

HB0548/930510/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 548  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Privately Owned Transportation Projects – Construction and Authorization to Use State–Owned Rights–of–Way and Property – Requirements”; strike beginning with “establishing” in line 3 down through “transportation” in line 5 and substitute “providing that a certain project may not be constructed and the State may not authorize the use of or access to a State–owned right–of–way or State property for a certain project under certain circumstances; defining a certain term; and generally relating to privately owned transportation projects”; and strike in their entirety lines 6 through 15, inclusive, and substitute:

“BY adding to

Article - Public Utilities

Section 5–412

Annotated Code of Maryland

(2010 Replacement Volume and 2017 Supplement)”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 19 on page 1 through line 3 on page 4, inclusive, and substitute:

**“5–412.**

**(A) IN THIS SECTION, “PROJECT” MEANS A PRIVATELY OWNED TRANSPORTATION PROJECT IN THE STATE THAT INCLUDES THE CONSTRUCTION OF ONE OR MORE TUNNELS WITH A DIAMETER OF 6 FEET OR GREATER THAT WILL BE PRIMARILY USED BY A COMMON CARRIER.**

(Over)

(B) NOTWITHSTANDING ANY OTHER LAW, A PROJECT MAY NOT BE CONSTRUCTED AND THE STATE MAY NOT AUTHORIZE THE USE OF OR ACCESS TO A STATE-OWNED RIGHT-OF-WAY OR STATE PROPERTY FOR A PROJECT UNLESS:

(1) (I) THE OWNER OF THE PROJECT HAS PREVIOUSLY OBTAINED A FRANCHISE FROM THE COMMISSION TO OPERATE AS A PUBLIC SERVICE COMPANY; OR

(II) THE PROJECT IS APPROVED BY THE COMMISSION; AND

(2) (I) AN ENVIRONMENTAL IMPACT STATEMENT IS PREPARED FOR THE PROJECT IN ACCORDANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT; OR

(II) AN ENVIRONMENTAL EFFECTS REPORT IS PREPARED FOR THE PROJECT IN ACCORDANCE WITH § 1-304 OF THE NATURAL RESOURCES ARTICLE.”