



2026 WRITTEN TESTIMONY

MARYLAND TRANSIT ADMINISTRATION REFORM ACT

SB947/HB1081 - FAVORABLE WITH AMENDMENTS

The Maryland Association for Justice (MAJ) has grave concerns regarding one provision of SB947/HB1081, which is buried in a lengthy bill that would implement a number of “reforms” for the Maryland Transit Administration. Found on Page 15, lines 5 through 7, this section of the proposed legislation would impose a \$400,000 “hard cap” on all damages (both economic and non-economic) recoverable in civil claims arising from the negligence of the MTA or its employees – even those causing serious bodily harm or death. For these reasons, MAJ seeks an amendment seeking the following:

STRIKE Page 15, lines 5 through 7.

This proposed cap has already been rejected by the General Assembly on several occasions. On at least four occasions, the House Judiciary Committee and/or Senate Judicial Proceedings Committee declined to pass focused legislation seeking to impose a cap on MTA liability: HB1130 (2007); SB832 (2019); SB32 (2021) (reported Unfavorable); SB743 (2025).

This year, the MTA has buried the proposed cap in legislation that otherwise has nothing to do with civil liability, and thus is pending before different committees than those that have rejected its prior efforts.

The MTA was founded in 1970 and holds itself out as “one of the largest multi-modal transit systems in the United States.” See mta.maryland.gov/about. It is responsible for the operation of Local Buses, Commuter Buses, Light Rail, Metro, MARC Trains, MobilityLink, and other transit modalities that provide transportation for millions of Marylanders every week.

At the time of its formation, the MTA could not be sued in tort under the doctrine of sovereign immunity. In 1977, recognizing that the MTA engages in activities that present risk of harm to the public in the event of negligence, the General Assembly waived sovereign immunity for the MTA. Md. Code, Trans. § 7-702 (1977). The General Assembly did not impose a special limit on the amount recoverable by injured victims.

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About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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Four years later, the General Assembly adopted the Maryland Tort Claims Act (“MTCA”), providing limited waiver of sovereign immunity in certain circumstances up to a capped amount (currently \$400,000). Md. Code, State Government § 12-101 et seq. The MTCA specifies that it “does not limit any other law that waives the sovereign immunity of the State or the units of the State government in tort.” § 12-103. In other words, the General Assembly made clear that it did not intend to impose the MTCA limits on preexisting immunity waivers, such as the waiver contained in § 7-702 of the Transportation Article. *Collier v. Nesbitt*, 79 Md. App. 729 (1989).

One of the prior unsuccessful attempts to impose a cap on MTA cases occurred in 2021 (SB32-reported unfavorable). At that time, the MTA Administrator submitted written testimony acknowledging that **“the fundamental fact that MDOT MTA, unlike any other State agency, operates modes of transportation that can pose a risk of severe personal injuries.”** https://mgaleg.maryland.gov/cmte_testimony/2021/jpr/528_01142021_91615-459.pdf.

Indeed, as a common carrier, under Maryland law, the MTA owes a heightened duty of care to its passengers – **the highest degree of care the law requires**. *Todd v. MTA*, 373 Md. 149 (2003).

Consistent with its legal obligations to provide Maryland passengers the highest duty of care, the MTA has ample insurance coverage to protect itself from liability for its negligence. The Fiscal Note specifies that the MTA carries \$10M in self-insurance, and excess coverage of \$290M. Clearly, access to insurance markets has never been unavailable or unaffordable to the MTA, so there is no compelling reason to limit its liability for potentially grievous harm.

Limiting the liability of the MTA for negligent conduct will not benefit Marylanders, but instead will simply deprive injured people of their right to full and fair compensation under the law. MAJ urges an Amendment removing this limit from SB947/HB1081.

Maryland Association for Justice urges a FAVORABLE WITH AMENDMENTS Report on SB947/HB1081.

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