

February 5, 2020

**SB253**

**TESTIMONY OF WAYNE L. ROGERS  
BALTIMORE WASHINGTON RAPID RAIL  
IN OPPOSITION TO SB253**

*State Financing and Procurement — Prohibited Appropriations — Magnetic Levitation Transportation System*

Chair Guzzone, Vice Chair Rosapepe and Members of the Committee:

I am the Chairman/CEO of Baltimore Washington Rapid Rail, LLC and appear today to convey our strong opposition to SB0253.

BWRR is a railroad franchised by the Maryland Public Service Commission to construct and operate a 311 mph Super-Conducting Magnetic Levitation train between Washington and Baltimore. When constructed the train will take passengers between Baltimore and Washington in 15 minutes. Passengers landing at BWI would be able to reach downtown Baltimore in 5 minutes and downtown DC in 8 minutes. In granting the railroad franchise, after notice and public hearing, the Maryland PSC found that ***“the construction and operation of the SCMAGLEV between Baltimore and Washington, DC will result in substantial economic and social benefits to Baltimore and the State of Maryland and will be consistent with the State’s environmental laws and policies to reduce harmful emissions for cleaner air and address the causes of climate change and that awarding a franchise to facilitate in development of the SCMAGLEV was in the public convenience and necessity.”***

The SCMAGLEV project will bring significant benefits to the State of Maryland, including those transiting central Maryland where 70% of Maryland residents live, creating over 74,000 Maryland jobs (205,000 nationally), a \$6.7 billion GDP increase in Maryland from construction (over \$275 million annually from operations), reducing greenhouse gases by 2,000,000 tons, improving BWI Airport and transforming the lives of tens of millions of people. It is the equivalent in terms of passenger transport to building an eight-lane highway and divert 16 million people a year from the overcrowded highways to public transit. 75% underground, the proposed project has very low negative environmental effect and huge environmental and economic benefits.

The project is currently undergoing environmental and permitting review by over 30 federal, state and local agencies. There have been hundreds of public meetings, briefings and hearings in the last 6 years. The process of the environmental impact statement is over 4 years in duration, which we currently are mid-way through. These interactions have worked to successfully minimize, avoid or eliminate potential negative impacts. The collaboration is continuing.

***SB253 would:***

- ***Prohibit any state appropriations for a Maglev system***
- ***Prohibit any public or private company that receives money from state from authorizing a permit or any other form of approval for Maglev in the state***
- ***Prohibit any proposal for a Maglev system from using any rights-of-way owned or operated by CSX or the National Railroad Passenger Corporations (AMTRAK)***

As the Department of Legislative services noted in their Fiscal and Policy Note, the bill would establish: “...***restrictions that make the proposed SCMAGLEV Project difficult or impossible to implement...***”

This bill would overturn years of work by federal, state and local agencies and over \$100 million of investment by the private sector, all before final decisions on construction are made.

***State Appropriations:***

By prohibiting state appropriations for any Maglev system, this bill attempts to nullify federal, state and local laws for the purpose of stopping a project that would greatly benefit the state and the region.

This bill exists solely as an assault on a single project that is currently going through the environmental review process and overturn findings already made by state agencies. Its goal is to circumvent existing law to stop a project that some individuals do not like, to the detriment of Maryland as a whole.

***Public and Private Entities Permitting & Approval:***

This bill would prevent authorizing of permits, even if the project complies with all legal requirements, including putting restrictions on the private sector conduct. This is bad law and a bad precedent for the legislature.

***CSX & AMTRAK Rights-of-Way:***

The legislation reaches into federal and private organizations by prohibiting any proposal for a Maglev system from using any rights-of-way owned or operated by CSX or AMTRAK. While we have no plans to utilize their rights of way, that use should be decided by CSX or AMTRAK, in accordance with current law.

This project would propel our region to the forefront of technology and transportation, provide a significant solution to growing gridlock and help Maryland maintain its growth and development.

**It is extremely important that we let the normal regulatory and legal processes in place work and do not set a precedent of upsetting current laws, not to address a problem, but to single out a project for unfavorable treatment.**

For these reasons Baltimore-Washington Rapid Rail **strongly opposes SB0253** and urges the committee to submit an **unfavorable report**. Thank you for the opportunity to appear.