



Committee: Environment and Transportation
Testimony on: HB0048 – Railroad Companies - Condemnation Authority – Application
Organization: Maryland Coalition for Responsible Transit
Submitting: Rhonda Kranz, President
Position: Favorable
Hearing Date: January 30, 2025

Dear Chair and Committee Members:

Thank you for accepting the Maryland Coalition for Responsible Transit's (MCRT's) written testimony in support of HB0048. The MCRT evaluates transit projects for social equity, environmental impact, environmental justice, economic viability, and community accessibility. We represent a statewide coalition of communities, civic organizations, environmental groups, and residents. This bill will provide much needed protection to Maryland communities and citizens by establishing that certain authority of railroad companies to acquire property by condemnation does not apply to an entity that owns or operates a railroad powered by a magnetic levitation propulsion system; and generally relating to the condemnation authority of railroad companies.

Baltimore-Washington Rapid Rail (BWRR) is the private developer intensively lobbying to build a proposed Superconducting Magnetic Levitation (SCMaglev) transit project. The issue of BWRR's transferred right of eminent domain and its ability to condemn land is complicated. BWRR contends that they acquired condemnation rights to the land when they were granted the franchise of the Washington, Baltimore and Annapolis Electric Railway, an American railroad that operated from 1899 until 1935 in central Maryland and Washington, D.C. Is the SCMaglev a traditional railroad as was the original franchisee?

We contend that the SCMaglev is not a traditional railroad. It is a massive project that would run 36-40 miles from Washington, D.C., to Baltimore, with the only stop at BWI airport. According to BWRR, eight million people live in the Baltimore-Washington region. Unlike most commuter transit systems, the SCMaglev almost entirely excludes the populations along the route, 76 percent of which lies in environmental justice areas, where the bulk of the easements would occur. This population is in dire need of local transit for their daily rides to work, medical and other professional services, and other locations. They have no equivalent options, such as MARC or the Acela, unlike those who want to travel directly from Washington, D.C., to Baltimore, and can afford to purchase expensive tickets.

Approximately 75 percent of the proposed alignments would be below ground in tunnels approximately 46 feet in diameter that would run under schools, businesses, and homes. According to the MCRT's analysis of BWRR data presented in its Draft Environmental Impact Statement, easements would include over 1,100 property parcels in Maryland. In most cases, the easements would take land under properties. BWRR can claim that it will not impose impacts on property owners or property values, but this is not true. Vibrations 350 feet from the SCMaglev when in operation would impact the structure of buildings and sensitive electrical equipment, as well as have potential impacts on health.

The power of eminent domain is a legal tool typically used by governments to take property in the name of the "greater good" for the public, usually for public use. Of major concern is who determines the "greater good" when it comes to considering the rights of property owners along the routes currently proposed by BWRR. Those individuals could lose a portion of their land and possibly their houses. An issue of specific concern is that BWRR, via a contractor, will contact property owners along the proposed routes about BWRR's interest and intention of obtaining an easement to establish a right of way to tunnel underneath the property, which would greatly affect most of the designated properties. They would also bear the brunt of the negative effects of the construction and operations of the system.

The rights of BWRR's eminent domain and condemnation authority must be weighed carefully in consideration of the realistic benefits for public good in the heavily populated Northeast Corridor. Over 1,100 properties in Maryland could be affected should construction proceed to build a system that will not benefit our residents because it will have only three stops and be cost-prohibitive. Therefore, we urge a favorable vote for HB0048.