

January 30, 2025

HB0048

House Environment and Transportation Committee
Maryland General Assembly
251 House Office Building
Annapolis, MD 21401

**RE: TESTIMONY IN OPPOSITION TO HB0048—RAILROAD COMPANIES –
CONDEMNATION AUTHORITY – APPLICATION**

Dear Chair Korman, Vice Chair Boyce, and Members of the Committee,

My name is Ian Rainey, and I am the Senior Vice President of Baltimore-Washington Rapid Rail (BWRR). I appear before you today to convey our strong opposition to HB0048.

HB0048 seeks to remove the power of eminent domain from a single franchised railroad, BWRR.

Eminent domain statutes have long been recognized to provide an orderly process which protects landowners in receiving fair value for their property. Eminent domain is used sparingly as a last resort. It is limited in Maryland law and elsewhere to franchised utilities (electric, gas, telephone, water and yes, railroads) as well as the government itself.

Eminent domain has been used by the federal government, the state government, municipalities, as well as private entities when they are authorized, to exercise the essential functions of a public character for the betterment of our state and country. Without eminent domain we would not have major airports, railroads, or highways.

HB0048 is designed to circumvent the administrative processes put in place whereby franchise authority (and hence eminent domain authority) is granted by the Maryland Public Service Commission (PSC) after review, public notice, and hearing. BWRR undertook this public process, which resulted in the granting of a railroad franchise by the PSC in November 2015. In granting the railroad franchise, the PSC found that "...the construction and operation of the SCMAGLEV between Baltimore and Washington, DC will result in substantial economic and social benefits to the State and Baltimore and be consistent with the State's environmental laws and policies enacted or adopted to reduce harmful emissions for cleaner air and address the causes of climate change." Further, the PSC found that awarding the franchise was in the public convenience and necessity.

HB0048 is asking the legislature, without justification, to step in and simply change the law for a single project and franchisee, thus undermining the entire administrative process undertaken by the PSC.

BWRR is committed to working with landowners and communities in order to minimize impacts of the proposed SCMAGLEV project. Indeed, a route has been developed that would result in no takings of residential homes along the alignment.

Removal of the eminent domain authority provided under Maryland law and regulated by the PSC would be tantamount to stopping the SCMAGLEV project or any future use of magnetic levitation transportation technology in the future. There is no evidence of harm that would warrant such an action.

BWRR believes it is essential to let the normal regulatory and legal processes in place work and avoid setting a precedent of upsetting current laws, not to address a problem, but to single out a specific project for unfavorable treatment.

We strongly recommend that HB0048 be provided a negative report.

Sincerely,



Ian Rainey
Senior Vice President