A BILL ENTITLED

AN ACT concerning

Railroad Companies – Condemnation Authority – Application

FOR the purpose of establishing that certain authority of railroad companies to acquire property by condemnation does not apply to an entity that owns or operates a railroad powered by a magnetic levitation propulsion system; and generally relating to the condemnation authority of railroad companies.

BY repealing and reenacting, without amendments,

Article – Public Utilities
Section 5–405 through 5–408
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities
Section 5–409
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Public Utilities

5–405.

(a) A railroad company or its authorized agent may agree with the owner to purchase, use, occupy, or divert the owner’s land, earth, gravel, stone, timber, streams, materials, or improvements that the company wants for the proper construction or repair of the railroad company’s roads or works.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
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(b) The company may acquire the property by condemnation under Title 12 of the Real Property Article if:

(1) the company cannot agree with the owner of the property; or

(2) an owner:

   (i) is a minor, is adjudged to be mentally incompetent, or is under any other legal disability to contract; or

   (ii) is absent from the county in which the property is located when the company wants the property.

5–406.

(a) (1) A railroad company may change the location or grade of any portion of its road if the company finds the change is necessary for any reasonable cause, including to avoid:

   (i) inconvenience to public travel;

   (ii) dangerous or difficult curves or grades; or

   (iii) unsafe or unsubstantial grounds or foundations.

(2) A change of location or grade under this section shall follow the general route of the existing road.

(3) A railroad company may enter on and take land and make surveys necessary to make the change in location or grade in accordance with Title 12 of the Real Property Article.

(b) (1) A railroad company is liable to the owner of the land on which the road was constructed for any damages caused by a change in location or grade of the road.

(2) The amount of damages determined shall be paid to the owner or deposited into court.

(3) An owner shall claim damages within:

   (i) 30 days after actual notice of the intended change has been given to the owner, if the owner resides on the premises; or

   (ii) 60 days after publication of notice in a newspaper in general circulation in the county, if the owner is a nonresident.
(c) If a railroad company condemns land under this section, the condemnation is binding on the company, unless the company chooses to abandon the location within 30 days after making the condemnation.

5–407.

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

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

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

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

(d) A railroad company may not pass through Baltimore City without the consent of the Mayor and City Council.

5–408.

The power of a railroad company to condemn land and other property under this subtitle includes the power to condemn, for railroad purposes, private crossings or ways and land and other property to provide substitute outlets.

5–409.

(A) [Sections] Subject to subsection (b) of this section, §§ 5–405, 5–406, and 5–407 of this subtitle apply to all railroads operated by electricity, cable, or other improved motive power, whether the property proposed to be condemned is located in a county or Baltimore City, where streets and alleys have not been opened and occupied as city streets.

(B) Sections 5–405 through 5–408 of this subtitle do not apply to an entity that owns or operates a railroad powered by a magnetic levitation propulsion system.

Section 2. And be it further enacted, That this Act shall take effect October 1, 2022.