

# HOUSE BILL 209

R2  
HB 548/18 – ENV

9lr0869

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By: **Delegates Healey, B. Barnes, Carey, Chang, Gaines, Harrison, Holmes, Jalisi,  
Lehman, Pena-Melnyk, Valentino-Smith, and Washington**

Introduced and read first time: January 23, 2019

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Privately Owned Transportation Projects – Construction and Authorization to**  
3 **Use State-Owned Rights-of-Way and Property – Requirements**

4 FOR the purpose of providing that a certain project may not be constructed and the State  
5 may not authorize the use of or access to a State-owned right-of-way or State  
6 property for a certain project under certain circumstances; providing for the  
7 construction of this Act; defining a certain term; and generally relating to privately  
8 owned transportation projects.

9 BY adding to

10 Article – Transportation  
11 Section 9–101 to be under the new title “Title 9. Railroads”  
12 Annotated Code of Maryland  
13 (2015 Replacement Volume and 2018 Supplement)

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

### Article – Transportation

#### TITLE 9. RAILROADS.

18 **9–101.**

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PREEMPT OR**  
2 **CONFLICT WITH ANY FEDERAL LAW OR REGULATION.**

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

6                   **(1) AN ENVIRONMENTAL IMPACT STATEMENT IS PREPARED FOR THE**  
7 **PROJECT IN ACCORDANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT; OR**

8                   **(2) IF AN ENVIRONMENTAL IMPACT STATEMENT IS NOT REQUIRED BY**  
9 **AND PREPARED FOR THE PROJECT UNDER THE NATIONAL ENVIRONMENTAL**  
10 **POLICY ACT:**

11                           **(I) AN ENVIRONMENTAL EFFECTS REPORT IS PREPARED FOR**  
12 **THE PROJECT IN ACCORDANCE WITH § 1-304 OF THE NATURAL RESOURCES**  
13 **ARTICLE THAT IS THE RESULT OF A REVIEW THAT IS SUBSTANTIALLY SIMILAR TO A**  
14 **REVIEW FOR WHICH AN ENVIRONMENTAL IMPACT STATEMENT IS PREPARED UNDER**  
15 **THE NATIONAL ENVIRONMENTAL POLICY ACT; AND**

16                           **(II) THE PROJECT IS APPROVED BY THE DEPARTMENT.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2019.