

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 765 (Delegate Valentino-Smith, *et al.*)  
Environment and Transportation

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Transportation - Magnetic Levitation Projects - Requirements

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This bill generally prohibits a privately owned magnetic levitation (Maglev) transportation system from being constructed in the State and prohibits the State from authorizing the use of or access to a State right-of-way or State property for such a project, unless the project owner (1) provides the affected counties with a complete list of any private property that will need to be condemned as part of the project and (2) receives express consent for the project from a majority of the affected counties. The bill also requires the project owner to provide a bond to each affected county that meets specified requirements. **The bill takes effect June 1, 2019.**

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Fiscal Summary

**State Effect:** No immediate effect. There are no current plans to appropriate funding for a Maglev system; however, the bill could have an effect on any future Maglev project. For example, the bill's requirements likely make the proposed Baltimore-Washington Superconducting Magnetic Levitation (SCMAGLEV) Project difficult or impossible to implement, as discussed below.

**Local Effect:** No immediate effect, as discussed below.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The project owner of a Maglev system must provide a bond to each governing body of a county affected by the project that is (1) payable to the county; (2) issued by an approved surety; (3) in a form and an amount determined by the affected

county; and (4) conditioned on the project owner covering any future liability for damage to land or infrastructure and any damages related to project failure.

**Current Law/Background:** For information on the status of Maglev transportation projects in the State, please see **Appendix – Magnetic Levitation Systems in Maryland.**

**State/Local Fiscal Effect:** While the bill does not directly prohibit the construction of a Maglev system in the State, it does establish restrictions that make the proposed SCMAGLEV project difficult or impossible to implement. Under the bill, the project could not be authorized to take place unless a majority of the counties affected by the project approve of the project. Additionally, the bill's requirement that the project owner provide a bond to each county affected by the project could increase costs significantly for the project owner and make financing the project untenable. Thus, State and local finances are affected in future years to the extent that the project would have been constructed in the absence of the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 914 (Senator Beidle, *et al.*) - Rules.

**Information Source(s):** Baltimore City; Montgomery County; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 26, 2019  
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Analysis by: Richard L. Duncan

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510

## **Appendix – Magnetic Levitation Systems in Maryland**

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### *Magnetic Levitation Trains – Generally*

Unlike traditional steel wheel trains that travel along rails, magnetic levitation (Maglev) trains use superconducting magnets to levitate train cars. Magnets attached to the train interact with magnets along rails within a concrete guideway to propel the train. The [U.S. Department of Energy](#) (DOE) reports that a Maglev train can travel at speeds of up to 375 miles per hour with very little turbulence compared to steel wheel trains. DOE also notes that Maglev trains are safer than traditional trains; for example, traditional train derailments that result from cornering too quickly are nearly impossible. Several countries have implemented Maglev train systems, including Germany, Japan, and South Korea, and many others have explored the prospects of doing so.

### *History of Maglev in Maryland*

The federal Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), which was signed into law in 1998, authorized federal funding to implement a Maglev system in the United States. Funding through TEA-21 lapsed in 2003, and although the Act did not result in the implementation of a Maglev system, several states explored the costs and benefits of doing so. Maryland was particularly interested because a Maglev system could significantly reduce the travel time between Baltimore City and the District of Columbia.

The Maryland Department of Transportation (MDOT) began to devote funding to the development and evaluation of a Maglev system in fiscal 2001. At that time, the Federal Railroad Administration (FRA) and MDOT commenced the Environmental Impact Study (EIS) for the project, which is required by the National Environmental Policy Act (NEPA).

The final EIS was never published, however, because State legislation enacted in 2003 and 2004 prohibited the funding of a Maglev project following the final report of the Task Force to Evaluate the Development and Construction of a Magnetic Levitation Transportation System. In its final report, which was issued in 2003, the task force noted that, among other challenges, a significant amount of funding would be required to implement a Maglev system in Maryland. As a result, during the 2003 session, the General Assembly prohibited spending any State funds to study, develop, or construct a Maglev system and required the enactment of legislation prior to any agreement to construct or operate such a system. During the 2004 session, these provisions were modified to prohibit any State or federal funding for any phase of a Maglev project after

July 1, 2005. The Budget Reconciliation and Financing Act of 2011, however, repealed these prohibitions.

*Current Status of Maglev in Maryland*

The Baltimore-Washington Superconducting Magnetic Levitation (SCMAGLEV) Project, which has been proposed by a private company, is a proposed Maglev train system between Baltimore City and the District of Columbia, with an intermediate stop at the Baltimore/Washington International Thurgood Marshall Airport. In 2016, MDOT was awarded \$27.8 million by FRA to conduct the required EIS, and that analysis is currently underway. The *Consolidated Transportation Program* for fiscal 2019 through 2024 estimates that the EIS will be completed in fiscal 2020. Additional information about the project can be found on the [Baltimore-Washington SCMAGLEV Project website](#).