
February 19, 2026

The Honorable Marc Korman
Chair, Environment and Transportation Committee
250 Taylor House Office Building
Annapolis, MD 21401

RE: Letter of Concern – House Bill 639 – Transportation - Aviation - Passenger Health and Safety (Aviation Health and Safety Act)

Dear Chair Korman and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 639 but respectfully offers the following concerns for the Committee's consideration.

If adopted, HB 639 would require the Maryland Aviation Administration (MAA) to develop a form to be used for any passenger on an aircraft that is a "detained individual," defined as "a passenger who is traveling involuntarily or while being held in any kind of restraint." The form is to collect information about the detained individuals medical and legal history, among other things. Completing the form would be voluntary and copies of the forms are to be kept on board each aircraft. In case of an emergency, the forms are to be provided to emergency responders or hospitals. The bill also requires the flight crews on each aircraft to distribute and collect the forms. Before providing any service to an aircraft, each fixed base operator or aviation service company are to inspect aircraft to confirm that the forms are maintained on each aircraft. The bill also requires the fixed base operator or aviation service company to compile a report on this information.

Additionally, HB 639 would prohibit a person, which includes the State and a unit of State government, from entering into a contract, grant, or other agreement with an airline that transports detained individuals unless the airline provides evidence of a valid warrant issued by a federal or State court, a valid court order, or the Governor's authorization of the extradition of the detained individual to another state. Separately, HB 639 prohibits MAA from entering into a contract, grant, or other agreement with a fixed base operator or an aviation service company that services airlines that transport detained individuals through the Baltimore-Washington International Thurgood Marshall (BWI Marshall) airport unless the airline provides evidence of a valid warrant issued by a federal or State court, a valid court order, or the Governor's authorization of the extradition of the detained individual to another state. Finally, the bill would prohibit an aircraft from being refueled if an individual on board the aircraft is in any kind of restraint and requires certain conditions to be met if the individual is removed from the aircraft during refueling.

The Moore-Miller Administration is opposed to the federal government's use of BWI-Marshall for the operation of deportation flights. That said, the national airspace system, airline operations, and access to airports are governed by federal law. Specifically, 49 U.S.C. § 41713(b), commonly referred to as the Airline Deregulation Act, preempts state and local governments from regulating a carrier's routes, services, or operations. Pursuant to Federal Aviation Administration (FAA) grant

The Honorable Marc Korman
Page Two

assurances, BWI Marshall is prohibited from discriminating among qualified, certificated air carriers or restricting duly authorized flight operations. See 49 U.S.C. § 47107.

While MAA has broad authority to perform any action or adopt rules and regulations to perform its duties and carry out the laws it is charged to administer, such actions must be consistent with the State and federal Constitution, law, and regulations. As a result, airport operators, including those overseeing commercial airports like BWI Marshall, do not have the authority to intervene in operations of airlines based on the nature of their operations, provided those airlines comply with federal safety, security, and operational requirements. This includes charter services, even when conducted on behalf of federal agencies. The regulatory framework is intentionally designed to ensure a uniform, federally managed aviation system across the country.

In addition to issues of legal pre-emption, MAA must remain in compliance with federal grant assurances included in the FAA grants. In general, when airport owners or sponsors, planning agencies, or other organizations accept funds from FAA-administered airport financial assistance programs, they must agree to maintain and operate their facilities safely and efficiently and in accordance with specified conditions. The assurances may be attached to the application or the grant for Federal assistance and become part of the final grant offer or in restrictive covenants to property deeds.

By accepting federal funds for airport projects, MAA has assured the FAA it will “make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge”¹

If the FAA determines that the bill violates FAA grant assurances, MAA may lose access to federal funding. Currently MAA has \$300 Million in federal funds included in its six-year capital plan. Additionally, there could be a ripple effect on State revenues due to the provisions of the bill

The Maryland Department of Transportation respectfully requests the committee consider this information during its deliberation of House Bill 639.

Respectfully submitted,

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¹ Airport Sponsors Assurances, Part C(27), (2025), https://www.faa.gov/airports/aip/grant_assurances/assurances-airport-sponsors-2025.