SENATE BILL 1013

By: Senators Beidle, Augustine, and Hayes
Constitutional Requirements Complied with for Introduction in the last 35 Days of Session
Introduced and read first time: March 25, 2022
Assigned to: Budget and Taxation and Finance

A BILL ENTITLED

AN ACT concerning

Transportation – Magnetic Levitation Transportation Systems – Rapid Rail
Local Development Councils

FOR the purpose of requiring a railroad company that acquires property by condemnation
for a magnetic levitation transportation system to pay a certain percentage of the
acquisition cost to a local development council; authorizing the governing body of
certain counties to establish a rapid rail local development council; requiring a rapid
rail local development council to distribute funds in a certain manner; and generally
relating to property acquired by condemnation for a magnetic levitation
transportation system.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 5–407
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY adding to
Article – Transportation
Section 7–904
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

5–407.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(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) (1) [If] Subject to paragraph (2) of this subsection, 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.

(2) A railroad company that acquires property by condemnation in accordance with Title 12 of the Real Property Article for a magnetic levitation transportation system located or to be located in the State shall pay an additional amount equal to 25% of the acquisition cost of the property to a Rapid Rail Local Development Council established in accordance with § 7–904 of the Transportation 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.

Article – Transportation

7–904.

(A) The governing body of a county where a railroad company acquires property by condemnation for a magnetic levitation transportation system located or to be located in the State may establish a rapid rail local development council.

(B) A rapid rail local development council shall consist of the following members:

(1) One member of the Senate, appointed by the President of the Senate;
(2) Three members of the House, appointed by the Speaker of the House;

(3) Seven residents of the county, selected by the governing body of the county; and

(4) Four business owners, selected by the governing body of the county.

(C) (1) A rapid rail local development council shall distribute funds paid to the council under § 5–407 of the Public Utilities Article for community projects within a 5–mile radius of a property a railroad company acquires by condemnation for a magnetic levitation transportation system located or to be located in the State.

(2) A rapid rail local development council may distribute funds to:

(I) A nonprofit organization;

(II) A school;

(III) A faith–based organization; or

(IV) A community association in good standing with the State Department of Assessments and Taxation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.