

January 28, 2025

Written Testimony in Favor of HB0048 – Railroad Companies - Condemnation Authority – Application

Chair Korman, Vice Chair Boyce, and Members of the Environment and Transportation Committee,

My name is Susan McCutchen, a member of the Maryland Coalition for Responsible Transit, submitting written testimony as an individual. I am writing in support of HB0048, sponsored by Delegates Healey, Martinez, and Williams.

An explicit example of BWRR's troubling claims of eminent domain and the right of property condemnation is recent developments in Baltimore, the destination at one end of the proposed SCMaglev routes. Baltimore-Washington Rapid Rail (BWRR) is the private developer intensively lobbying to build the Superconducting Magnetic Levitation train project. The issue of BWRR's transferred right of eminent domain and ability to condemn land is extremely complicated. The recent case brought by Stonewall Capital, the firm behind the ONE Westport development in Baltimore, against BWRR was subject to convoluted court maneuverings. At one point, it was stated by Stonewall's executive Ray Jackson that the contention that BWRR "acquired condemnation rights to the land" when it purchased the Washington, Baltimore and Annapolis Electric Railway franchise contained "a lot of factual inaccuracies." In August 2021, Baltimore City Circuit Court Judge Kendra Y. Ausby agreed, ruling against and rejecting BWRR's arguments. In November 2023, the two parties resolved their issues with a court settlement for Stonewall to build the development, granting BWRR an easement on their property (that is, *if it gains approval from the Federal Railroad Administration to move forward with the project*). As I understand it, the settlement avoided resolving the issue of BWRR's right of condemnation.

The rights of BWRR's eminent domain and condemnation authority should be weighed carefully because the potential use of it hovers over the company's anticipated actions as they decide on their proposed final route through the heavily populated Northeast Corridor.

Thank you for this opportunity to provide testimony favorable to HB0048, which I look forward to being moved out of committee.

Sincerely,

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