1998, with no further action required by the General Assembly, this Act
 35 shall be abrogated and of no further force and effect.

