

# SENATE BILL 1003

R2, L1, C5

8lr3275

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By: **Senators Pinsky and Peters**

Introduced and read first time: February 5, 2018

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Magnetic Levitation Transportation System – Limitations**

3 FOR the purpose of prohibiting a person from constructing a magnetic levitation  
4 transportation system or certain facilities or structures in a local jurisdiction unless  
5 the local legislative body and the local executive review and approve the  
6 construction; prohibiting a unit of State or local government from approving the  
7 construction, or condemnation of property for the construction, of a magnetic  
8 levitation transportation system or certain facilities or structures in a local  
9 jurisdiction unless the local legislative body and the local executive review and  
10 approve the construction; requiring a person proposing the construction of a  
11 magnetic levitation transportation system to identify certain households and  
12 property in certain local jurisdictions and to provide certain notice of and conduct  
13 public hearings periodically in the local jurisdictions; applying certain provisions of  
14 this Act to charter counties; altering the definition of “railroad” for certain purposes;  
15 providing that a railroad company may not pass through certain counties without  
16 the consent of the respective county executive and county council; prohibiting the  
17 Department of Transportation and certain units from using an appropriation for a  
18 magnetic levitation transportation system in the State; prohibiting the State and  
19 certain units and instrumentalities from using any appropriation for a magnetic  
20 levitation transportation system in the State; prohibiting a public or private entity  
21 that receives money from the State from authorizing a permit or giving any other  
22 form of approval for a magnetic levitation transportation system in the State;  
23 prohibiting a proposal for a magnetic levitation transportation system from using  
24 certain right-of-way or track owned or operated by a certain railroad company;  
25 providing for the application and construction of this Act; and generally relating to  
26 land use and the authority of the State and local governments over magnetic  
27 levitation transportation systems.

28 BY repealing and reenacting, without amendments,  
29 Article – Land Use  
30 Section 1–401(b)(14) and (c) and 10–103(b)(15)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2012 Volume and 2017 Supplement)

3 BY adding to  
4 Article – Land Use  
5 Section 7–105  
6 Annotated Code of Maryland  
7 (2012 Volume and 2017 Supplement)

8 BY repealing and reenacting, without amendments,  
9 Article – Public Utilities  
10 Section 1–101(a) and (x)  
11 Annotated Code of Maryland  
12 (2010 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Public Utilities  
15 Section 1–101(y) and 5–407  
16 Annotated Code of Maryland  
17 (2010 Replacement Volume and 2017 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – State Finance and Procurement  
20 Section 7–238  
21 Annotated Code of Maryland  
22 (2015 Replacement Volume and 2017 Supplement)

23 BY adding to  
24 Article – State Finance and Procurement  
25 Section 7–239  
26 Annotated Code of Maryland  
27 (2015 Replacement Volume and 2017 Supplement)

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

30 **Article – Land Use**

31 1–401.

32 (b) The following provisions of this division apply to a charter county:

33 (14) Title 7, Subtitle 1 (Development Mechanisms);

34 (c) This section supersedes any inconsistent provision of Division II of this article.

35 **7–105.**

1 (A) NOTWITHSTANDING ANY OTHER LAW, UNLESS THE LEGISLATIVE BODY  
2 AND THE LOCAL EXECUTIVE HAVE REVIEWED AND APPROVED THE PROPOSAL FOR  
3 THE MAGNETIC LEVITATION TRANSPORTATION SYSTEM:

4 (1) A PERSON MAY NOT CONSTRUCT A MAGNETIC LEVITATION  
5 TRANSPORTATION SYSTEM OR ANY FACILITY OR STRUCTURE INCIDENT TO THE  
6 CONSTRUCTION OF A MAGNETIC LEVITATION TRANSPORTATION SYSTEM THAT IS  
7 LOCATED IN THE LOCAL JURISDICTION; AND

8 (2) A STATE, REGIONAL, OR LOCAL GOVERNMENTAL UNIT MAY NOT  
9 APPROVE A PROPOSAL FOR THE CONSTRUCTION, OR APPROVE CONDEMNATION OF  
10 PROPERTY FOR THE CONSTRUCTION, OF A MAGNETIC LEVITATION  
11 TRANSPORTATION SYSTEM OR ANY FACILITY OR STRUCTURE INCIDENT TO THE  
12 CONSTRUCTION OF A MAGNETIC LEVITATION TRANSPORTATION SYSTEM THAT IS  
13 LOCATED IN THE LOCAL JURISDICTION.

14 (B) A PERSON PROPOSING THE CONSTRUCTION OF A MAGNETIC  
15 LEVITATION TRANSPORTATION SYSTEM IN OR ADJACENT TO A LOCAL JURISDICTION  
16 SHALL:

17 (1) IDENTIFY EACH HOUSEHOLD AND PROPERTY THAT MAY BE  
18 IMPACTED BY THE PROPOSAL IN THE LOCAL JURISDICTION; AND

19 (2) PROVIDE PUBLIC NOTICE OF AND CONDUCT A PUBLIC HEARING  
20 EACH MONTH IN THE LOCAL JURISDICTION IN CONJUNCTION WITH THE LOCAL  
21 JURISDICTION.

22 10–103.

23 (b) The following provisions of this division apply to Baltimore City:

24 (15) Title 7, Subtitle 1 (Development Mechanisms);

25 **Article – Public Utilities**

26 1–101.

27 (a) In this division the following words have the meanings indicated.

28 (x) (1) “Public service company” means a common carrier company, electric  
29 company, gas company, sewage disposal company, telegraph company, telephone company,  
30 water company, or any combination of public service companies.

31 (2) “Public service company” does not include:

1 (i) a campground that provides water, electric, gas, sewage, or  
2 telephone service to campers incident to the campground's primary business of operating  
3 and maintaining the campground; or

4 (ii) a person that owns or operates equipment used for charging  
5 electric vehicles, including a person that owns or operates:

6 1. an electric vehicle charging station;

7 2. electric vehicle supply equipment; or

8 3. an electric vehicle charging station service company or  
9 provider.

10 (y) (1) "Railroad" means a common carrier by rail powered in any manner,  
11 **INCLUDING A MAGNETIC LEVITATION TRANSPORTATION SYSTEM.**

12 (2) "Railroad" includes material, equipment, and property used on or in  
13 connection with a railroad.

14 5-407.

15 (a) A railroad company and the municipal corporation, public officer, or public  
16 authority that owns or has control of any road, street, alley, or other public way or ground  
17 necessary to locate any part of the railroad may agree on the manner, terms, and conditions  
18 allowing the railroad company to use or occupy the road, street, alley, or other public way  
19 or ground.

20 (b) If the parties are unable to agree and the railroad company needs to use or  
21 occupy the road, street, alley, or other public way or ground, the railroad company may  
22 acquire the property by condemnation in accordance with Title 12 of the Real Property  
23 Article.

24 (c) (1) A railroad company that lays track on any public street, road, alley, or  
25 other public way or ground is responsible for any damage done by the location of the track  
26 to private property on or near the public way or ground.

27 (2) The owner of the private property shall bring a civil action for damages  
28 under this subsection within 2 years after the completion of the track.

29 (d) A railroad company may not pass through:

30 **(1) ANNE ARUNDEL COUNTY OR PRINCE GEORGE'S COUNTY**  
31 **WITHOUT THE CONSENT OF THE RESPECTIVE COUNTY EXECUTIVE AND COUNTY**  
32 **COUNCIL; OR**

1           **(2)** Baltimore City without the consent of the Mayor and City Council.

2                           **Article – State Finance and Procurement**

3 7–238.

4           (a) (1) In this section the following words have the meanings indicated.

5                   (2) “Capital project” means a project for which funds are spent for:

6                           (i) the construction, reconstruction, or rehabilitation of a  
7 transportation facility, as defined in § 3–101(l) of the Transportation Article; or

8                           (ii) capital equipment as defined by the Secretary of Transportation.

9                   (3) “Major capital project” has the meaning stated in § 2–103.1 of the  
10 Transportation Article.

11                   (4) “Modal administration” has the meaning stated in § 1–101 of the  
12 Transportation Article.

13           (b) Except for an emergency project, the Department of Transportation, including  
14 the Office of the Secretary and the modal administrations, may not use an appropriation  
15 for a major capital project for any capital project that was not included in the Consolidated  
16 Transportation Program when the appropriation was made.

17           **(C) THE DEPARTMENT OF TRANSPORTATION, INCLUDING THE OFFICE OF**  
18 **THE SECRETARY AND THE MODAL ADMINISTRATIONS, MAY NOT USE AN**  
19 **APPROPRIATION FOR A MAGNETIC LEVITATION TRANSPORTATION SYSTEM**  
20 **LOCATED OR TO BE LOCATED IN THE STATE.**

21 **7–239.**

22           **(A) NEITHER THE STATE NOR ANY UNIT OR INSTRUMENTALITY OF THE**  
23 **STATE MAY USE ANY APPROPRIATION FOR A MAGNETIC LEVITATION**  
24 **TRANSPORTATION SYSTEM LOCATED OR TO BE LOCATED IN THE STATE.**

25           **(B) NO PUBLIC OR PRIVATE ENTITY THAT RECEIVES MONEY FROM THE**  
26 **STATE MAY AUTHORIZE A PERMIT OR GIVE ANY OTHER FORM OF APPROVAL FOR A**  
27 **MAGNETIC LEVITATION TRANSPORTATION SYSTEM LOCATED OR TO BE LOCATED IN**  
28 **THE STATE.**

29           **(C) NOTWITHSTANDING ANY OTHER LAW, A PROPOSAL FOR A MAGNETIC**  
30 **LEVITATION TRANSPORTATION SYSTEM MAY NOT INCLUDE THE USE OF THE**

1 **RIGHT-OF-WAY OR TRACK OWNED OR OPERATED BY THE NATIONAL RAILROAD**  
2 **PASSENGER CORPORATION, COMMONLY KNOWN AS AMTRAK.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
4 1, 2018.