

Department of Legislative Services  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

Senate Bill 937 (Senator Dyson)  
Education, Health, and Environmental Affairs

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**St. Mary's County - Washington, Potomac and Chesapeake Railroad Company -  
Abandoned Right-of-Way - Protection**

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This bill prohibits the State or a local government from selling, disposing, or allowing an encroachment of a specified tract of land in St. Mary's County, owned by St. Mary's County, which encompasses the abandoned railroad corridor property of the former Washington, Potomac, and Chesapeake Railroad Company. The bill does not prohibit interim use of the specified property for public recreation.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to have a significant impact on State operations or finances.

**Local Effect:** To the extent local jurisdictions are required to address encroachments on the specified land, expenditures may increase in FY 2010 and subsequent years for patrols, removal of obstacles, and associated litigation. If St. Mary's County intends to sell the specified property, county revenues decrease due to the prohibition on selling the land.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** County commissioners have charge of and control over the property owned by the county, and over county roads and bridges.

The Department of Natural Resources (DNR) is required to work with the Maryland Department of Transportation (MDOT), and other agencies and local governments to determine the suitability for trail purposes of railroad corridor property proposed for abandonment.

DNR is authorized to conduct feasibility studies and appraisals of railroad corridor property proposed for abandonment and acquire railroad corridors. If MDOT acquires railroad corridor property considered suitable for use as recreational trails, DNR may request interim use of the property for public recreational use and lease a corridor from MDOT and sublease it to a local government.

If DNR leases railroad corridor property for interim recreation such use may not be considered as an abandonment of the use of the railroad corridor for railroad purposes. DNR must conduct a public hearing in the affected county prior to undertaking the development of a railroad corridor property.

With approval from the Board of Public Works, the Secretary of Transportation or the Maryland Transit Administration may acquire on behalf of the State, by gift, purchase, lease, condemnation, or otherwise, specified abandoned railroad corridor property for any transportation-related purpose.

**Background:** St. Mary's County is currently developing the Three Notch Trail along the county-owned railroad right-of-way specified in the bill. The planned trail is being built along the 28-mile right-of-way that runs south from Hughesville (in Charles County) to Lexington Park (to the Patuxent River Naval Air Station). The trail will be a pedestrian, bicycle, and equestrian trail. To date, trail construction is complete in two areas, a one-mile segment from New Market to Charlotte Hall and a 2.25-mile segment from Charlotte Hall to Deborah Drive. St. Mary's County, MDOT, and DNR have contributed funding toward this trail construction project.

Road crossings, structures, utility lines, and approximately 100 easements currently exist on the county-owned railroad right-of-way.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** St. Mary's County, Department of Natural Resources, Maryland Department of Planning, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 12, 2009  
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