

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 Barnett, submitting written testimony as an individual. I am writing in support of HB0048, sponsored by Delegates Healey, Martinez, and Williams.

The issue of BWRR's transferred right of eminent domain and ability to condemn land is extremely complicated. The recent case brought by Stonewall and the Westport development in Baltimore against BWRR was subject to convoluted court maneuverings.

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?

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The recent case brought by Stonewall and the Westport development in Baltimore against BWRR was subject to convoluted court maneuverings. When BWRR's assertions were ruled against, 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."

The two parties finally resolved their court fights with a settlement for Stonewall to build the development and allocate a portion of the land to BWRR (should it get approval from the Federal Railroad Administration to move forward), which, as I understand it, avoided resolving the issue of BWRR's right of condemnation.

The right 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,

Susan Barnett

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