

Chapter 420

(House Bill 1081)

AN ACT concerning

Maryland Transit Administration Reform Act

FOR the purpose of establishing the Board of Directors for Baltimore Core Transit Service in the Maryland Transit Administration as a governing body with certain authority over the provision of Baltimore Core Transit Service; establishing the Commuter Services Advisory Board to provide certain oversight over and guidance for certain Administration commuter rail and bus services in the State; requiring the Maryland Transportation Commission to determine the qualifications, appointments, compensation, and leave for certain management personnel positions in the Administration; repealing the Baltimore Regional Transit Commission as an advisory commission for transit in the Baltimore City region; ~~proposing an amendment to the Maryland Constitution authorizing the General Assembly to apply certain condemnation authority to the Administration; authorizing the Administration to exercise certain quick take condemnation authority; exempting certain Administration capital construction projects and maintenance contracts and associated transit facilities and vehicles from certain provisions of the State procurement law; limiting the liability of the Administration in a tort action to a certain amount;~~ requiring the Maryland Department of Transportation to contract with the Baltimore Metropolitan Council to complete a technical study on the creation of a rail authority in the State; and generally relating to reform of the Maryland Transit Administration.

~~BY adding to repealing and reenacting, with amendments,~~

~~Article – State Finance and Procurement~~

~~Section 11-203(d), 4-415, 10-202, 12-101(a), 12-103, 12-107(a), 12-108, and 12-202(a)~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2025 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – State Finance and Procurement~~

~~Section 12-101(b), 12-107(b)(3), and 12-202(b)~~

~~Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2025 Supplement)~~

BY adding to

Article – Transportation

Section 7-201.1, *and* 7-201.2, ~~7-401.1, and 7-401.2~~

Annotated Code of Maryland

(2020 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section ~~7-206, 7-702, 8-327, and 8-328~~
 Annotated Code of Maryland
 (2020 Replacement Volume and 2025 Supplement)

BY repealing
 Article – Transportation
 Section 7-213
 Annotated Code of Maryland
 (2020 Replacement Volume and 2025 Supplement)

~~BY repealing and reenacting, without amendments,
 Article – Transportation
 Section ~~8-329~~
 Annotated Code of Maryland
 (2020 Replacement Volume and 2025 Supplement)~~

~~BY proposing an amendment to the Maryland Constitution
 Article III – Legislative Department
 Section 40B~~

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

~~**Article – State Finance and Procurement**~~

~~11-203.~~

~~**(L) THIS DIVISION II DOES NOT APPLY TO MARYLAND TRANSIT
 ADMINISTRATION CAPITAL CONSTRUCTION PROJECTS ON EXISTING AND DEFINED
 FIXED GUIDEWAY SYSTEMS.**~~

~~4-415.~~

~~(a) This section does not apply to:~~

~~**(1) any capital expenditures by the Department of Transportation or the
 Maryland Transportation Authority in connection with State roads, bridges, or highways;**
OR~~

~~**(2) MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS TO
 SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY
 SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES.**~~

~~(b) Before execution, a contract for the acquisition of land shall be:~~

~~(1) reviewed by the Secretary of General Services; and~~

~~(2) except as provided in § 12-204 of this article, after that review, approved by the Board of Public Works.~~

~~(e) (1) This subsection does not apply to any capital expenditure by:~~

~~(i) the Maryland Aviation Administration;~~

~~(ii) the Maryland Port Administration; or~~

~~(iii) the Maryland Transit Administration.~~

~~(2) At least 40 days before the Board of Public Works may act on a land acquisition, the Division shall give written notice of a potential acquisition of land:~~

~~(i) to the governing body of the county in which the land is located; and~~

~~(ii) if the land is located within a municipal corporation, to the governing body of the municipal corporation.~~

~~(3) Within 30 days after receiving notice under this subsection, the governing body may submit written comments to the Division.~~

~~(d) The Board of Public Works shall supervise the expenditure of any money that the General Assembly appropriates for the acquisition of land.~~

~~10-202.~~

~~(a) This section does not apply to property to be acquired in connection with:~~

~~(1) State roads, bridges, or highways; OR~~

~~(2) MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS TO SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES.~~

~~(b) Subject to Title 12 of the Real Property Article, the Board may condemn property for State use.~~

~~(c) The Department of General Services, with the approval of the Board, shall adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article~~

~~that establish a uniform method of determining the value of any applicable life estate discount for property condemned in accordance with this section.~~

~~12-101.~~

~~(a) This section does not apply to:~~

~~(1) (H) capital expenditures by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways, as provided in § 12-202 of this title; or~~

~~(H) MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS TO SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES; OR~~

~~(2) procurements by the Department of General Services for the purpose of modernizing cybersecurity infrastructure for the State valued below \$1,000,000.~~

~~(b) (1) The Board may control procurement by units.~~

~~(2) To implement the provisions of this Division II, the Board may:~~

~~(i) set policy;~~

~~(ii) adopt regulations, in accordance with Title 10, Subtitle 1 of the State Government Article; and~~

~~(iii) establish internal operational procedures consistent with this Division II.~~

~~(3) The Board shall ensure that the regulations of the primary procurement units provide for procedures that are consistent with this Division II and Title 13, Subtitle 4 of the State Personnel and Pensions Article and, to the extent the circumstances of a particular type of procurement or a particular unit do not require otherwise, are substantially the same.~~

~~(4) The Board may delegate any of its authority that it determines to be appropriate for delegation and may require prior Board approval for specified procurement actions.~~

~~(5) Except as limited by the Maryland Constitution, the Board may exercise any control authority conferred on a primary procurement unit by this Division II and, to the extent that its action conflicts with the action of the primary procurement unit, the action of the Board shall prevail.~~

~~12-103.~~

~~(a) This section does not apply to:~~

~~(1) capital expenditures by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways, as provided in § 12-202 of this title; OR~~

~~(2) MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS TO SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES, AS PROVIDED IN § 12-202 OF THIS TITLE.~~

~~(b) Notwithstanding any delegation of authority under § 12-101 of this subtitle, the Board retains full authority to engage in procurement of services and supplies for itself.~~

~~(c) By resolution, the Board may authorize a Board member or a unit to exercise all or any part of the authority of the Board for a specific Board procurement or for a particular class of Board procurements.~~

~~12-107.~~

~~(a) This section does not apply to:~~

~~(1) capital expenditures by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways, as provided in § 12-202 of this title; OR~~

~~(2) MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS TO SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES.~~

~~(b) Subject to the authority of the Board, jurisdiction over procurement is as follows:~~

~~(3) the Department of Transportation and the Maryland Transportation Authority, without the approval of any of the other primary procurement units, may engage in the procurement of:~~

~~(i) construction that is related to transportation, as provided in the Transportation Article;~~

~~(ii) construction related services that are related to transportation, as provided in the Transportation Article;~~

~~(iii) architectural or engineering services that are related to transportation, under Title 13, Subtitle 3 of this article;~~

~~(iv) supplies for transportation related activities, including information technology supplies that are subject to Title 3.5 of this article, but excluding:~~

~~1. supplies funded by the proceeds from State general obligation bonds; and~~

~~2. insurance;~~

~~(v) services for transportation related activities, including information technology services that are subject to Title 3.5 of this article, but excluding banking and financial services under the authority of the State Treasurer under item (1) of this subsection;~~

~~(vi) rolling stock and other property peculiar to the operation of a transit system, as provided in § 7-403 of the Transportation Article;~~

~~(vii) supplies for aeronautics related activities, including motor vehicles and information processing supplies, but excluding:~~

~~1. supplies funded by the proceeds from State general obligation bonds; and~~

~~2. insurance; and~~

~~(viii) services for aeronautics related activities, including information processing services, but excluding banking and financial services under the authority of the State Treasurer under item (1) of this subsection; and~~

~~12-108.~~

~~(a) This section does not apply to:~~

~~(1) capital expenditures by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways, as provided in § 12-202 of this title; OR~~

~~(2) MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS TO SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES, AS PROVIDED IN § 12-202 OF THIS TITLE.~~

~~(b) Subject to the approval of the Board and under the coordination of the Governor, each of the primary procurement units shall:~~

~~(1) adopt regulations to carry out this Division II;~~

~~(2) send to the Board a copy of each proposed regulation under item (1) of this subsection; and~~

~~(3) send to the Board a copy of each internal operating procedure that the primary procurement unit adopts.~~

~~12-202.~~

~~(a) This section does not apply to capital expenditures:~~

~~(1) for public school construction under Title 5, Subtitle 3 of the Education Article; or~~

~~(2) (I) by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways; OR~~

~~(II) FOR MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS TO SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES.~~

~~(b) Before execution, a contract for a capital expenditure other than in connection with a State correctional facility, St. Mary's College of Maryland, Morgan State University, or the University System of Maryland shall be:~~

~~(1) reviewed by the Secretary of General Services; and~~

~~(2) except as provided in § 12-203 of this subtitle and § 13-108 of this article, after that review, approved by the Board.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~**Article — State Finance and Procurement**~~

~~4-415.~~

~~(a) This section does not apply to:~~

~~(1) any capital expenditures by the Department of Transportation or the Maryland Transportation Authority in connection with State roads, bridges, or highways; OR~~

~~(2) MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS VALUED BELOW \$500,000 TO SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES.~~

~~(b) Before execution, a contract for the acquisition of land shall be:~~

~~(1) reviewed by the Secretary of General Services; and~~

~~(2) except as provided in § 12-204 of this article, after that review, approved by the Board of Public Works.~~

~~(c) (1) This subsection does not apply to any capital expenditure by:~~

~~(i) the Maryland Aviation Administration;~~

~~(ii) the Maryland Port Administration; or~~

~~(iii) the Maryland Transit Administration.~~

~~(2) At least 40 days before the Board of Public Works may act on a land acquisition, the Division shall give written notice of a potential acquisition of land:~~

~~(i) to the governing body of the county in which the land is located; and~~

~~(ii) if the land is located within a municipal corporation, to the governing body of the municipal corporation.~~

~~(3) Within 30 days after receiving notice under this subsection, the governing body may submit written comments to the Division.~~

~~(d) The Board of Public Works shall supervise the expenditure of any money that the General Assembly appropriates for the acquisition of land.~~

~~10-202.~~

~~(a) This section does not apply to property to be acquired in connection with:~~

~~(1) State roads, bridges, or highways; OR~~

~~(2) MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS VALUED BELOW \$500,000 TO SUPPORT SERVICE ON MARYLAND TRANSIT~~

~~ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES.~~

~~(b) Subject to Title 12 of the Real Property Article, the Board may condemn property for State use.~~

~~(e) The Department of General Services, with the approval of the Board, shall adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article that establish a uniform method of determining the value of any applicable life estate discount for property condemned in accordance with this section.~~

~~12-101.~~

~~(a) This section does not apply to:~~

~~(1) (I) capital expenditures by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways, as provided in § 12-202 of this title; or~~

~~(II) MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS VALUED BELOW \$500,000 TO SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES, AS PROVIDED IN § 12-202 OF THIS TITLE; OR~~

~~(2) procurements by the Department of General Services for the purpose of modernizing cybersecurity infrastructure for the State valued below \$1,000,000.~~

~~(b) (1) The Board may control procurement by units.~~

~~(2) To implement the provisions of this Division II, the Board may:~~

~~(i) set policy;~~

~~(ii) adopt regulations, in accordance with Title 10, Subtitle 1 of the State Government Article; and~~

~~(iii) establish internal operational procedures consistent with this Division II.~~

~~(3) The Board shall ensure that the regulations of the primary procurement units provide for procedures that are consistent with this Division II and Title 13, Subtitle 4 of the State Personnel and Pensions Article and, to the extent the circumstances of a particular type of procurement or a particular unit do not require otherwise, are substantially the same.~~

~~(4) The Board may delegate any of its authority that it determines to be appropriate for delegation and may require prior Board approval for specified procurement actions.~~

~~(5) Except as limited by the Maryland Constitution, the Board may exercise any control authority conferred on a primary procurement unit by this Division II and, to the extent that its action conflicts with the action of the primary procurement unit, the action of the Board shall prevail.~~

~~12-103.~~

~~(a) This section does not apply to:~~

~~(1) capital expenditures by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways, as provided in § 12-202 of this title; OR~~

~~(2) MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS VALUED BELOW \$500,000 TO SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES, AS PROVIDED IN § 12-202 OF THIS TITLE.~~

~~(b) Notwithstanding any delegation of authority under § 12-101 of this subtitle, the Board retains full authority to engage in procurement of services and supplies for itself.~~

~~(c) By resolution, the Board may authorize a Board member or a unit to exercise all or any part of the authority of the Board for a specific Board procurement or for a particular class of Board procurements.~~

~~12-107.~~

~~(a) This section does not apply to:~~

~~(1) capital expenditures by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways, as provided in § 12-202 of this title; OR~~

~~(2) MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS VALUED BELOW \$500,000 TO SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES, AS PROVIDED IN § 12-202 OF THIS TITLE.~~

~~(b) Subject to the authority of the Board, jurisdiction over procurement is as follows:~~

~~(3) the Department of Transportation and the Maryland Transportation Authority, without the approval of any of the other primary procurement units, may engage in the procurement of:~~

~~(i) construction that is related to transportation, as provided in the Transportation Article;~~

~~(ii) construction related services that are related to transportation, as provided in the Transportation Article;~~

~~(iii) architectural or engineering services that are related to transportation, under Title 13, Subtitle 3 of this article;~~

~~(iv) supplies for transportation related activities, including information technology supplies that are subject to Title 3.5 of this article, but excluding:~~

~~1. supplies funded by the proceeds from State general obligation bonds; and~~

~~2. insurance;~~

~~(v) services for transportation related activities, including information technology services that are subject to Title 3.5 of this article, but excluding banking and financial services under the authority of the State Treasurer under item (1) of this subsection;~~

~~(vi) rolling stock and other property peculiar to the operation of a transit system, as provided in § 7-403 of the Transportation Article;~~

~~(vii) supplies for aeronautics related activities, including motor vehicles and information processing supplies, but excluding:~~

~~1. supplies funded by the proceeds from State general obligation bonds; and~~

~~2. insurance; and~~

~~(viii) services for aeronautics related activities, including information processing services, but excluding banking and financial services under the authority of the State Treasurer under item (1) of this subsection; and~~

~~12-108.~~

~~(a) This section does not apply to:~~

~~(1) capital expenditures by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways, as provided in § 12-202 of this title; OR~~

~~(2) MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS VALUED BELOW \$500,000 TO SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES, AS PROVIDED IN § 12-202 OF THIS TITLE.~~

~~(b) Subject to the approval of the Board and under the coordination of the Governor, each of the primary procurement units shall:~~

~~(1) adopt regulations to carry out this Division II;~~

~~(2) send to the Board a copy of each proposed regulation under item (1) of this subsection; and~~

~~(3) send to the Board a copy of each internal operating procedure that the primary procurement unit adopts.~~

~~12-202.~~

~~(a) This section does not apply to capital expenditures:~~

~~(1) for public school construction under Title 5, Subtitle 3 of the Education Article; or~~

~~(2) (1) by the Department of Transportation or the Maryland Transportation Authority, in connection with State roads, bridges, or highways; OR~~

~~(H) BY THE DEPARTMENT OF TRANSPORTATION OR THE MARYLAND TRANSIT ADMINISTRATION, FOR MAINTENANCE AND CAPITAL CONSTRUCTION CONTRACTS VALUED BELOW \$500,000 TO SUPPORT SERVICE ON MARYLAND TRANSIT ADMINISTRATION FIXED GUIDEWAY SYSTEMS AND ASSOCIATED TRANSIT FACILITIES AND VEHICLES.~~

~~(b) Before execution, a contract for a capital expenditure other than in connection with a State correctional facility, St. Mary's College of Maryland, Morgan State University, or the University System of Maryland shall be:~~

~~(1) reviewed by the Secretary of General Services; and~~

~~(2) except as provided in § 12-203 of this subtitle and § 13-108 of this article, after that review, approved by the Board.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

Article – Transportation

7-201.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BALTIMORE CORE TRANSIT SERVICE” MEANS:

(I) THE ADMINISTRATION’S BALTIMORE–AREA LOCAL BUS;

(II) THE ADMINISTRATION’S BALTIMORE–AREA LIGHT RAIL;

(III) THE ADMINISTRATION’S BALTIMORE–AREA METRO SUBWAY; AND

(IV) THE ADMINISTRATION’S BALTIMORE–AREA PARATRANSIT.

(3) “BOARD” MEANS THE BOARD OF DIRECTORS FOR BALTIMORE CORE TRANSIT SERVICE.

(B) THERE IS A BOARD OF DIRECTORS FOR BALTIMORE CORE TRANSIT SERVICE IN THE ADMINISTRATION.

(C) (1) THE BOARD CONSISTS OF THE FOLLOWING VOTING MEMBERS:

(I) FIVE MEMBERS WHO LIVE IN THE BALTIMORE CORE TRANSIT SERVICE AREA, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE, INCLUDING:

1. AT LEAST ONE MEMBER WHO USES TRANSIT IN THE BALTIMORE CORE TRANSIT SERVICE AREA;

2. AT LEAST ONE MEMBER WHO REPRESENTS RIDERS WITH ACCESSIBILITY CHALLENGES;

3. AT LEAST ONE MEMBER REPRESENTING AN ANCHOR INSTITUTION THAT ALSO PROVIDES TRANSPORTATION SERVICES IN THE BALTIMORE CORE TRANSIT SERVICE AREA; AND

4. ONE MEMBER WHO IS AN EMPLOYEE OF THE ADMINISTRATION AND IS A MEMBER OF ~~A~~ THE LABOR UNION REPRESENTING THE PLURALITY OF FRONTLINE WORKERS THAT HAS A COLLECTIVE BARGAINING AGREEMENT WITH THE ADMINISTRATION;

(II) TWO MEMBERS APPOINTED BY THE MAYOR OF BALTIMORE CITY;

(III) ONE MEMBER APPOINTED BY THE BALTIMORE COUNTY EXECUTIVE; AND

(IV) ONE MEMBER APPOINTED BY THE ANNE ARUNDEL COUNTY EXECUTIVE.

(2) (I) THE SECRETARY AND THE ADMINISTRATOR SHALL SERVE AS NONVOTING EX OFFICIO BOARD MEMBERS.

(II) THE GOVERNOR SHALL APPOINT A STUDENT WHO REGULARLY USES ADMINISTRATION SERVICES TO COMMUTE TO AND FROM SCHOOL AS A NONVOTING BOARD MEMBER.

(3) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE BOARD, WHO SHALL SERVE AS CHAIR AT THE PLEASURE OF THE GOVERNOR.

(D) (1) THE TERM OF A BOARD MEMBER IS 3 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JANUARY 1, 2027.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(E) (1) THE DEPARTMENT AND THE ADMINISTRATION SHALL PROVIDE STAFF FOR THE BOARD, INCLUDING A DEPUTY ADMINISTRATOR WHO SHALL SERVE AS THE EXECUTIVE DIRECTOR AND REPORT DIRECTLY TO THE ADMINISTRATOR.

(2) THE ADMINISTRATION SHALL PROVIDE OFFICE SPACE FOR THE BOARD.

(F) A MEMBER OF THE BOARD:

**(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD;
BUT**

**(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

(G) THE BOARD SHALL:

**(1) APPROVE MAJOR SERVICE PLANS, POLICIES, AND INITIATIVES
FOR BALTIMORE CORE TRANSIT SERVICE, AS DETERMINED BY THE BOARD AND
THE ADMINISTRATION ON A REASONABLE BASIS;**

**(2) PROVIDE ADVICE ON MAJOR PROJECT INITIATIVES, AS
DETERMINED BY THE BOARD AND THE ADMINISTRATION ON A REASONABLE BASIS;**

**(3) ADVISE THE ADMINISTRATOR ON, AND CONSENT TO, THE
APPOINTMENT OF THE DEPUTY ADMINISTRATOR BY THE ADMINISTRATOR AND
CONSULT WITH THE ADMINISTRATOR ON ANY REMOVAL OF THE DEPUTY
ADMINISTRATOR BY THE ADMINISTRATOR;**

**(4) (I) REVIEW AND APPROVE THE ADMINISTRATION'S
OPERATING AND CAPITAL BUDGET REQUESTS FOR BALTIMORE CORE TRANSIT
SERVICE; AND**

**(II) ESTABLISH, IN CONSULTATION WITH THE DEPARTMENT
AND THE ADMINISTRATION, A TIMELINE FOR REVIEW AND APPROVAL UNDER THIS
PARAGRAPH:**

**1. THAT IS CONSISTENT WITH THE DEPARTMENT'S
BUDGET PROCESS; AND**

**2. UNDER WHICH THE OPERATING AND CAPITAL
BUDGET REQUESTS SHALL BE CONSIDERED APPROVED BY OPERATION OF LAW IF
THE BOARD DOES NOT TAKE ACTION WITHIN THE TIMELINE;**

**(5) HAVE APPROVAL AUTHORITY, SUPPORTED BY AT LEAST
TWO-THIRDS OF THE MEMBERS OF THE BOARD, OVER ANY DECISION BY THE
DEPARTMENT OR THE ADMINISTRATION TO WITHDRAW A NEW STARTS CAPITAL
INVESTMENT GRANT OR ANOTHER FEDERAL GRANT UNDER A SUBSTANTIALLY
SIMILAR PROGRAM FOR ANY BALTIMORE CORE TRANSIT SERVICE AREA PROJECT**

ONCE THAT PROJECT HAS BEEN ACCEPTED INTO THE ENGINEERING PHASE BY THE FEDERAL TRANSIT ADMINISTRATION;

(6) (I) MEET AT LEAST QUARTERLY; AND

(II) ACCEPT PUBLIC COMMENTS DURING THE MEETINGS AND, AT ALL TIMES, ELECTRONICALLY;

(7) INCLUDE IN THE QUARTERLY AGENDA EACH OF THE FOLLOWING TOPICS AT LEAST ONCE EACH YEAR:

(I) THE CAPITAL NEEDS INVENTORY REPORT;

(II) THE CONSOLIDATED TRANSPORTATION PROGRAM PRIORITIES AND INITIAL BUDGET REQUESTS UNDER § 2-103.1 OF THIS ARTICLE; AND

(III) ANY UPDATE ON THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN UNDER § 7-301.1 OF THIS TITLE;

(8) PROVIDE INPUT AND ENGAGE IN ADVOCACY FOR BALTIMORE CORE TRANSIT SERVICE;

(9) (I) REQUEST AND REVIEW INFORMATION FROM THE ANNUAL ATTAINMENT REPORT AND THE ADMINISTRATION CONCERNING THE ATTAINMENT OF THE ADMINISTRATION'S GOALS, INCLUDING PERFORMANCE GOALS AND METRICS;

(II) EVALUATE ANY OTHER MEASURES OF THE PERFORMANCE OF BALTIMORE CORE TRANSIT SERVICE; AND

(III) ISSUE WRITTEN RECOMMENDATIONS CONCERNING HOW THE RESULTS OF THE BOARD'S REVIEW AND EVALUATION SHOULD INFLUENCE THE ADMINISTRATION'S PRIORITIES IN FUTURE YEARS;

(10) REVIEW SERVICE CHANGE REPORTS AND APPROVE MAJOR SERVICE CHANGE PROPOSALS;

(11) REVIEW AND APPROVE ANY UPDATE TO THE CENTRAL MARYLAND REGIONAL TRANSIT PLAN;

(12) REVIEW AND APPROVE THE CAPITAL NEEDS INVENTORY REPORT;

(13) REVIEW LOCAL TRANSIT PLANS AND SERVICES IN THE BALTIMORE REGION TO ENSURE COORDINATION BETWEEN THE LOCAL TRANSIT SERVICES AND BALTIMORE CORE TRANSIT SERVICE;

(14) ORGANIZE AND ESTABLISH POLICIES AND PROCEDURES FOR THE OPERATIONS OF THE BOARD, INCLUDING CONFLICT OF INTEREST STANDARDS, CONSISTENT WITH TITLE 5 OF THE GENERAL PROVISIONS ARTICLE AND § 7-211 OF THIS SUBTITLE, THAT PROHIBIT A BOARD MEMBER FROM HAVING ANY INAPPROPRIATE ~~FINANCIAL~~ PROFESSIONAL, FINANCIAL, OR NONFINANCIAL INTEREST IN A MATTER OVER WHICH THE BOARD HAS JURISDICTION;

(15) NOT LATER THAN 6 MONTHS AFTER THE BOARD FIRST MEETS, ADOPT BYLAWS TO GOVERN THE OPERATIONS OF THE BOARD;

(16) (I) KEEP MINUTES OF BOARD MEETINGS AND MAINTAIN PROPER RECORDS OF ALL BOARD ACTIVITY; AND

(II) POST ALL MINUTES, RECORDS, NOTICES, COMMENTS, OR OTHER INFORMATION ISSUED BY THE BOARD OR RECEIVED FROM THE PUBLIC ON A PUBLIC WEBSITE ESTABLISHED AND MAINTAINED BY THE BOARD; AND

(17) (I) SUBMIT AN ANNUAL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE WAYS AND MEANS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON SYSTEM PERFORMANCE, TRENDS, MAJOR PROJECTS, AND OTHER ACTIVITIES; AND

(II) MAKE THE REPORT AVAILABLE TO THE GENERAL PUBLIC AND ENSURE THAT THE REPORT IS READILY AVAILABLE ON THE WEBSITE OF THE ADMINISTRATION.

(H) (1) THE BOARD SHALL MEET AT A TIME AND PLACE DESIGNATED BY THE CHAIR.

(2) THE BOARD SHALL MEET AS OFTEN AS ITS DUTIES REQUIRE, BUT NOT LESS THAN QUARTERLY.

7-201.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BOARD” MEANS THE COMMUTER SERVICES ADVISORY BOARD.

(3) “COMMUTER SERVICE” MEANS THE ADMINISTRATION’S:

(I) ~~MARC COMMUTER TRAIN SERVICE~~ MARYLAND AREA REGIONAL COMMUTER (MARC) TRAIN SERVICE; AND

(II) ~~THE ADMINISTRATION’S COMMUTER~~ COMMUTER BUS SERVICE.

(B) THERE IS A COMMUTER SERVICES ADVISORY BOARD IN THE ADMINISTRATION.

(C) (1) THE BOARD CONSISTS OF THE FOLLOWING VOTING MEMBERS, APPOINTED BY THE GOVERNOR:

(I) THE SECRETARY, OR THE SECRETARY’S DESIGNEE;

(II) SIX MEMBERS WHO RESIDE IN AREAS SERVED BY MARC OR ADMINISTRATION COMMUTER BUSES;

(III) ONE MEMBER WHO REPRESENTS RIDERS WITH ACCESSIBILITY CHALLENGES; AND

(IV) ONE MEMBER WHO IS AN EMPLOYEE OF AN ADMINISTRATION COMMUTER SERVICE CONTRACTOR AND IS A MEMBER OF A LABOR UNION THAT HAS A COLLECTIVE BARGAINING AGREEMENT WITH THE COMMUTER SERVICE CONTRACTOR.

(2) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE BOARD, WHO SHALL SERVE AS CHAIR AT THE PLEASURE OF THE GOVERNOR.

(D) (1) THE TERM OF A BOARD MEMBER IS 3 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JANUARY 1, 2027.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(E) (1) THE DEPARTMENT AND THE ADMINISTRATION SHALL PROVIDE STAFF FOR THE BOARD, INCLUDING A DEPUTY ADMINISTRATOR WHO SHALL SERVE AS THE EXECUTIVE DIRECTOR AND REPORT DIRECTLY TO THE ADMINISTRATOR.

(2) THE ADMINISTRATION SHALL PROVIDE OFFICE SPACE FOR THE BOARD.

(F) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(G) THE BOARD SHALL:

(1) PROVIDE ADVICE AND GUIDANCE ON MARC AND COMMUTER BUS PLANS AND POLICIES;

(2) REVIEW AND COMMENT ON MAJOR MARC AND COMMUTER BUS SERVICE PLANS AND UPDATES;

(3) PROVIDE ADVICE AND GUIDANCE ON THE HIRING AND REMOVAL OF THE DEPUTY ADMINISTRATOR;

(4) (I) REVIEW AND COMMENT ON THE ADMINISTRATION'S OPERATING AND CAPITAL BUDGET REQUESTS FOR MARC AND COMMUTER BUS SERVICE; AND

(II) ESTABLISH, IN CONSULTATION WITH THE DEPARTMENT AND THE ADMINISTRATION, A TIMELINE FOR REVIEW AND COMMENT UNDER THIS PARAGRAPH THAT IS CONSISTENT WITH THE DEPARTMENT'S BUDGET PROCESS; AND

(5) (I) SUBMIT AN ANNUAL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE WAYS AND MEANS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE

STATE GOVERNMENT ARTICLE, ON SYSTEM PERFORMANCE, TRENDS, MAJOR PROJECTS, AND OTHER ACTIVITIES; AND

(II) MAKE THE REPORT AVAILABLE TO THE GENERAL PUBLIC AND ENSURE THAT THE REPORT IS READILY AVAILABLE ON THE WEBSITE OF THE ADMINISTRATION.

(H) (1) THE BOARD SHALL MEET AT A TIME AND PLACE DESIGNATED BY THE CHAIR.

(2) THE BOARD SHALL MEET AS OFTEN AS THE DUTIES REQUIRE, BUT NOT LESS THAN QUARTERLY.

7-206.

(a) (1) Without regard to the laws of this State relating to other State employees, and subject to § 2-103.4 of this article, the Administration may:

(i) Create and abolish any position other than one specifically provided for in this title; and

(ii) Determine the qualification, appointment, removal, term, and tenure of its employees.

(2) The Administration may determine the compensation of:

(i) Employees if the compensation is determined pursuant to Subtitle 6 of this title;

(ii) Executive management positions, as recommended by the Secretary and approved by the Governor, subject to approval in the budget; and

(iii) Management positions, subject to approval by the Secretary and the Governor and the availability of funds in the budget.

(b) (1) Subject to § 2-103.4 of this article, the Administration may establish a personnel system based on merit and fitness.

(2) The Administration may:

(i) Subject to Division II of the State Personnel and Pensions Article, participate in the Employees' Retirement System and the Employees' Pension System of the State of Maryland on terms and conditions mutually acceptable to the Administration and the Board of Trustees for the State Retirement and Pension System; and

(ii) Establish and maintain an independent system of pensions and retirement benefits for its employees.

(c) The Administrator may appoint and remove all employees of the Administration, subject to the rules of procedure and standards that the Secretary adopts.

(D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE MARYLAND TRANSPORTATION COMMISSION SHALL DETERMINE THE QUALIFICATIONS AND APPOINTMENTS, AS WELL AS COMPENSATION AND LEAVE, FOR UP TO 12 MANAGEMENT PERSONNEL POSITIONS REQUIRED BY THE ADMINISTRATION TO OPERATE AND ADMINISTER ALL STATE-OWNED TRANSIT FACILITIES.

(2) (I) IN MAKING DETERMINATIONS AND APPOINTMENTS UNDER THIS SUBSECTION, THE MARYLAND TRANSPORTATION COMMISSION SHALL CONSIDER THE COMPARATIVE STATUS OF EMPLOYEES SERVING IN SIMILAR POSITIONS AND DISCHARGING SIMILAR DUTIES AT COMPARABLE TRANSIT AGENCIES.

(II) IN SELECTING COMPARABLE TRANSIT AGENCIES, THE MARYLAND TRANSPORTATION COMMISSION SHALL CONSIDER OPERATIONAL AND TRAFFIC DATA, MARKET AREA CHARACTERISTICS, AGENCY COMPETITIVENESS, AND ANY OTHER FACTORS THE COMMISSION CONSIDERS APPROPRIATE.

(3) EXCEPT FOR GENERAL SALARY INCREASES APPROVED BY THE GENERAL ASSEMBLY, THE MARYLAND TRANSPORTATION COMMISSION SHALL SUBMIT TO THE SECRETARY OF BUDGET AND MANAGEMENT AT LEAST 10 DAYS BEFORE THE EFFECTIVE DATE OF ANY MANAGEMENT PERSONNEL POSITION SALARY INCREASE NOTICE OF THE PROPOSED ADJUSTMENT.

(4) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL:

(I) REVIEW THE PROPOSED ADJUSTMENT; AND

(II) WITHIN 10 DAYS AFTER RECEIPT OF THE PROPOSED ADJUSTMENT, ADVISE THE MARYLAND TRANSPORTATION COMMISSION WHETHER THE ADJUSTMENT POSES AN ADVERSE IMPACT ON SPECIAL FUND EXPENDITURES.

(5) FAILURE OF THE SECRETARY OF BUDGET AND MANAGEMENT TO ADVISE THE MARYLAND TRANSPORTATION COMMISSION IN A TIMELY MANNER SHALL BE DEEMED A DETERMINATION THAT THE PROPOSED ADJUSTMENT POSES NO ADVERSE IMPACT.

(6) EMPLOYEES APPOINTED UNDER THIS SUBSECTION ARE STATE EMPLOYEES AND SHALL BE ENTITLED TO PARTICIPATE IN THE RETIREMENT AND PENSION SYSTEMS FOR EMPLOYEES OF THE STATE OF MARYLAND AUTHORIZED UNDER DIVISION II OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

[7-213.

(a) There is a Baltimore Regional Transit Commission.

(b) The Commission consists of the following members:

(1) The following six members from Baltimore City, appointed as follows:

(i) Three members appointed by the Governor, including:

1. At least one member who uses transit in the Baltimore region; and

2. At least one member from the business community; and

(ii) Three members appointed by the Mayor of Baltimore City;

(2) The following four members from Baltimore County, appointed as follows:

(i) Two members appointed by the Governor, including:

1. At least one member who uses transit in the Baltimore region; and

2. At least one member from the business community; and

(ii) Two members appointed by the County Executive of Baltimore County;

(3) The following two members from Anne Arundel County, appointed as follows:

(i) One member appointed by the Governor; and

(ii) One member appointed by the County Executive of Anne Arundel County;

(4) The following two members from Howard County, appointed as follows:

- (i) One member appointed by the Governor; and
 - (ii) One member appointed by the County Executive of Howard County;
- (5) One nonvoting member who is an employee of the Administration and is a member of the Amalgamated Transit Union local labor union, designated by the labor union; and
- (6) The Secretary or the Secretary's designee, who shall vote only in the case of a tie.
- (c) (1) The Commission shall select a chair and a vice chair from among its members.
- (2) The chair and vice chair shall each serve a term of 2 years in those capacities.
- (d) (1) The term of a commissioner is 3 years.
- (2) A commissioner may not serve more than two consecutive terms.
- (3) The term of a commissioner begins January 1, 2024.
- (4) The terms of the members are staggered as required by the terms provided for members of the Commission on January 1, 2024.
- (5) At the end of a term, a commissioner continues to serve until a successor is appointed.
- (e) (1) The Baltimore Metropolitan Council shall provide staff for the Commission.
- (2) The Administration shall allocate funds for operational expenses incurred by the Commission, including funding for one senior planner and two junior planner staffing positions.
- (f) A member of the Commission:
- (1) May not receive compensation as a member of the Commission; but
 - (2) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (g) The Commission shall:

- (1) Organize and establish policies and procedures for the operations of the Commission, including conflict of interest standards that prohibit a commissioner from having any inappropriate financial or nonfinancial interest in a matter over which the Commission has jurisdiction;
- (2) Not later than 6 months after the Commission first meets, adopt bylaws to govern the operations of the Commission;
- (3)
 - (i) Meet at least quarterly; and
 - (ii) Accept public comments during the meetings and, at all times, electronically;
- (4) Include in the quarterly agenda each of the following topics at least once each year:
 - (i) The Capital Needs Inventory Report;
 - (ii) The Consolidated Transportation Program priorities and initial budget requests under § 2–103.1 of this article; and
 - (iii) Any update on the Central Maryland Regional Transit Plan under § 7–301.1 of this title;
- (5)
 - (i) Keep minutes of Commission meetings and maintain proper records of all Commission activity; and
 - (ii) Post all minutes, records, notices, comments, or other information issued by the Commission or received from the public on a public website established and maintained by the Commission;
- (6) Provide input and engage in advocacy for the Baltimore region public transit systems maintained by the Administration;
- (7) Request and review information from the Annual Attainment Report and the Administration concerning the attainment of the Administration’s goals, including performance goals and metrics, evaluate any other measures of the performance of the Baltimore region transit system, and issue written recommendations concerning how the results of the Commission’s review and evaluation should influence the Administration’s priorities in future years;
- (8) Review and comment on service change reports and major service change proposals on a quarterly basis;
- (9) Review and comment on the Administration’s annual operating and capital budget request for the Baltimore region, including bus, light rail, metro, commuter

bus, MARC service, and paratransit as part of the development of the draft and final Consolidated Transportation Program;

(10) Review and approve any update to the Central Maryland Regional Transit Plan;

(11) Review and comment on the Capital Needs Inventory Report; and

(12) Review local transit plans and services in the Baltimore region to ensure coordination between the local transit services and the Administration.

(h) In carrying out its duties under subsection (g) of this section, the Commission shall endeavor to ensure that the Administration's plans, budgets, decisions, policies, goals, priorities, operations, and services address the public transit needs of residents and businesses in the Baltimore region.

(i) On or before December 1 each year, the Commission shall report its findings and recommendations on the Baltimore region transit systems to the Administration, the Governor, and, in accordance with § 2-1257 of the State Government Article, the General Assembly.]

~~7-702.~~

~~(a) Subject to the provisions of this section, the Administration is liable for its contracts and torts and for the torts of its officers, agents, and employees in connection with the performance of the duties and functions of the Administration under this title.~~

~~(b) (1) The exclusive remedy for a breach of contract or for a tort committed by the Administration, its officers, agents, or employees is a suit against the Administration.~~

~~(2) No execution may be levied on any property of this State or of the Administration.~~

~~(c) (1) THE SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LIABILITY OF THE ADMINISTRATION AS TO A TORT ACTION MAY NOT EXCEED \$400,000 TO A SINGLE CLAIMANT FOR INJURIES ARISING FROM A SINGLE INCIDENT OR OCCURRENCE.~~

~~(2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT OR IMPAIR THE APPLICATION OF 49 U.S.C. § 28103, OR THE ADMINISTRATION'S OBLIGATIONS UNDER AGREEMENTS ENTERED INTO PURSUANT TO THAT PROVISION OF FEDERAL LAW.~~

~~(D) Subsection [(d)] (E) of this section does not apply to a tort claim that is asserted by cross claim, counterclaim, or third party claim.~~

~~[(d)] (E) A tort claimant may not institute an action under this section unless:~~

~~(1) The claimant submits a written notice of claim to the Administrator or the Administrator's designee within 1 year after the injury to person or property that is the basis of the claim;~~

~~(2) The Administrator or the Administrator's designee denies the claim;~~
and

~~(3) The action is filed within 3 years after the cause of action arises.~~

~~[(e)] (F) A notice of claim under this section shall:~~

~~(1) Contain a concise statement of facts that sets forth the nature of the claim, including the date and place of the alleged tort;~~

~~(2) State the name and address of the claimant;~~

~~(3) State the name, address, and telephone number of counsel for the claimant, if any; and~~

~~(4) Be signed by the claimant, or the legal representative or counsel for the claimant.~~

~~[(f)] (G) A claim under this section is denied:~~

~~(1) If the Administrator or the Administrator's designee sends the claimant, or the legal representative or counsel for the claimant, written notice of denial; or~~

~~(2) If the Administrator or the Administrator's designee fails to give notice of a denial within 6 months after the sending of the notice of claim.~~

~~[(g)] (H) Notwithstanding any other provision of this section, unless the Administration affirmatively shows that its defense has been prejudiced by the lack of the required notice, a court may allow the action to proceed even if the written notice of claim was not submitted.~~

~~SECTION 2. 4. AND BE IT FURTHER ENACTED, (Three fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:~~

~~Article III — Legislative Department~~

~~The General Assembly shall enact no law authorizing private property to be taken for public use without just compensation, to be agreed upon between the parties or awarded by a jury, being first paid or tendered to the party entitled to such compensation, except that where:~~

~~(1) WHERE such property in the judgment of the State [Roads Commission] HIGHWAY ADMINISTRATION, OR A SUCCESSOR STATE AGENCY, is needed by the State for highway purposes OR OF THE MARYLAND TRANSIT ADMINISTRATION, OR A SUCCESSOR STATE AGENCY, IS NEEDED BY THE STATE FOR TRANSIT PURPOSES, the General Assembly may provide that such property may be taken immediately upon payment therefor to the owner or owners thereof by said State [Roads Commission] HIGHWAY ADMINISTRATION OR MARYLAND TRANSIT ADMINISTRATION, OR ANY RESPECTIVE SUCCESSOR STATE AGENCIES, OR A SUCCESSOR STATE AGENCY, or into Court, such amount as said State [Roads Commission] HIGHWAY ADMINISTRATION OR MARYLAND TRANSIT ADMINISTRATION, OR ANY RESPECTIVE STATE AGENCIES, OR A SUCCESSOR STATE AGENCY, shall estimate to be of the fair value of said property, provided such legislation also requires the payment of any further sum that may subsequently be awarded by a jury; OR~~

~~(2) WHERE SUCH PROPERTY IN THE JUDGMENT OF THE MARYLAND TRANSIT ADMINISTRATION, OR A SUCCESSOR STATE AGENCY, IS NEEDED BY THE STATE FOR TRANSIT PURPOSES, THE GENERAL ASSEMBLY MAY PROVIDE THAT SUCH PROPERTY MAY BE TAKEN IMMEDIATELY UPON PAYMENT THEREFOR TO THE OWNER OR OWNERS THEREOF BY SAID MARYLAND TRANSIT ADMINISTRATION, OR SUCCESSOR STATE AGENCY, OR INTO COURT, SUCH AMOUNT AS SAID MARYLAND TRANSIT ADMINISTRATION, OR SUCCESSOR STATE AGENCY, SHALL ESTIMATE TO BE OF THE FAIR VALUE OF SAID PROPERTY, PROVIDED SUCH LEGISLATION ALSO REQUIRES THE PAYMENT OF ANY FURTHER SUM THAT MAY SUBSEQUENTLY BE AWARDED BY A JURY.~~

~~SECTION 3. 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:~~

~~Article — Transportation~~

~~7-401.1.~~

~~(A) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF PROPERTY IS TO BE CONDEMNED FOR A TRANSIT PURPOSE, THE ADMINISTRATION SHALL CONDEMN THE NECESSARY PROPERTY UNDER THIS SECTION.~~

~~(2) IF THE ADMINISTRATION CONSIDERS THE PROCEDURES UNDER THIS SECTION INAPPROPRIATE, THE PROPERTY MAY BE CONDEMNED BY THE ADMINISTRATION UNDER § 7-401.2 OF THIS SUBTITLE OR TITLE 12 OF THE REAL PROPERTY ARTICLE.~~

~~(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, CONDEMNATION PROCEEDINGS UNDER THIS SECTION SHALL FOLLOW THE PROCEDURES SET FORTH IN TITLE 12 OF THE REAL PROPERTY ARTICLE AND THE MARYLAND RULES.~~

~~(B) (1) BEFORE ANY PROPERTY IS CONDEMNED UNDER THIS SECTION THE ADMINISTRATION SHALL:~~

~~(I) COMPLETE APPROPRIATE ENGINEERING AND OTHER STUDIES; AND~~

~~(II) PREPARE A CONSTRUCTION PLAN THAT SHOWS THE LOCATION OF THE TRANSIT FACILITY TO BE CONSTRUCTED, IMPROVED, OR RECONSTRUCTED.~~

~~(2) AFTER PREPARING THE CONSTRUCTION PLAN, THE ADMINISTRATION SHALL PREPARE PLATS THAT INCLUDE:~~

~~(I) THE CONSTRUCTION PLAN;~~

~~(II) THE FEE SIMPLE AND EASEMENT AREA TO BE ACQUIRED; AND~~

~~(III) THE PROPERTY LINES OF THE PROPERTY OWNERS WHOSE PROPERTY WILL BE AFFECTED BY THE ACQUISITION.~~

~~(3) AFTER THE PLATS ARE PREPARED, THE ADMINISTRATION SHALL:~~

~~(I) MAKE THE ENGINEERING AND REAL ESTATE STUDIES, EVALUATIONS, AND INVESTIGATIONS NECESSARY TO DETERMINE, IN ITS OPINION:~~

~~1. THE FAIR VALUE OF THE PROPERTY TO BE ACQUIRED; AND~~

~~2. THE FAIR COMPENSATION FOR ANY RESULTING DAMAGES TO THE REMAINING PROPERTY OF THE OWNER;~~

~~(H) PREPARE AN ESTIMATE OF THIS FAIR VALUE AND FAIR COMPENSATION; AND~~

~~(HH) PROVIDE FOR PAYMENT OF THESE ESTIMATED AMOUNTS AS REQUIRED BY SUBSECTION (E) OF THIS SECTION.~~

~~(C) (1) THE PLATS PREPARED BY THE ADMINISTRATION SHALL BE FILED FOR RECORD WITH THE STATE ARCHIVES.~~

~~(2) PLATS FILED WITH THE STATE ARCHIVES SHALL BE ELECTRONICALLY RECORDED AS PROVIDED IN § 9 1011 OF THE STATE GOVERNMENT ARTICLE.~~

~~(D) (1) THE PLATS AND ESTIMATES APPROVED BY THE ADMINISTRATION SHALL BE KEPT AS PART OF THE PERMANENT RECORDS OF THE ADMINISTRATION.~~

~~(2) NOTWITHSTANDING ANY OTHER STATUTE TO THE CONTRARY:~~

~~(i) EXCEPT AS ALLOWED BY THE ADMINISTRATION, THE PLATS PREPARED BY THE ADMINISTRATION ARE NOT PUBLIC INFORMATION OR OPEN TO PUBLIC INSPECTION UNTIL THEY HAVE BEEN RECORDED; AND~~

~~(ii) EXCEPT WHEN FILED WITH A BOARD OF PROPERTY REVIEW ESTABLISHED UNDER § 8 327 OF THIS ARTICLE OR A COURT, THE ESTIMATES PREPARED BY THE ADMINISTRATION ARE NOT PUBLIC INFORMATION OR OPEN TO PUBLIC INSPECTION UNTIL ALL THE PROPERTY SHOWN ON THE PLATS HAS BEEN ACQUIRED OR ITS PRICE DETERMINED.~~

~~(E) (1) AFTER THE PLATS ARE FILED FOR RECORD, THE ADMINISTRATION IMMEDIATELY SHALL:~~

~~(i) FILE, IN THE COURT FOR THE COUNTY IN WHICH THE PROPERTY TO BE ACQUIRED IS LOCATED, A PETITION FOR CONDEMNATION THAT INCLUDES:~~

~~1. THE NAME AND ADDRESS OF THE PROPERTY OWNER;~~

~~2. THE LOCATION OF THE PROPERTY TO BE ACQUIRED;~~

~~AND~~

~~3. THE ESTIMATED FAIR VALUE OF THE PROPERTY TO BE ACQUIRED AND ESTIMATED FAIR COMPENSATION FOR ANY DAMAGE RESULTING TO THE REMAINING PROPERTY OF THE OWNER; AND~~

~~(H) PAY TO THE OWNER OF THE PROPERTY OR INTO THE COURT FOR THE OWNER'S BENEFIT, THE ESTIMATED FAIR VALUE AND FAIR COMPENSATION SPECIFIED IN THE PETITION.~~

~~(2) ON WRITTEN REQUEST TO THE CLERK OF THE COURT, THE PROPERTY OWNER IS ENTITLED TO RECEIVE ANY AMOUNT PAID INTO THE COURT FOR THE PROPERTY OWNER'S BENEFIT, WITHIN 10 BUSINESS DAYS OF THE REQUEST, WITHOUT PREJUDICE TO ANY OF THE PROPERTY OWNER'S RIGHTS, IF THE PROPERTY OWNER AGREES TO REPAY TO THE ADMINISTRATION ANY EXCESS OF THAT AMOUNT OVER THE FINAL AWARD THAT IS ALLOWED IN THE SUBSEQUENT CONDEMNATION PROCEEDINGS.~~

~~(3) A PAYMENT MADE UNDER THIS SECTION DOES NOT LIMIT IN ANY WAY THE AMOUNT OF THE FINAL AWARD THAT MAY BE ALLOWED IN THE SUBSEQUENT CONDEMNATION PROCEEDINGS.~~

~~(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AFTER THE PETITION IS FILED AND PAYMENT IS MADE UNDER SUBSECTION (E) OF THIS SECTION:~~

~~(I) THE ADMINISTRATION MAY TAKE POSSESSION OF THE PROPERTY TO BE ACQUIRED, AS SHOWN ON THE RECORDED PLATS;~~

~~(H) THE ADMINISTRATION MAY PROCEED WITH CONSTRUCTION WITHOUT INTERFERENCE BY THE OWNER; AND~~

~~(III) WITH THE PERMISSION OF THE ADMINISTRATION AND UNDER ITS SUPERVISION, ANY PUBLIC OR PRIVATE UTILITY MAY INSTALL ITS FACILITIES ON ANY LAND BEING ACQUIRED BY THE ADMINISTRATION IN FEE SIMPLE.~~

~~(2) UNLESS THE OWNER AGREES OTHERWISE, IF A DWELLING OR PLACE OF BUSINESS IS TAKEN, THE RESIDENT OR OCCUPANT NEED NOT VACATE THE DWELLING OR PLACE OF BUSINESS UNTIL THE TITLE TO THE PROPERTY HAS BEEN ACQUIRED BY DEED OR CONDEMNATION.~~

~~(G) (1) AFTER THE PETITION IS FILED AND PAYMENT IS MADE UNDER SUBSECTION (E) OF THIS SECTION, THE ADMINISTRATION SHALL SEEK TO ACQUIRE THE PROPERTY BY AMICABLE NEGOTIATION.~~

~~(2) FOR PURPOSES OF THESE NEGOTIATIONS, THE ADMINISTRATION SHALL DETERMINE THE VALUE OF THE PROPERTY TO BE ACQUIRED AS OF THE DATE THE PAYMENT IS MADE TO THE PROPERTY OWNER OR INTO COURT UNDER SUBSECTION (E) OF THIS SECTION.~~

~~(H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF THE ADMINISTRATION IS UNABLE TO ACQUIRE THE PROPERTY BY NEGOTIATION, IT SHALL CERTIFY THE CASE TO THE BOARD OF PROPERTY REVIEW FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED, AS PROVIDED IN THE MARYLAND RULES.~~

~~(2) A CASE SHALL BE FILED AS A CONDEMNATION CASE IN THE COURT FOR THE COUNTY IN WHICH THE PROPERTY IS LOCATED AND MAY NOT BE HEARD BY A BOARD OF PROPERTY REVIEW IF:~~

~~(i) THE ADMINISTRATION DETERMINES THAT VALID, MARKETABLE TITLE IS UNOBTAINABLE WITHOUT A COURT PROCEEDING; OR~~

~~(ii) A NONRESIDENT HAS AN INTEREST IN THE PROPERTY AND WILL NOT ACCEPT SERVICE OF PROCESS AND AGREE TO THE BOARD'S JURISDICTION.~~

~~(i) IF, WITHIN 1 YEAR AFTER PAYMENT IS MADE UNDER SUBSECTION (E) OF THIS SECTION, THE ADMINISTRATION FAILS TO ASCERTAIN THE ENTIRE AMOUNT TO BE PAID FOR THE PROPERTY AND ACQUIRE TITLE TO IT BY DEED OR CONDEMNATION OR, WITHIN THAT SAME 1 YEAR PERIOD, FAILS TO FILE TIMELY A PETITION FOR CONDEMNATION AS REQUIRED BY THE MARYLAND RULES, THEN THE FAIR VALUE OF THE PROPERTY SHALL BE THE GREATER OF THE VALUES DETERMINED AS OF:~~

~~(1) THE DATE THE TITLE TO THE PROPERTY IS ACQUIRED; AND~~

~~(2) THE DATE THE PAYMENT WAS MADE UNDER SUBSECTION (E) OF THIS SECTION.~~

~~(J) AT THE CONCLUSION OF ALL PROCEEDINGS, THE ADMINISTRATION SHALL PAY TO THE PROPERTY OWNER:~~

~~(1) ANY EXCESS OF THE FINAL AWARD OVER THE AMOUNT PAID UNDER SUBSECTION (E) OF THIS SECTION; AND~~

~~(2) INTEREST ON THE EXCESS FROM THE DATE OF PAYMENT UNDER SUBSECTION (E) OF THIS SECTION AT THE RATE OF 6% A YEAR.~~

~~7-401.2.~~

~~(A) (1) IF THE ADMINISTRATION DETERMINES THAT CONDEMNATION UNDER § 7-401.1 OF THIS SUBTITLE IS INAPPROPRIATE, THE ADMINISTRATION MAY ACQUIRE PROPERTY BY CONDEMNATION UNDER THIS SECTION, AFTER MAKING EVERY REASONABLE AND GOOD FAITH EFFORT TO NEGOTIATE.~~

~~(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, CONDEMNATION PROCEEDINGS UNDER THIS SECTION SHALL FOLLOW THE PROCEDURES SET FORTH IN TITLE 12 OF THE REAL PROPERTY ARTICLE AND THE MARYLAND RULES.~~

~~(B) TO CONDEMN PROPERTY UNDER THIS SECTION, THE ADMINISTRATION SHALL:~~

~~(1) FILE A PETITION FOR CONDEMNATION IN THE COURT FOR THE COUNTY IN WHICH THE PROPERTY TO BE ACQUIRED IS LOCATED; AND~~

~~(2) PAY TO THE OWNER OF THE PROPERTY OR INTO THE COURT FOR THE OWNER'S BENEFIT, THE AMOUNT THAT THE ADMINISTRATION ESTIMATES TO BE THE FAIR VALUE OF THE PROPERTY TO BE ACQUIRED AND FAIR COMPENSATION FOR ANY DAMAGE RESULTING TO THE REMAINING PROPERTY OF THE OWNER.~~

~~(C) AFTER THE PETITION IS FILED AND PAYMENT IS MADE UNDER SUBSECTION (B) OF THIS SECTION, THE ADMINISTRATION MAY:~~

~~(1) TAKE POSSESSION OF THE PROPERTY TO BE ACQUIRED; AND~~

~~(2) PROCEED WITH CONSTRUCTION WITHOUT INTERFERENCE BY THE OWNER.~~

~~(D) ON WRITTEN REQUEST TO THE CLERK OF THE COURT, THE PROPERTY OWNER IS ENTITLED TO RECEIVE ANY AMOUNT PAID INTO THE COURT FOR THE PROPERTY OWNER'S BENEFIT WITHIN 10 BUSINESS DAYS OF THE REQUEST, WITHOUT PREJUDICE TO ANY OF THE PROPERTY OWNER'S RIGHTS, IF THE PROPERTY OWNER AGREES TO REPAY TO THE ADMINISTRATION ANY EXCESS OF THAT AMOUNT OVER THE FINAL AWARD THAT IS ALLOWED IN THE SUBSEQUENT CONDEMNATION PROCEEDINGS.~~

~~(E) A PAYMENT MADE UNDER SUBSECTION (B) OF THIS SECTION DOES NOT LIMIT IN ANY WAY THE AMOUNT OF THE FINAL AWARD THAT MAY BE ALLOWED IN THE SUBSEQUENT CONDEMNATION PROCEEDINGS.~~

~~(F) AT THE CONCLUSION OF ALL PROCEEDINGS, THE ADMINISTRATION SHALL PAY TO THE PROPERTY OWNER ANY EXCESS OF THE FINAL AWARD OVER THE AMOUNT PAID UNDER SUBSECTION (B) OF THIS SECTION.~~

~~§ 327.~~

~~(a) (1) There is a board of property review in each county.~~

~~(2) If necessary, additional boards may be appointed in any county.~~

~~(b) (1) Each board of property review of a county has three members who are appointed by the judges of the circuit court for the county.~~

~~(2) Of the members of each board:~~

~~(i) One shall be a lawyer;~~

~~(ii) One shall be a farmer engaged in some agricultural pursuit; and~~

~~(iii) One shall be an engineer or a person with an engineering background and knowledge.~~

~~(3) A member of the General Assembly may not be a member of a board during his term of office.~~

~~(c) (1) Each board member serves for a term of 2 years and until his successor is appointed and qualifies.~~

~~(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.~~

~~(d) A board member is entitled to the per diem compensation set by the Supreme Court of Maryland. The compensation shall be uniform statewide and shall be paid monthly by the Commission, on vouchers approved by the clerk of the court.~~

~~(e) Each board shall appoint its chairman and may adopt rules not inconsistent with this title or the Maryland Rules.~~

~~(f) Each county shall provide a suitable place for its board to meet and, whenever possible, the clerk of the court shall provide suitable clerical assistance. If the clerk fails to provide clerical assistance, the Administration OR THE MARYLAND TRANSIT ADMINISTRATION, AS APPROPRIATE, shall provide it on request of the board.~~

~~(g) Each board is under the jurisdiction of the court and each member of the board is an officer of the court.~~

~~§ 328.~~

~~(a) Each board of property review:~~

~~(1) Shall hear promptly all cases certified to it by the Commission OR THE MARYLAND TRANSIT ADMINISTRATION;~~

~~(2) Shall determine the total amount of the award to be paid by the Commission OR THE MARYLAND TRANSIT ADMINISTRATION; and~~

~~(3) May determine the portion of an award to be paid to persons, other than the fee owner, who have an interest in the property.~~

~~(b) Unless all parties in a case certified to a board agree otherwise, the full board shall hear and decide the case. If a member of the board is absent or disqualified from hearing or deciding any case, the judges of the court that appointed the board shall designate another individual with qualifications similar to those of the absent or disqualified member to serve instead.~~

~~(c) The board shall determine the fair value of the property to be acquired as of the date payment is made under § 7-401.1 OR § 7-401.2 OF THIS ARTICLE OR § 8-323 of this subtitle.~~

~~§ 329.~~

~~If any party is dissatisfied with the findings or award of a board of property review, the case may be appealed to the court. On appeal, the court shall hear and determine the case de novo, as provided by law and the Maryland Rules.~~

SECTION ~~4~~ 6. 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 7-201.1 of the Transportation Article, as enacted by Section ~~1~~ 2 1 of this Act, the initial terms of the Board of Directors for Baltimore Core Transit Service established under this Act shall be staggered as follows:

(1) the five members appointed by the Governor shall serve an initial term of 4 years; and

(2) the members appointed by the Mayor of Baltimore City, the Baltimore County Executive, and the Anne Arundel County Executive shall serve an initial term of 3 years.

SECTION ~~5~~ 7. 3. AND BE IT FURTHER ENACTED, That, notwithstanding § 7-201.2 of the Transportation Article, as enacted by Section ~~1~~ 2 1 of this Act, the initial terms of the Commuter Services Advisory Board established under this Act shall be staggered as follows:

(1) of the six members who reside in areas served by MARC or Maryland Transit Administration commuter buses, three members shall serve an initial term of 4 years and three members shall serve an initial term of 3 years;

(2) the member who represents riders with accessibility challenges shall serve an initial term of 4 years; and

(3) the member who is an employee of a Maryland Transit Administration commuter service contractor and is a member of a labor union that has a collective bargaining agreement with the commuter service contractor shall serve an initial term of 3 years.

SECTION ~~6~~ ~~8~~ 4. AND BE IT FURTHER ENACTED, That:

(a) The Department of Transportation shall contract with the Baltimore Metropolitan Council to complete a technical study on or before December 1, 2026, that:

(1) provides findings and considerations on the creation of a rail authority in Maryland, with the intent that this rail authority would be focused on financing for rail services;

(2) examines peer models that may provide insight for the findings and considerations, including models in the Commonwealth of Virginia and Austin, Texas;

(3) provides potential next steps to consider in the creation of a rail authority in Maryland; and

(4) ensures that current rail transit services remain under the Maryland Transit Administration and that funding options for a statewide rail authority do not undermine future financial support for Baltimore Core Transit Services.

(b) The Baltimore Metropolitan Council may consult with the Metropolitan Washington Council of Governments in completing the technical study.

SECTION ~~7~~ ~~9~~ 5. AND BE IT FURTHER ENACTED, That the Maryland Transit Administration shall:

(1) reallocate its staff to ensure sufficient support for the Board of Directors for Baltimore Core Transit Service and the Commuter Services Advisory Board; and

(2) at a minimum establish the following staff positions:

(i) a Deputy Administrator and an analyst for the Board of Directors for Baltimore Core Transit Service;

(ii) a Deputy Administrator and an analyst for the Commuter Services Advisory Board; and

(iii) a support officer to be shared between the Board of Directors for Baltimore Core Transit Service and the Commuter Services Advisory Board.

~~SECTION 10. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2026, contingent on the failure of H.B. 587 during the 2026 Session of the General Assembly. If H.B. 587 takes effect, Section 1 of this Act, with no further action required by the General Assembly, shall be null and void. If Section 1 of this Act takes effect, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further effect.~~

~~SECTION 8. 11. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by Section 2 4 of this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.~~

~~SECTION 9. 12. AND BE IT FURTHER ENACTED, That the amendment to the Maryland Constitution proposed by Section 2 4 of this Act shall be submitted to the qualified voters of the State at the next general election to be held in November 2026 for adoption or rejection in accordance with Article XIV of the Maryland Constitution. At that general election, the vote on the proposed amendment to the Constitution shall be by ballot, and on each ballot there shall be printed the words “For the Constitutional Amendment” and “Against the Constitutional Amendment”, as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings held in accordance with Article XIV.~~

~~SECTION 10. 13. AND BE IT FURTHER ENACTED, That Section 3 5 of this Act is contingent on the passage of Section 2 4 of this Act, a constitutional amendment, and its ratification by the voters of the State.~~

~~SECTION 11. 14. AND BE IT FURTHER ENACTED, That, subject to Section 10 13 of this Act, Section 3 5 of this Act shall take effect on the proclamation of the Governor that the constitutional amendment, having received a majority of the votes cast at the general election, has been adopted by the people of Maryland.~~

~~SECTION 12. 15. 6. AND BE IT FURTHER ENACTED, That, except as provided in Sections 9 and 11 10, 12, and 14 of this Act, this Act shall take effect October 1, 2026.~~

Approved by the Governor, May 12, 2026.