

SENATE BILL 42

R2

7lr0741

By: **Senator Pipkin**

Introduced and read first time: January 16, 2007

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Northern Chesapeake Bay 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 northern crossing of the Chesapeake Bay that has a terminus that lies in whole
11 or in part in Kent County; providing that a certain provision of this Act may not
12 be 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
17 possession of any plan or other document prepared on or after a certain date,
18 that has a reference or statement with respect to a northern crossing of the
19 Chesapeake Bay that has a terminus that lies in whole or in part in Kent
20 County, to remove or cause the removal of that reference or statement from the
21 plan or document; amending a provision of law to prohibit the Authority from
22 condemning property in connection with the construction of a northern crossing
23 of the Chesapeake Bay that has a terminus that lies in whole or in part in Kent
24 County; and generally relating to prohibitions concerning a northern
25 Chesapeake Bay crossing that has a terminus in Kent County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

BY adding to
Article – Transportation
Section 2–112
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–206
Annotated Code of Maryland
(2001 Replacement Volume and 2006 Supplement)

BY repealing and reenacting, without amendments,
Article 25 – County Commissioners
Section 236
Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

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

Chapter 608 of the Acts of 1976

SECTION 3. AND BE IT FURTHER ENACTED, That Sections 120 through
140, inclusive, of Article 89B – State Roads, of the Annotated Code of Maryland (1969
Replacement Volume and 1975 Supplement) be and they are hereby repealed and
reenacted, with amendments, and transferred from the Annotated Code of Maryland
to the Session Laws, to read as follows:

Bridge, Tunnel, and Motorway Revenue Bonds.

1.

(a) In order to remove the present handicaps and hazards on the congested
highways in the State, to facilitate vehicular traffic between different sections of the
State, to promote the agricultural and industrial development of the State, and to
provide for the construction of modern transportation facilities embodying practical
safety devices, the State Roads Commission is hereby authorized and empowered to
construct, maintain, repair and operate bridges, tunnels and motorways (as

hereinafter defined), including a crossing (as hereinafter defined) across the Chesapeake Bay generally parallel to the existing Chesapeake Bay Bridge between Sandy Point and Kent Island, [a northern crossing of the bay between Millers Island in Baltimore County and a point in Kent County,] a southern crossing of the bay between Calvert County and Dorchester County, and an additional crossing across the Baltimore Harbor, and to issue revenue bonds of the State, payable solely from revenues, to pay the cost of such projects. [Such commission] **EXCEPT FOR A NORTHERN CROSSING OF THE CHESAPEAKE BAY THAT HAS A TERMINUS THAT LIES IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF KENT COUNTY, THE COMMISSION** is authorized to establish construction priorities and determine the order of the construction of such projects.

(b) In order to establish the location of such crossings and their approaches thereby permitting orderly land development and to permit the acquisition of necessary rights-of-way for such projects at the minimum cost to the State, the State Roads Commission is hereby authorized to perform or have performed preliminary engineering for a crossing of the bay generally parallel to the existing Chesapeake Bay Bridge, [a crossing of the bay between Millers Island in Baltimore County and a point in Kent County,] a crossing of the bay between Calvert County and Dorchester County, and a second crossing across the Baltimore Harbor and the approaches thereto of each of such crossings. [The] **EXCEPT FOR A NORTHERN CROSSING OF THE CHESAPEAKE BAY THAT HAS A TERMINUS THAT LIES IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF KENT COUNTY, THE** Commission is further authorized to perform or have performed such engineering and other services as are necessary to enable it to acquire the right-of-way for such projects and is authorized to acquire such right-of-way. [In] **EXCEPT FOR A NORTHERN CROSSING OF THE CHESAPEAKE BAY THAT HAS A TERMINUS THAT LIES IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF KENT COUNTY, IN** order to pay the cost of such engineering and other services and to pay the cost of such right-of-way the Commission is authorized to issue revenue bonds as authorized in § 1(a) hereof, or the Commission may pay such costs, or parts thereof, from its Construction Fund or other appropriate funds and be reimbursed therefor upon the sale of such revenue bonds. As to contracts which are not let by competitive bidding procedures, the State Roads Commission shall not make any contract for engineering, architectural, or construction studies or work under the provisions of this section without the prior approval of the Board of Public Works.

Article – Transportation

2-112.

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

4 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
5 THE DEPARTMENT, INCLUDING ANY UNIT OF THE DEPARTMENT AND THE
6 MARYLAND TRANSPORTATION AUTHORITY, MAY NOT INCLUDE IN THE
7 MARYLAND TRANSPORTATION PLAN, THE CONSOLIDATED TRANSPORTATION
8 PROGRAM, OR ANY OTHER PLAN, STUDY, ANALYSIS, REPORT, PROPOSAL,
9 CONCEPTUALIZATION, OR OTHER DOCUMENT, A REFERENCE OR STATEMENT
10 WITH RESPECT TO A POSSIBLE NORTHERN CHESAPEAKE BAY CROSSING THAT
11 HAS A TERMINUS THAT LIES IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF
12 KENT COUNTY.

13 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE
14 CONSTRUED:

15 1. TO PRECLUDE THE DEPARTMENT, INCLUDING
16 ANY UNIT OF THE DEPARTMENT, OR THE MARYLAND TRANSPORTATION
17 AUTHORITY FROM INCLUDING IN THE MARYLAND TRANSPORTATION PLAN,
18 THE CONSOLIDATED TRANSPORTATION PROGRAM, OR ANY OTHER PLAN,
19 STUDY, ANALYSIS, REPORT, CONCEPTUALIZATION, OR OTHER DOCUMENT A
20 STATEMENT THAT PROHIBITS THE PLANNING, DESIGN, OR CONSTRUCTION OF A
21 NORTHERN CHESAPEAKE BAY CROSSING THAT HAS A TERMINUS THAT LIES IN
22 WHOLE OR IN PART WITHIN THE BOUNDARIES OF KENT COUNTY; OR

23 2. TO PRECLUDE KENT COUNTY FROM INCLUDING
24 IN ITS COMPREHENSIVE PLAN FOR THE COUNTY A STATEMENT THAT PROHIBITS
25 THE PLANNING, DESIGN, OR CONSTRUCTION OF A NORTHERN CHESAPEAKE BAY
26 CROSSING THAT HAS A TERMINUS THAT LIES IN WHOLE OR IN PART WITHIN THE
27 BOUNDARIES OF KENT COUNTY.

28 (3) BONDS OR FUNDING MECHANISMS OF ANY NATURE
29 AUTHORIZED UNDER THIS ARTICLE OR ANY OTHER LAW WITH RESPECT TO THE
30 FINANCING OF THE PLANNING, DESIGN, OR CONSTRUCTION OF ANY
31 TRANSPORTATION FACILITY OR TRANSPORTATION FACILITIES PROJECT MAY
32 NOT BE USED TO FINANCE THE PLANNING, DESIGN, OR CONSTRUCTION OF A
33 NORTHERN CHESAPEAKE BAY CROSSING THAT HAS A TERMINUS THAT LIES IN
34 WHOLE OR IN PART WITHIN THE BOUNDARIES OF KENT COUNTY.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF, ON OR AFTER JUNE 1, 2007, ANY PLAN, STUDY, ANALYSIS, REPORT, PROPOSAL, CONCEPTUALIZATION, OR OTHER DOCUMENT CONTAINS A REFERENCE OR STATEMENT IN VIOLATION OF SUBSECTION (A)(2)(I) OF THIS SECTION, THE DEPARTMENT, INCLUDING ANY UNIT OF THE DEPARTMENT, OR THE MARYLAND TRANSPORTATION AUTHORITY, AS APPROPRIATE, SHALL REMOVE OR CAUSE THE REMOVAL OF THE REFERENCE OR STATEMENT.

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

(I) THE DOCUMENT ORIGINATED IN THE DEPARTMENT; OR

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

4-206.

Subject to Title 12 of the Real Property Article and Ch. 608, Acts of 1976, AS AMENDED BY CHAPTER ____ (S.B.____/H.B.____)(7LR0741) OF THE ACTS OF THE GENERAL ASSEMBLY OF 2007, AND EXCEPT FOR A NORTHERN CROSSING OF THE CHESAPEAKE BAY THAT HAS A TERMINUS THAT LIES IN WHOLE OR IN PART WITHIN THE BOUNDARIES OF KENT COUNTY, the Authority may condemn property for any transportation facilities project authorized to be financed with revenue bonds of prior issues.

Article 25 – County Commissioners

236.

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

(b) This section applies to:

(1) Caroline County;

- 1 (2) Cecil County;
- 2 (3) Dorchester County;
- 3 (4) Kent County;
- 4 (5) Queen Anne's County;
- 5 (6) Somerset County;
- 6 (7) Talbot County;
- 7 (8) Wicomico County; and
- 8 (9) Worcester County.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 June 1, 2007.