



Testimony of John Kane
Before the
Environment and Transportation Committee
February 20, 2020

RE: HB0258 -- OPPOSE

Thank you for the opportunity to testify.

Proponents may claim this bill is similar to legislation in place covering nine Eastern Shore Counties, although that is not exactly accurate: The key difference is that the 1978 Eastern Shore legislation was approved to block a NEW **INTRASTATE** toll highway the State was proposing at the time, while the language in this bill is broad enough to effectively block the State from carrying out its responsibilities for improving two EXISTING **INTERSTATE** HIGHWAYS THAT ARE ALREADY BUILT. This is an important distinction and it is doubtful this kind of broad legislation limiting Federal and State authority would be upheld in court given Federal Preemption and Commerce Clause laws that have been in place for decades.

Last week, I testified before you in opposition to HB292 which is a similar version of this bill, albeit HB292 would provide all Maryland counties veto power over P3 designated projects. However, both bills have the same flawed legal basis which constitutionally should negate their passage.

Thank you.

John M Kane