
By: **Delegates Burns, Barkley, Barve, Benson, Branch, Cardin, C. Davis, D. Davis, Franchot, Fulton, Goodwin, Griffith, Haynes, Heller, Holmes, Howard, Hubbard, Jones, Kelley, Lee, Madaleno, Marriott, McDonough, McMillan, Minnick, Morhaim, Nathan-Pulliam, Oaks, O'Donnell, Paige, Parker, Patterson, Proctor, V. Turner, Vallario, Vaughn, Weir, and Zirkin**

Introduced and read first time: January 21, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation - Baltimore-Washington International Airport - Renaming**

3 FOR the purpose of renaming the Baltimore-Washington International Airport as the
4 Thurgood Marshall Baltimore-Washington International Airport; and generally
5 relating to the renaming of the Baltimore-Washington International Airport.

6 BY repealing and reenacting, with amendments,
7 Article 2B - Alcoholic Beverages
8 Section 8-202(g) and 9-102(h-1)
9 Annotated Code of Maryland
10 (2001 Replacement Volume and 2004 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article 24 - Political Subdivisions - Miscellaneous Provisions
13 Section 9-807
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Public Utility Companies
18 Section 10-209(b)
19 Annotated Code of Maryland
20 (1998 Volume and 2004 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Tax - Property
23 Section 9-216
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2004 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Transportation
3 Sections 4-208.1, 5-201(b), 5-413, 5-414, 5-509, 5-822, 5-824, 5-1201,
4 and 10-203, Title II, Article XI, Section 2
5 Annotated Code of Maryland
6 (2001 Replacement Volume and 2004 Supplement)

7 BY repealing and reenacting, without amendments,
8 Article - Transportation
9 Section 5-201(a)
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2004 Supplement)

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

14 **Article 2B - Alcoholic Beverages**

15 8-202.

16 (g) (1) There is an airport concessionaire license.

17 (2) (i) An individual, association of individuals, or a corporation which
18 is a lessee, sublessee, or a concessionaire at any airport, without further residential,
19 voting or locative qualifications, may obtain an airport concessionaire license for the
20 sale of any and all alcoholic beverages within the airport terminal buildings.

21 (ii) 1. This subparagraph does not apply to duty free shops.

22 2. A person who is a lessee, sublessee, or concessionaire at
23 THURGOOD MARSHALL Baltimore-Washington International Airport may hold one
24 airport concessionaire license for multiple locations within the terminal building of
25 THURGOOD MARSHALL Baltimore-Washington International Airport, even if the
26 person already holds one or more alcoholic beverages licenses of any other type issued
27 by the Board.

28 (iii) 1. The Board may issue a second airport concessionaire
29 license for a leased premises or concessionaire space that is licensed as of March 1,
30 2004, at THURGOOD MARSHALL Baltimore-Washington International Airport to
31 maintain service during a transition involving different licensees; but

32 2. The first airport concessionaire license shall expire when
33 the privileges under the second are exercised.

34 (iv) On receipt of an application for an airport concessionaire license
35 under subparagraph (ii) or (iii) of this paragraph, the Board shall:

1 1. Give precedence to the application over all other license
2 applications; and

3 2. Hold a hearing on the application at the Board meeting
4 that immediately follows receipt of the application.

5 (3) (i) The annual fee for the airport concessionaire license and one
6 location from which alcoholic beverages may be sold is \$5,000.

7 (ii) The annual fee for each additional location from which alcoholic
8 beverages may be sold is \$5,000.

9 (iii) Each fee shall be paid on May 1 to the Board.

10 (iv) The licensee may sell alcoholic beverages every day from each
11 location within the airport terminal buildings.

12 (v) The license permits the playing of music and dancing.

13 (vi) The provisions of subsection (d) of this section relating to special
14 Sunday licenses do not apply to the holder of a license issued under this subsection.

15 (4) Licenses and licensees are subject to all laws and regulations
16 applicable to the sale of alcoholic beverages not inconsistent with the provisions of
17 this section.

18 9-102.

19 (h-1) (1) In Anne Arundel County, a current holder of a Class H alcoholic
20 beverages license, or a holder as of June 1, 2002 of a Class B alcoholic beverages
21 license that has a restriction prohibiting off-sales, may be issued a second license by
22 the Anne Arundel County Board of License Commissioners if:

23 (i) The second license is a Class H (beer, wine and liquor) license or
24 a Class H (beer and wine) license; and

25 (ii) Either the restaurant for which the Class H license under item
26 (i) of this paragraph is sought or to which the original Class B or Class H license
27 applies is located within:

28 1. A suburban community center designated by Anne
29 Arundel County in accordance with Bill Nos. 36-96 and 70-96 of the ordinances of
30 Anne Arundel County; or

31 2. One of the following locations as they existed on October 1,
32 1999:

33 A. The Glen Burnie Urban Renewal Area;

34 B. The Parole Town Center Growth Management Area;

8 F. The Route 198 corridor, consisting of properties located
9 within 500 feet of the right-of-way of Maryland Route 198, from Route 32 on the east
10 to the Prince George's County-Anne Arundel County line on the west.

14 (i) Each license is a Class H (beer and wine) license or a Class H
15 (beer, wine and liquor) license; and

16 (ii) The restaurant for which one of the Class H licenses under item
17 (i) of this paragraph is sought is located within:

18 1. A suburban community center designated by Anne
19 Arundel County in accordance with Bill Nos. 36-96 and 70-96 of the ordinances of
20 Anne Arundel County; or

23 A. The Glen Burnie Urban Renewal Area;

24 B. The Parole Town Center Growth Management Area;

25 C. The Odenton Town Center Growth Management Area;

26 D. The THURGOOD MARSHALL Baltimore-Washington
27 International Airport State Priority Funding Area, as designated by Anne Arundel
28 County in accordance with Article 83A, § 5-1101(k)(6) of the Code;

32 F. The Route 198 corridor, consisting of properties located
33 within 500 feet of the right-of-way of Maryland Route 198, from Route 32 on the east
34 to the Prince George's County-Anne Arundel County line on the west.

35 (3) A franchisor may not have a direct ownership interest, as defined by
36 the Board, in more than 2 licenses under this section.

(4) The Board may not issue more than 30 additional Class H licenses under this subsection.

3 (5) The Anne Arundel County Board of License Commissioners shall
4 adopt regulations:

5 (i) To carry out this subsection; and

(ii) That define "direct ownership interest" for the purposes of paragraph (3) of this subsection.

8 (6) The Anne Arundel County Economic Development Corporation, in
9 consultation with the Board of License Commissioners for Anne Arundel County:

10 (i) Shall conduct a comprehensive study of the impact of this
11 subsection on the economy of Anne Arundel County; and

12 (ii) On or before January 1, 2006, shall submit its findings and
13 recommendations to the Anne Arundel County House Delegation, the Anne Arundel
14 County Senate Delegation, the County Executive for Anne Arundel County, and the
15 Anne Arundel County Council.

Article 24 - Political Subdivisions - Miscellaneous Provisions

17 9-807.

18 Notwithstanding the provisions of §§ 6-102, 7-211, and 7-401 of the Tax -
19 Property Article, for all private development that is not related to aviation on
20 State-owned land at THURGOOD MARSHALL Baltimore-Washington International
21 Airport in Anne Arundel County, the State shall reimburse Anne Arundel County on a
22 yearly basis a sum of money that is agreed upon by the Secretary of Transportation
23 and the Anne Arundel County Executive and does not exceed an amount equal to the
24 appropriate local property taxes that the private development would have paid to
25 Anne Arundel County if the private development was not constructed on State-owned
26 land.

Article - Public Utility Companies

28 10-209.

29 (b) (1) A taxicab driver may not solicit the patronage of a person who is at
30 the terminal of another common carrier or at an intermediate point along an
31 established route of that carrier to use that common carrier's service.

32 (2) Paragraph (1) of this subsection does not prohibit or interfere with a
33 response to a call for a taxicab whether the call is made by telephone or by signal from
34 a pedestrian.

35 (3) Taxicabs being operated in Baltimore City:

3 (ii) may not solicit a passenger within Baltimore County at any
4 time.

Article - Tax - Property

9 9-216.

10 (a) The governing body of a county or municipal corporation may grant a
11 property tax credit under this section against the applicable county or municipal
12 corporation property tax imposed on owner-occupied residential real property
13 situated entirely or in part within the 75 LDN noise contour as established by the
14 airport noise zone surrounding THURGOOD MARSHALL Baltimore-Washington
15 International Airport that has been most recently adopted by the Maryland Aviation
16 Administration as of the first day of the taxable year.

17 (b) The governing body of a county or of a municipal corporation may provide,
18 by law, for:

19 (1) the amount and duration of the property tax credit under subsection
20 (a) of this section; and

(2) any other provision necessary to carry out the property tax credit under subsection (a) of this section.

Article - Transportation

24 4-208.1.

25 (a) The chief police officer of the Maryland Transportation Authority Police
26 Force may appoint employees of the Authority to exercise the powers specified in
27 subsection (b) of this section.

28 (b) (1) An employee appointed under this section may issue citations to the
29 extent authorized by the chief police officer for violations of those provisions of §
30 5-426 of this article relating to motor vehicle parking at THURGOOD MARSHALL
31 Baltimore-Washington International Airport.

32 (2) The issuance of citations under this section shall comply with the
33 requirements of Title 26, Subtitle 3 of this article.

34 (c) The chief police officer, in consultation with the Maryland Police Training
35 Commission, shall adopt regulations establishing:

5 5-201.

6 (a) There is a Maryland Aviation Commission.

7 (b) The Commission shall:

12 (2) Approve regulations for the operation of the State-owned airports
13 prior to their adoption by the Executive Director;

16 (4) Approve major capital projects, as defined in § 2-103.1(a)(4) of this
17 article, at any State-owned airport prior to the submission of those projects to the
18 Governor and General Assembly for approval;

21 (6) In carrying out the provisions of this subtitle, consider information
22 and advice from the air carrier industry, the airport concessionaire industry, the
23 airline support services industry, and citizen advisory groups.

24 5-413.

25 (a) Any person who is or becomes a full-time employee of the Maryland
26 Aviation Administration Fire Rescue Service on or before September 30, 1993 shall
27 remain or become a member of the Baltimore City Fire and Police Employees
28 Retirement System. The Administration shall reimburse the City for the employer's
29 cost of the pension coverage.

30 (b) Notwithstanding any public local or other law, the operator of a taxicab
31 authorized and licensed to operate in a political subdivision of this State may, without
32 being required to obtain an additional permit or license from any other political
33 subdivision:

34 (1) Transport passengers to THURGOOD MARSHALL
35 Baltimore-Washington International Airport from the political subdivision in which
36 the taxicab is authorized and licensed to operate; and

4 (c) The Administration may not begin construction of the new parallel
5 transport runway, identified in the Airport Master Plan as runway 10 R/28L, until:

6 (1) The Administration:

(i) 1. Reviews the current airport noise zone and abatement procedures, such reviews to include an examination and an evaluation of runway curfews; and

10 2. Updates the noise zone as proposed by the Administration
11 on February 25, 1987;

12 (ii) Adopts the proposed noise assistance programs for residential
13 areas within the airport noise zone including, but not limited to:

14 1. Extension of the voluntary acquisition program;

18 3. Establishment of a homeowner assistance program; and

19 (iii) Implements a pilot program of homeowner assistance in fiscal
20 year 1988; and

21 (2) The State Highway Administration completes construction of the
22 following highway projects required in conjunction with airport improvements:

23 (i) Hammonds Ferry Road/Poplar Avenue intersection
24 improvements;

25 (ii) MD 170/Poplar Avenue intersection;

26 (iii) Poplar Avenue widening;

27 (iv) MD 176 widenings;

28 (v) MD 176/Hammonds Ferry Road intersection;

29 (vi) Nursery Road/MD 295 interchange; and

30 (vii) MD 3/MD 176 Interchange (auxiliary lane).

31 (d) The international terminal at THURGOOD MARSHALL
32 Baltimore-Washington International Airport shall be named the Governor William
33 Donald Schaefer International Terminal.

1 5-414.

2 (a) There is a Citizens Committee for the Enhancement of Communities
3 Surrounding THURGOOD MARSHALL Baltimore-Washington International Airport.

4 (b) (1) The Citizens Committee consists of 11 members who are appointed
5 by the Secretary after recommendation by the members of the legislative delegation
6 from legislative districts 12, 13, and 32 as follows:

7 (i) Two members of the Citizens Committee shall be recommended
8 by each of the delegates representing district 32;

9 (ii) One member of the Citizens Committee shall be recommended
10 by the delegates representing district 12;

11 (iii) One member of the Citizens Committee shall be recommended
12 by the delegates representing district 13; and

13 (iv) Three members of the Citizens Committee shall be
14 recommended by the senator representing district 32.

15 (2) The members shall be representatives of community associations
16 that are either wholly or partially situated:

17 (i) In the most recent certified noise zone, adopted under § 5-806
18 of this title, for THURGOOD MARSHALL Baltimore-Washington International Airport;
19 or

20 (ii) In a border extending 2 miles outside of the certified noise zone.

21 (c) (1) The term of a member of the Citizens Committee is 3 years.

22 (2) The terms of the members are staggered as required by the terms
23 provided for members of the Citizens Committee on October 1, 2001.

24 (3) At the end of a term, a member continues to serve until a successor is
25 appointed.

26 (4) A member who is appointed after a term has begun serves only for
27 the rest of the term and until a successor is appointed.

28 (d) From among the members of the Citizens Committee, the Secretary shall
29 appoint a chairman.

30 (e) (1) The Citizens Committee shall meet regularly at the call of the
31 chairman.

32 (2) The Secretary, or the Secretary's designee, shall meet with the
33 Citizens Committee at least quarterly.

1 (f) A member of the Citizens Committee may not receive compensation or
2 other reimbursement for expenses.

3 (g) The Citizens Committee shall:

4 (1) Evaluate issues of livability in the communities located in the area
5 described in subsection (b)(2) of this section and the unique impacts on livability in
6 these communities arising from their close proximity to THURGOOD MARSHALL
7 Baltimore-Washington International Airport;

8 (2) Develop projects designed to address transportation issues that affect
9 livability in the communities; and

10 (3) Make recommendations to the Secretary for the funding of projects
11 designed to address transportation issues that affect livability in the communities.

12 (h) (1) The Secretary shall consider the recommendations of the Citizens
13 Committee.

14 (2) The Secretary may make grants-in-aid, under § 2-103(i)(2) of this
15 article, to fund transportation related projects recommended by the Citizens
16 Committee.

17 (3) (i) The Secretary shall identify in the annual budget for the
18 Department an amount designated for the grants-in-aid authorized under this
19 subsection.

20 (ii) In making a budget designation under this paragraph, the
21 Secretary shall consider the number of aircraft operations at THURGOOD MARSHALL
22 Baltimore-Washington International Airport for the most recent available calendar
23 year.

24 (iii) A budget amount designated under this paragraph shall include
25 an amount equal to at least one dollar for every takeoff and landing of an aircraft that
26 occurs at THURGOOD MARSHALL Baltimore-Washington International Airport for the
27 most recent available calendar year.

28 (i) Staff support for the Citizens Committee shall be provided by the
29 Department.

30 5-509.

31 (a) In this section, "district" means the land area established for THURGOOD
32 MARSHALL Baltimore-Washington International Airport delineated by and contained
33 within a circle the radius of which is 4 miles from a point the Maryland grid
34 coordinates of which are E893,909.99 -- N490,279.30.

35 (b) (1) Except as otherwise provided in this subtitle, a structure may not be
36 erected, altered, or maintained and a tree or other vegetation may not be allowed to

1 grow or be maintained at a height greater than the height limit established for the
2 district.

3 (2) The Administration shall adopt regulations establishing the
4 maximum height limit any structure, tree, or other vegetation may be allowed to grow
5 or be maintained in the district, consistent with applicable federal aviation
6 regulations.

7 (3) The Administration shall file in the land records of Anne Arundel
8 County, Baltimore County, and Howard County a map depicting the district
9 established by this section.

10 5-822.

11 (a) Appeals to the Board of Airport Zoning Appeals may be taken in the
12 manner set forth in § 5-814 of this subtitle by any aggrieved person or by any officer
13 or agency of a political subdivision affected by the decision of the Administration.

14 (b) The Board of Airport Zoning Appeals may grant variances for State owned
15 airports in the manner set forth in § 5-815 of this subtitle.

16 (c) The Board of Airport Zoning Appeals shall condition any variance
17 prerequisite to the grant of a permit required by § 5-821 of this subtitle so as to
18 require the applicant to:

19 (1) Construct the proposed structure so as to comply with all applicable
20 noise insulation regulations promulgated by the administration; and

21 (2) Grant to the Administration an avigation easement as defined by §
22 5-1201(h) of this title, such easement including a provision relinquishing any right to
23 receive remuneration or other compensation or benefit under any program of this
24 State designed to allay, abate, or compensate for the effects of aircraft noise and
25 emissions in connection with the operation of THURGOOD MARSHALL
26 Baltimore-Washington International Airport.

27 (d) After consultation with the Board of Airport Zoning Appeals and affected
28 local governments, the Administration shall adopt regulations to further the intent of
29 this section and to meet the sound insulation goals set forth in § 5-815(a) of this
30 subtitle.

31 (e) Any aggrieved person or any officer or agency of an affected political
32 subdivision may appeal from a decision of the Board of Airport Zoning Appeals in the
33 manner set forth in § 5-816 of this subtitle.

34 (f) Upon timely application, an affected political subdivision may intervene in
35 any appeal taken under this subtitle to the Board of Airport Zoning Appeals or to a
36 court of competent jurisdiction.

1 5-824.

2 (a) If the State purchases real property within the noise zone of THURGOOD
3 MARSHALL Baltimore-Washington International Airport for noise mitigation
4 purposes with federal, State, or local funds, the Administration may not use the real
5 property to construct or extend any terminal, fuel farm, runway, or taxiway.

6 (b) This section does not preclude the Administration from purchasing real
7 property for noise mitigation purposes or for projects to promote the public safety as
8 it is affected by existing or future airport operations and facilities.

9 5-1201.

10 (a) In this subtitle the following words have the meanings indicated.

11 (b) "Airport" means THURGOOD MARSHALL Baltimore-Washington
12 International Airport.

13 (c) "Board" means the Board of Airport Zoning Appeals established under
14 Subtitle 5 of this title.

15 (d) "Cumulative noise exposure" means a calculated or measured value for the
16 exposure to aircraft noise in a 24-hour period, using the annual day-night (average)
17 sound level (LDN) methodology.

18 (e) "Annual day-night (average) sound level" means the annual average
19 aircraft noise level occurring during a 24-hour period, the calculation of which
20 includes the addition of a 10 decibel penalty to noises occurring between 10 p.m. and
21 7 a.m. daily.

22 (f) "Noise zone" means an area of land surrounding the airport within which
23 the cumulative noise exposure is equal to or greater than the lowest limit for
24 cumulative noise exposure established by the Executive Director, under Subtitle 8 of
25 this title.

26 (g) "Homeowner" means an owner of residentially used real property situated
27 within the airport noise zone.

28 (h) "Avigation easement" means a written privilege granted by a homeowner
29 related to aircraft overflight, noise, and associated effects which may arise in the
30 ordinary operation of the airport.

31 (i) "School" means a public or privately operated elementary, secondary,
32 postsecondary, or noncollegiate institution, with facilities in use on or before April 1,
33 1987, which is:

34 (1) Located within the airport noise zone; and

35 (2) Certified or accredited by the State Board of Education.

1 10-203.

TITLE II

Compact Regulatory Provisions

Article XI

5 2. Solely for the purposes of this section and § 18 of this article:

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2005.