

SENATE BILL 973

R2

5lr3445

By: **Senator Lam**

Introduced and read first time: January 28, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Aviation Oversight – BWI Thurgood Marshall Airport Master Plan**

3 FOR the purpose of requiring the Maryland Aviation Commission to adopt, rather than
4 approve for adoption by the Executive Director of the Maryland Aviation
5 Administration, regulations for the operation of the State-owned airports; altering
6 requirements for meetings and a quorum of the Commission; altering certain powers
7 and duties of the Administration and the Commission; requiring certain contracts to
8 be approved by the Commission; requiring the Secretary of Transportation to adopt
9 regulations governing the Master Plan process for Baltimore–Washington
10 International Thurgood Marshall Airport; requiring the Commission to adopt a
11 Master Plan for Baltimore–Washington International Thurgood Marshall Airport on
12 or before a certain date and periodically update the Master Plan; requiring the
13 Executive Director, the Secretary of the Environment, and the Commission to
14 periodically review certain regulations related to noise levels; requiring the
15 Executive Director to brief the Commission periodically on certain noise abatement
16 plans; and generally relating to oversight of aviation in the State.

17 BY repealing and reenacting, without amendments,
18 Article – Transportation
19 Section 5–201(a)
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2024 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Transportation
24 Section 5–201(b)(2), (c), and (f), 5–201.1(b), (c), and (d), 5–202.1, 5–204(a) and (d),
25 5–208, 5–209(a), 5–213(a), 5–804, 5–806, and 5–820(a)
26 Annotated Code of Maryland
27 (2020 Replacement Volume and 2024 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Transportation
2 Section 5–413(e)
3 Annotated Code of Maryland
4 (2020 Replacement Volume and 2024 Supplement)

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

7 **Article – Transportation**

8 5–201.

9 (a) There is a Maryland Aviation Commission.

10 (b) The Commission shall:

11 (2) [Approve] **ADOPT** regulations for the operation of the State–owned
12 airports [prior to their adoption by the Executive Director];

13 (c) (1) The Commission shall consist of 13 voting members:

14 (i) 12 appointed by the Governor with the advice and consent of the
15 Senate:

16 1. Two of whom shall be recommended by the Anne Arundel
17 County Senate Delegation; and

18 2. Two of whom shall be recommended by the Howard
19 County Senate Delegation; and

20 (ii) The Secretary of Transportation, who shall be the [Chairman]
21 **CHAIR** of the Commission.

22 (2) The Secretary of Commerce shall serve as a nonvoting ex officio
23 Commission member.

24 (f) (1) The Commission shall meet at a time and place designated by the
25 [Chairman] **CHAIR** of the Commission.

26 (2) The Commission shall meet as often as its duties require, but [not less
27 than quarterly] **SHALL HOLD AT LEAST 10 MEETINGS EACH YEAR, OF WHICH FOUR
28 MEETINGS MAY BE MEETINGS OF SUBCOMMITTEES OF THE COMMISSION
29 DESIGNATED BY THE CHAIR.**

30 (3) (i) Attendance by [five] **A MAJORITY OF THE VOTING** members
31 shall constitute a quorum.

1 (ii) No formal action may be taken by the Commission except by an
2 affirmative vote of a majority of the entire Commission.

3 5–201.1.

4 (b) Actions of the Commission which, in the judgment of the [Chairman] **CHAIR**,
5 have an impact upon the Transportation Trust Fund are subject to the approval of the
6 [Chairman] **CHAIR**.

7 (c) The [Chairman] **CHAIR** of the Commission shall:

8 (1) Based on the advice of the Commission and subject to the approval of
9 the Governor, appoint the Executive Director of the Administration in accordance with §
10 5–501 of the General Provisions Article; and

11 (2) Approve the Administration’s budget before its submission for the
12 Governor’s approval and inclusion in the proposed budget submitted to the General
13 Assembly.

14 (d) The [Chairman] **CHAIR** of the Commission with the advice of the Commission
15 may remove the Executive Director of the Administration.

16 5–202.1.

17 (a) The head of the Administration is the Executive Director.

18 (b) (1) The Executive Director shall report directly to the Commission.

19 (2) Subject to the direction of the Commission and in accordance with other
20 provisions of law, the Executive Director is responsible for **CARRYING OUT**:

21 (i) [Carrying out the] **THE** powers and duties vested by law in the
22 Administration; and

23 (ii) [Adopting and carrying out regulations] **REGULATIONS**
24 **ADOPTED BY THE COMMISSION**.

25 (c) The Executive Director is entitled to the salary provided in the State budget.

26 5–204.

27 (a) In addition to the specific powers granted and duties imposed by this title,
28 **AND SUBJECT TO THE SUPERVISION OF THE COMMISSION**, the Administration has the
29 powers and duties set forth in this section.

1 (d) With the approval of the Secretary, the Administration may:

2 (1) Recommend necessary legislation to advance the interests of this State
3 in aeronautics;

4 (2) Represent this State in aeronautics matters before any agency of this
5 or any other state or of the federal government;

6 (3) Participate on behalf of this State or any political subdivision or citizen
7 of this State as party plaintiff or defendant or as intervenor in any controversy that involves
8 the interest of this State in aeronautics; and

9 (4) **[Adopt] PROPOSE FOR ADOPTION BY THE COMMISSION** rules and
10 regulations for the functioning and administration of the Administration.

11 5–208.

12 (a) (1) The **[Administration] COMMISSION** may perform any act, issue and
13 amend any order, adopt and amend any general or special rule, regulation, or procedure,
14 and establish any minimum standard consistent with this title and necessary:

15 (i) To perform its duties and carry out the provisions of this title;

16 (ii) To protect the general public safety, the safety of persons who
17 operate, use, or travel in aircraft, the safety of persons who receive instructions in flying or
18 ground subjects that relate to aeronautics, or the safety of persons and property on land or
19 water; or

20 (iii) To develop and promote aeronautics in this State.

21 (2) The **[Administration] COMMISSION** may adopt rules and regulations
22 by which a person engaging in aeronautics may be required to establish financial
23 responsibility for any damage or injury that might be caused by the person.

24 (3) (i) The **[Administration] COMMISSION** shall adopt rules and
25 regulations requiring the use of security identification badges in airports consistent with
26 any airport security program regulations adopted under this section.

27 (ii) After notice and opportunity for a hearing as provided under §
28 5–210 of this subtitle, the Administration may order a civil penalty not exceeding \$1,000
29 for the misuse of a security identification badge in violation of an airport security program
30 adopted under subparagraph (i) of this paragraph.

31 (b) (1) A rule or regulation adopted by the **[Administration] COMMISSION**
32 may not apply to any airport, airport facility, or air navigation facility that is owned or
33 operated by the United States.

1 (2) A rule, regulation, order, or standard of the [Administration]
2 COMMISSION may not be inconsistent with or contrary to federal law.

3 (c) Copies of all rules, regulations, and standards shall be filed in accordance with
4 the Administrative Procedure Act and the State Documents Law and shall be made
5 available to the public.

6 5-209.

7 (a) The Executive Director or any officer or employee of the Administration
8 designated by the Executive Director may conduct investigations, inquiries, and hearings
9 as to:

10 (1) Any matter covered by this title or by a rule, regulation, or order of the
11 Administration OR COMMISSION; or

12 (2) Any aeronautics accident in this State.

13 5-213.

14 (a) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
15 Administration may make any contract necessary for or incidental to the performance of
16 its duties and the exercise of its powers under this title.

17 (2) A CONTRACT INVOLVING CONSIDERATION EXCEEDING \$1,000,000
18 MUST BE APPROVED BY THE COMMISSION IN A PUBLIC MEETING BEFORE THE
19 CONTRACT MAY BECOME EFFECTIVE.

20 5-413.

21 (E) (1) ON OR BEFORE DECEMBER 31, 2026, THE SECRETARY, WITH THE
22 ADVICE OF THE COMMISSION, SHALL ADOPT REGULATIONS TO GOVERN THE
23 MASTER PLAN PROCESS FOR BALTIMORE-WASHINGTON INTERNATIONAL
24 THURGOOD MARSHALL AIRPORT.

25 (2) THE REGULATIONS SHALL:

26 (I) DEFINE MAJOR AIRPORT PROJECTS;

27 (II) REQUIRE THAT A MASTER PLAN INCLUDE MAJOR AIRPORT
28 PROJECTS PLANNED FOR THE NEXT 10 YEARS;

29 (III) REQUIRE AT LEAST TWO PUBLIC HEARINGS AND A PUBLIC
30 COMMENT PERIOD BEFORE ADOPTION OF A MASTER PLAN;

1 **(IV) REQUIRE PUBLIC DISTRIBUTION OF A PROPOSED MASTER**
2 **PLAN, INCLUDING THE DISTRIBUTION OF COPIES OF A PROPOSED MASTER PLAN TO**
3 **EACH COUNTY THAT IS WITHIN THE BALTIMORE–WASHINGTON INTERNATIONAL**
4 **THURGOOD MARSHALL AIRPORT NOISE ZONE; AND**

5 **(V) REQUIRE AT LEAST ONE PUBLIC HEARING:**

6 **1. BEFORE CONSTRUCTION BEGINS ON A MAJOR**
7 **AIRPORT PROJECT; OR**

8 **2. WHEN THERE IS A PROPOSAL TO ADD A MAJOR**
9 **AIRPORT PROJECT TO THE MASTER PLAN.**

10 **(3) ON OR BEFORE DECEMBER 31, 2026, THE COMMISSION SHALL**
11 **ADOPT A MASTER PLAN CONSISTENT WITH THE REGULATIONS ADOPTED UNDER**
12 **THIS SUBSECTION.**

13 **(4) AT LEAST ONCE EVERY 10 YEARS, THE COMMISSION SHALL**
14 **UPDATE THE MASTER PLAN CONSISTENT WITH THE REGULATIONS ADOPTED UNDER**
15 **THIS SUBSECTION.**

16 5–804.

17 (a) With the endorsement of the Secretary and the Secretary of the Environment
18 and after a public hearing following 60 days' notice, the Executive Director shall adopt
19 regulations that establish limits for cumulative noise exposure for residential and other
20 land uses on the basis of the noise sensitivity of a given land use.

21 (b) In adopting limits under this section, the Executive Director shall:

22 (1) Consider:

23 (i) The general health and welfare;

24 (ii) The rights of property owners;

25 (iii) Accepted scientific and professional standards; and

26 (iv) The recommendations of the Federal Aviation Administration
27 and Environmental Protection Agency; and

28 (2) Set the limits at the most restrictive level that, through the application
29 of the best available technology at a reasonable cost and without impairing the safety of
30 flight, is consistent with attaining the environmental noise standards adopted by the
31 Maryland Department of Health.

1 **(C) THE EXECUTIVE DIRECTOR, THE SECRETARY OF THE ENVIRONMENT,**
2 **AND THE COMMISSION SHALL REVIEW THE REGULATIONS ADOPTED UNDER THIS**
3 **SECTION EVERY 5 YEARS TO DETERMINE WHETHER THE REGULATIONS NEED TO BE**
4 **UPDATED.**

5 5-806.

6 (a) (1) As to each noise abatement plan the Executive Director approves, the
7 airport operator shall:

8 (i) Begin to carry out the plan within 6 months of its approval; and

9 (ii) Except as provided in paragraph (2) of this subsection, fully carry
10 out the plan within 18 months of its approval.

11 (2) The Executive Director may grant a delay of up to 2 years to carry out
12 the plan fully if the Executive Director finds that, despite the good faith efforts of the
13 operator, the operator cannot comply with the schedule required by this subsection.

14 (b) After notice and a public hearing, the Executive Director shall certify and
15 publish, as a noise zone for purposes of Parts III and IV of this subtitle, any noise zone that
16 results from an approved assessment or an approved plan.

17 (c) On application by the airport operator or an affected political subdivision, the
18 Executive Director shall consider any adjustment to an approved plan or noise zone that is
19 needed to reflect potential operational changes, changes in adjoining land uses, or other
20 factors. Adjustments may be made only by recertification of the noise zone by the Executive
21 Director, after notice and a public hearing.

22 (d) Before any hearing under this section, the Executive Director shall give the
23 chief executive officer and zoning board of any affected political subdivision an opportunity
24 to comment. After certification of a noise zone, the Administration shall notify them of the
25 certified noise zone.

26 (e) The Executive Director may adopt rules and regulations for monitoring
27 compliance with approved plans.

28 **(F) AT LEAST ANNUALLY, THE EXECUTIVE DIRECTOR SHALL BRIEF THE**
29 **COMMISSION AT A PUBLIC HEARING ON THE STATUS OF NOISE ABATEMENT PLANS**
30 **ADOPTED UNDER THIS SECTION AND ANY POTENTIAL ISSUES WITH COMPLIANCE**
31 **WITH THE PLANS.**

32 5-820.

1 (a) After the Executive Director certifies and publishes a noise zone for a
2 State-owned airport, [he] **THE EXECUTIVE DIRECTOR** shall [adopt] **PROPOSE FOR**
3 **ADOPTION BY THE COMMISSION**, administer, and enforce regulations for the airport in
4 the same manner that a political subdivision enforces its regulations under Part III of this
5 subtitle.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2025.