
By: **Delegates Walkup, Rudolph, Smigiel, and Sossi**

Introduced and read first time: February 10, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Northern Chesapeake Bay Bridge Crossing with Terminus in Kent County -**
3 **Prohibition on Planning, Financing, and Construction**

4 FOR the purpose of repealing certain authority of the State Roads Commission
5 concerning the construction and financing of a northern crossing of the
6 Chesapeake Bay between Millers Island in Baltimore County and Kent County;
7 prohibiting the Maryland Department of Transportation, the Maryland
8 Transportation Authority, or any unit in the Department, from including in
9 certain plans and other documents any reference or statement with respect to a
10 crossing of the Chesapeake Bay that has a terminus that lies in whole or in part
11 in Kent County; providing that a certain provision of this Act may not be
12 construed in a certain manner; providing that bonds or other financing
13 mechanisms authorized by law may not be used to finance the planning, design,
14 or construction of a northern crossing of the Chesapeake Bay that has a
15 terminus that lies in whole or in part in Kent County; requiring the
16 Department, the Authority, and any unit of the Department, if it is in possession
17 of any plan or other document prepared on or after a certain date, that has a
18 reference or statement with respect to a crossing of the Chesapeake Bay that
19 has a terminus that lies in whole or in part in Kent County, to remove or cause
20 the removal of that reference or statement from the plan or document;
21 amending a provision of law to prohibit the Authority from condemning property
22 in connection with the construction of a crossing of the Chesapeake Bay that has
23 a terminus that lies in whole or in part in Kent County; and generally relating
24 to prohibitions concerning a Chesapeake Bay crossing that has a terminus in
25 Kent County.

26 BY repealing and reenacting, with amendments,
27 Chapter 608 of the Acts of the General Assembly of 1976
28 Section 3. 1.

29 BY adding to
30 Article - Transportation
31 Section 2-112
32 Annotated Code of Maryland

1 (2001 Replacement Volume and 2005 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article - Transportation

4 Section 4-206

5 Annotated Code of Maryland

6 (2001 Replacement Volume and 2005 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article 25 - County Commissioners

9 Section 236

10 Annotated Code of Maryland

11 (2005 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

13 MARYLAND, That the Laws of Maryland read as follows:

14 **Chapter 608 of the Acts of 1976**

15 SECTION 3. AND BE IT FURTHER ENACTED, That Sections 120 through

16 140, inclusive, of Article 89B - State Roads, of the Annotated Code of Maryland (1969

17 Replacement Volume and 1975 Supplement) be and they are hereby repealed and

18 reenacted, with amendments, and transferred from the Annotated Code of Maryland

19 to the Session Laws, to read as follows:

20 1.

21 (a) In order to remove the present handicaps and hazards on the congested

22 highways in the State, to facilitate vehicular traffic between different sections of the

23 State, to promote the agricultural and industrial development of the State, and to

24 provide for the construction of modern transportation facilities embodying practical

25 safety devices, the State Roads Commission is hereby authorized and empowered to

26 construct, maintain, repair and operate bridges, tunnels and motorways (as

27 hereinafter defined), including a crossing (as hereinafter defined) across the

28 Chesapeake Bay generally parallel to the existing Chesapeake Bay Bridge between

29 Sandy Point and Kent Island, [a northern crossing of the bay between Millers Island

30 in Baltimore County and a point in Kent County,] a southern crossing of the bay

31 between Calvert County and Dorchester County, and an additional crossing across

32 the Baltimore Harbor, and to issue revenue bonds of the State, payable solely from

33 revenues, to pay the cost of such projects. [Such commission] EXCEPT FOR A

34 CROSSING OF THE BAY THAT HAS A TERMINUS THAT LIES IN WHOLE OR IN PART

35 WITHIN THE BOUNDARIES OF KENT COUNTY, THE COMMISSION is authorized to

36 establish construction priorities and determine the order of the construction of such

37 projects.

38 (b) In order to establish the location of such crossings and their approaches

39 thereby permitting orderly land development and to permit the acquisition of

40 necessary rights-of-way for such projects at the minimum cost to the State, the State

1 Roads Commission is hereby authorized to perform or have performed preliminary
2 engineering for a crossing of the bay generally parallel to the existing Chesapeake
3 Bay Bridge, [a crossing of the bay between Millers Island in Baltimore County and a
4 point in Kent County,] a crossing of the bay between Calvert County and Dorchester
5 County, and a second crossing across the Baltimore Harbor and the approaches
6 thereto of each of such crossings. [The] EXCEPT FOR A CROSSING THAT HAS A
7 TERMINUS THAT LIES IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF KENT
8 COUNTY, THE Commission is further authorized to perform or have performed such
9 engineering and other services as are necessary to enable it to acquire the
10 right-of-way for such projects and is authorized to acquire such right-of-way. [In]
11 EXCEPT FOR A CROSSING OF THE BAY THAT HAS A TERMINUS THAT LIES IN WHOLE
12 OR IN PART WITHIN THE BOUNDARIES OF KENT COUNTY, IN order to pay the cost of
13 such engineering and other services and to pay the cost of such right-of-way the
14 Commission is authorized to issue revenue bonds as authorized in § 1(a) hereof, or the
15 Commission may pay such costs, or parts thereof, from its Construction Fund or other
16 appropriate funds and be reimbursed therefor upon the sale of such revenue bonds. As
17 to contracts which are not let by competitive bidding procedures, the State Roads
18 Commission shall not make any contract for engineering, architectural, or
19 construction studies or work under the provisions of this section without the prior
20 approval of the Board of Public Works.

21

Article - Transportation

22 2-112.

23 (A) (1) THIS SUBSECTION SHALL APPLY NOTWITHSTANDING ANY
24 PROVISION OF TITLE 3 OR TITLE 4 OF THIS ARTICLE OR ANY OTHER LAW TO THE
25 CONTRARY.

26 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
27 DEPARTMENT, INCLUDING ANY UNIT OF THE DEPARTMENT AND THE MARYLAND
28 TRANSPORTATION AUTHORITY, MAY NOT INCLUDE IN THE MARYLAND
29 TRANSPORTATION PLAN, THE CONSOLIDATED TRANSPORTATION PROGRAM, OR ANY
30 OTHER PLAN, STUDY, ANALYSIS, REPORT, PROPOSAL, CONCEPTUALIZATION, OR
31 OTHER DOCUMENT, A REFERENCE OR STATEMENT WITH RESPECT TO A POSSIBLE
32 CHESAPEAKE BAY CROSSING THAT HAS A TERMINUS THAT LIES IN WHOLE OR IN
33 PART WITHIN THE BOUNDARIES OF KENT COUNTY.

34 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE
35 CONSTRUED:

36 1. TO PRECLUDE THE DEPARTMENT, INCLUDING ANY UNIT
37 OF THE DEPARTMENT, OR THE MARYLAND TRANSPORTATION AUTHORITY FROM
38 INCLUDING IN THE MARYLAND TRANSPORTATION PLAN, THE CONSOLIDATED
39 TRANSPORTATION PROGRAM, OR ANY OTHER PLAN, STUDY, ANALYSIS, REPORT,
40 CONCEPTUALIZATION, OR OTHER DOCUMENT A STATEMENT THAT PROHIBITS THE
41 PLANNING, DESIGN, OR CONSTRUCTION OF A CHESAPEAKE BAY CROSSING THAT HAS
42 A TERMINUS THAT LIES IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF KENT
43 COUNTY; OR

1 2. TO PRECLUDE KENT COUNTY FROM INCLUDING IN ITS
2 COMPREHENSIVE PLAN FOR THE COUNTY A STATEMENT THAT PROHIBITS THE
3 PLANNING, DESIGN, OR CONSTRUCTION OF A CHESAPEAKE BAY CROSSING THAT HAS
4 A TERMINUS THAT LIES IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF KENT
5 COUNTY.

6 (2) BONDS OR FUNDING MECHANISMS OF ANY NATURE AUTHORIZED
7 UNDER THIS ARTICLE OR ANY OTHER LAW WITH RESPECT TO THE FINANCING OF
8 THE PLANNING, DESIGN, OR CONSTRUCTION OF ANY TRANSPORTATION FACILITY OR
9 TRANSPORTATION FACILITIES PROJECT MAY NOT BE USED TO FINANCE THE
10 PLANNING, DESIGN, OR CONSTRUCTION OF A CHESAPEAKE BAY CROSSING THAT HAS
11 A TERMINUS THAT LIES IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF KENT
12 COUNTY.

13 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF, ON OR AFTER
14 JUNE 1, 2006, ANY PLAN, STUDY, ANALYSIS, REPORT, PROPOSAL,
15 CONCEPTUALIZATION, OR OTHER DOCUMENT CONTAINS A REFERENCE OR
16 STATEMENT IN VIOLATION OF SUBSECTION (A)(2)(I) OF THIS SECTION, THE
17 DEPARTMENT, INCLUDING ANY UNIT OF THE DEPARTMENT, OR THE MARYLAND
18 TRANSPORTATION AUTHORITY, AS APPROPRIATE, SHALL REMOVE OR CAUSE THE
19 REMOVAL OF THE REFERENCE OR STATEMENT.

20 (2) PARAGRAPH (1) OF THIS SUBSECTION APPLIES TO ANY DOCUMENT IN
21 THE POSSESSION OF THE DEPARTMENT, INCLUDING ANY UNIT OF THE
22 DEPARTMENT, OR THE MARYLAND TRANSPORTATION AUTHORITY, WHETHER OR
23 NOT:

24 (I) THE DOCUMENT ORIGINATED IN THE DEPARTMENT; OR

25 (II) THE DOCUMENT IS IN PRINTED, ELECTRONIC, OR OTHER
26 FORMAT.

27 4-206.

28 Subject to Title 12 of the Real Property Article and Ch. 608, Acts of 1976, AS
29 AMENDED BY CHAPTER _____ (H.B. _____)(6LR0433) OF THE ACTS OF THE GENERAL
30 ASSEMBLY OF 2006, AND EXCEPT FOR A CROSSING OF THE CHESAPEAKE BAY THAT
31 HAS A TERMINUS THAT LIES IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF
32 KENT COUNTY, the Authority may condemn property for any transportation facilities
33 project authorized to be financed with revenue bonds of prior issues.

34 **Article 25 - County Commissioners**

35 236.

36 (a) A State agency, including the Maryland Transportation Authority, may not
37 construct any toll road, toll highway, or toll bridge in the counties enumerated in this
38 section without the express consent of a majority of the governments of the affected
39 counties.

- 1 (b) This section applies to:
- 2 (1) Caroline County;
- 3 (2) Cecil County;
- 4 (3) Dorchester County;
- 5 (4) Kent County;
- 6 (5) Queen Anne's County;
- 7 (6) Somerset County;
- 8 (7) Talbot County;
- 9 (8) Wicomico County; and
- 10 (9) Worcester County.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 June 1, 2006.