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**TO:** The Honorable Melony Griffith  
Chair, Finance Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** SB0412 Transportation – Maryland Rail Authority – Establishment  
(Maryland Rail Investment Act of 2023) (Letter of Information)

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The Office of Attorney General (“OAG”) takes no position on the underlying merits of Senate Bill 412. This Letter of Information is limited to observing that under proposed § 9-210 of SB 412, the legislation provides that the newly established “Rail Authority shall employ a general counsel who serves at the pleasure of the Secretary.” Under current law, our Office employs Assistant Attorneys General and a Principal Counsel who advise the Department of Transportation and its many modalities (e.g. Aviation Administration, Motor Vehicle Administration, Port Administration, State Highway Administration, Transit Administration, and Transportation Authority).

Having the OAG provide representation and advice to all of the modal administrations within the Department of Transportation has helped ensure consistency in the legal advice provided on the same or similar matters. If SB 412 were enacted with § 9-210 in its current form, the OAG would be advising the Secretary on MDOT matters (which may encompass the new Railroad Authority), and that advice may conflict with the advice provided by the newly authorized general counsel. We believe that such an occurrence would be suboptimal for both the MDOT and its new Rail Authority.

We hope that this information is useful to the bill Sponsor, Senator Rosapepe, and the Budget and Tax Committee Members.

cc: The Honorable Jim Rosapepe and Finance Committee Members