

## Bay Crossing Study Public Comments September 1, 2018 – September 30, 2018

DATE	MEDIUM	COMMENT (Personally Identifying Information Removed)
9/12/2018	Email	I am A Kent county property owner and would like you to know my preference for the new bridge. Economically it makes sense for all Marylanders to have it in the second zone
9/12/2018	Email	<p>Brian Murrill Maryland Division Administrator US Department of Transportation Federal Highway Administration 1200 New Jersey Ave., SE Washington, DC 21590</p> <p>Heather Lowe Project Director for the Bay Crossing Study MDTA 2310 Broening Highway, Baltimore, MD 21224</p> <p>Dear Ms. Lowe and Mr. Murrill,</p> <p>Maryland Transportation Article 4-407 gives consent authority over any toll road, highway or bridge constructed within the boundaries of the 9 Eastern Shore Counties .</p> <p>Kent Conservation and Preservation Alliance would like to submit, as public comment for the record in the Tier 1 NEPA study currently being conducted, the attached documents and cover letter. The documents include a written opinion from the Office of Maryland Attorney General, Brian Frosh, on the applicability of the statute pertaining to a Chesapeake Bay Bridge. [Referenced Documents Included at the Bottom of This File]</p> <p>All documents being submitted, having been published on the official website for the Kent County Commissioners, are part of the public record and available for access by any interested party.</p> <p>Please feel free to contact me if you have any questions about our submission.</p>

## Bay Crossing Study Public Comments September 1, 2018 – September 30, 2018

DATE	MEDIUM	COMMENT (Personally Identifying Information Removed)
		<p>Sincerely,</p> <p>[Name Removed]</p> <p>[Name Redacted] Chair Board of Directors Kent Conservation and Preservation Alliance [Phone Number Removed]</p>
9/18/2018	Web	<p>After a life of driving 95 south, it is obvious we need a future way to avoid major traffic areas in the Baltimore Washington areas with an alternative route south. We must use the 301 corridor now improved to reach route 50 down the eastern shore to a new crossing over the Bay to 95 below the heavy traffic areas. This would set up a future alternate route to be developed avoiding 95 altogether. Just common sense.</p>
9/18/2018	Email	<p>Ms Heather Lowe, Bay Crossing Study MD Transportation Authority 2310 Broening Hwy Baltimore, MD 21224</p> <p>9/18/2018</p> <p>Dear Ms. Lowe:</p> <p>I would like to comment on the Bay Crossing Study. Kent County is a beautiful place full of historic sites, cultural and agricultural landscapes. Creating a new corridor to the 'Shore' would be extremely detrimental to the wonderful qualities of life experienced by those of us who live here.</p> <p>One only needs to look at what happened to Kent island over the years to imagine the result of an additional bay crossing would have to this county. What was once a quiet area of farms and historic places would be full of strip malls, fast food, asphalt, and bedroom communities. This is not progress, it a rape to the land and culture of residents of this county.</p>

## Bay Crossing Study Public Comments September 1, 2018 – September 30, 2018

DATE	MEDIUM	COMMENT (Personally Identifying Information Removed)
		<p>I care deeply about preserving Kent County, and know that a highway cutting through this landscape is not compatible with my goal. I oppose a new bay bridge crossing into Kent County.</p> <p>Regards, [Name Removed] [Address Removed]</p>
9/26/2018	Email	<p>9/26/2018</p> <p>Dear Ms. Lowe:</p> <p>I would like to comment on the Bay Crossing Study. Kent County is a beautiful place full of historic sites, cultural and agricultural landscapes. Creating a new corridor to the 'Shore' would be extremely detrimental to the wonderful qualities of life experienced by those of us who live here.</p> <p>One only needs to look at what happened to Kent island over the years to imagine the result of an additional bay crossing would have to this county. What was once a quiet area of farms and historic places would be full of strip malls, fast food, asphalt, and bedroom communities.</p> <p>I traveled from Kent County to Dover Delaware last week, was deeply sadden to think that Kent County could end up looking like that area. The congestion of traffic, the new construction of houses, business on farm land, it was very depression to know that this could be what Kent County might become.</p> <p>I care deeply about preserving Kent County, and know that a highway cutting through this landscape is not compatible with my goal. I oppose a new bay bridge crossing into Kent County.</p> <p>Regards, [Name Removed] [Address Removed]</p>



## Kent Conservation & Preservation Alliance

861 Washington Avenue, Suite 256 • Chestertown, MD 21620

Ms. Heather Lowe  
Project Manager, Bay Crossing Study  
MDTA  
2310 Broening Highway  
Baltimore, MD 21224

September 12, 2018

Dear Ms. Lowe,

The Kent County Commissioners requested Brian Frosh, Maryland Attorney General, to render an opinion on the applicability and meaning of Transportation Article 4-407, which reads in its entirety:

*(a) This section applies to:*

- (1) Caroline County;*
- (2) Cecil County;*
- (3) Dorchester County;*
- (4) Kent County;*
- (5) Queen Anne's County;*
- (6) Somerset County;*
- (7) Talbot County;*
- (8) Wicomico County;*
- (9) Worcester County.*

*(b) A State Agency, including the Maryland Transportation Authority, may not construct any toll road, toll highway, or toll bridge in the counties enumerated in this section without the express consent of a majority of the government of the **affected** counties. (emphasis added)*

The purpose of the request was to clarify the interpretation as it pertains to a Bay Crossing and how the word 'affected', in the context of this statute, is to be applied. The Commissioners stated in their request that:

*"The Bay Crossing is of a highly important nature to our citizens and Kent County's long-standing opposition to a terminus in Kent County of a toll bridge from the Western Shore."*

The reply received from Patrick B. Hughes, Chief Counsel, Opinion and Advice, stated that a request for an opinion had previously been submitted by a member of the Maryland General Assembly and:

*"Because we have already provided advice to our client on this matter, we are attaching a copy of the advice, rather than responding in the form of an official Opinion of the Attorney General."*

The client referred to by Mr. Hughes is Senator Stephen Hershey, 36th district.

Kent Conservation and Preservation Alliance is submitting documents, including the rendered opinion of the AG, for inclusion in Bay Crossing Study Tier 1 NEPA public record. These documents are all publicly available on the Kent County Commissioner's Agenda/Minutes website.

The key points in the opinion are:

- *Transportation 4-407 is applicable to a Chesapeake Bay Crossing*
- *Affected has meaning and would be applied only to the county or counties where a toll facility is constructed, not the entire 9 counties listed in section (a) of the Article*
- *Should a toll facility be constructed in a single county on the Eastern Shore the State agency responsible would be required to get consent from that single affected county*
- *Should a toll facility be constructed in multiple counties, the majority of the governments in those affected counties would be required to give consent.*

Opposition to a Chesapeake Bay Bridge crossing terminating in Kent County has been clearly stated to State Highway and MDTA by our Commissioners as well as our residents. Furthermore, although only an opinion and not a binding legal decision, this interpretation of the statute has implications for MDTA considering Kent County as one of the corridors for a Bay Crossing.

U.S. Code Title 23 Chapter 1 section 139(h)(1), Issue Identification and Resolution:

*'The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of environmental review process or could result in denial of any approvals required for the project under applicable laws.'*

Maryland Transportation 4-407 under the opinion rendered by the office of the Maryland Attorney General could result in denial of approval for the project and therefore must be considered as you continue your process of determination of possible corridors for a crossing.

Sincerely,

[Redacted Signature]

Chair, Board of Directors  
Kent Conservation and Preservation Alliance  
contact@kentalliance.org

ENC: April 18, 2018 letter to Brian Frosh, Maryland Attorney General

July 17, 2018 reply to Kent County Commissioners from Patrick Hughes, Chief Counsel



# The County Commissioners of Kent County

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PRESIDENT  
CHESTERTOWN, MD

RONALD H. FITHIAN  
MEMBER  
ROCK HALL, MD

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MEMBER  
CHESTERTOWN, MD

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SHELLEY L. HELLER  
COUNTY ADMINISTRATOR

THOMAS N. YEAGER  
COUNTY ATTORNEY

April 17, 2018

The Honorable Brian E. Frosh, Attorney General  
State of Maryland  
Office of the Attorney General  
200 St. Paul Place  
Baltimore, MD 21202

Dear Attorney General Frosh:

RE: Clarification of Maryland Transportation Article § 4-407

The County Commissioners of Kent County, Maryland respectfully request your clarification of Maryland Transportation Article § 4-407:

(a) This section applies to:

- (1) Caroline County;
- (2) Cecil County;
- (3) Dorchester County;
- (4) Kent County;
- (5) Queen Anne's County;
- (6) Somerset County;
- (7) Talbot County;
- (8) Wicomico County; and
- (9) Worcester County.

(b) A State agency, including the Maryland Transportation Authority, may not construct any toll road, toll highway, or toll bridge in the counties enumerated in this section without the express consent of a majority of the governments of the affected counties. (emphasis added)

Over the years there have been proposals to construct a northern crossing from Baltimore County to Kent County. If past precedents are followed, such as the bridge from Anne Arundel County to Queen Anne's County, the bridge itself would be toll but the approach roads would not be toll.



Brian E. Frosh, Attorney General  
Request for Clarification of Maryland Transportation 4-407  
April 17, 2018  
Page 2 of 2

A toll bridge, if proposed from Baltimore County to Kent County, with no toll approach roads, appears to us to only *affect* Kent County, as the toll bridge would only be in Kent County. Since the law prohibits the construction of a toll bridge or highway on the Eastern Shore except with the consent of the majority of the governments of affected counties, only the consent of Kent County would be required.

The Bay Crossing is of a highly important nature to our citizens, the County Governance, and Kent County's long-standing opposition to a terminus in Kent County of a toll bridge from the western shore. We understand that there could be other interpretations of this law, but it would seem imperative to have an opinion on implementation of the law and we respectfully request that you render an opinion at your earliest convenience.

Very truly yours,

THE COUNTY COMMISSIONERS  
OF KENT COUNTY, MARYLAND



William W. Pickrum, President

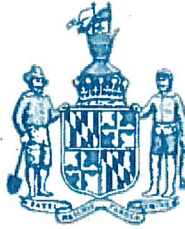


Ronald H. Fithian, Member



William A. Short, Member

**BRIAN E. FROSH**  
*Attorney General*



**ELIZABETH HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*

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**OFFICE OF THE ATTORNEY GENERAL**

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July 17, 2018

*Via First Class Mail*

Hon. William W. Pickrum  
President, County Commissioners of Kent County  
R. Clayton Mitchell, Jr. Kent County Government Center  
400 High Street  
Chestertown, Maryland 21620

Dear Mr. Pickrum:

We received your letter on behalf of the County Commissioners of Kent County in which you request an Opinion of the Attorney General concerning the interpretation of § 4-407 of the Transportation Article. Our Office was recently asked for advice on that same topic by a member of the Maryland General Assembly. Because we have already provided advice to our client on this matter, we are attaching a copy of that letter of advice, rather than responding in the form of an official Opinion of the Attorney General. Although we respectfully decline your request for a formal Opinion of the Attorney General, I nevertheless hope that you find this letter helpful. Please let me know if you have any questions.

Sincerely,

Patrick B. Hughes  
Chief Counsel, Opinions & Advice

**County Commissioners**  
**Office**

Date 07/19/18 HJK



BRIAN E. FROSH  
ATTORNEY GENERAL

ELIZABETH E. HARRIS  
CHIEF DEPUTY ATTORNEY GENERAL

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ASSISTANT ATTORNEY GENERAL

DAVID W. STAMPER  
ASSISTANT ATTORNEY GENERAL

THE ATTORNEY GENERAL OF MARYLAND  
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

~~CONFIDENTIAL~~ KD 7/16/18  
May 17, 2018

The Honorable Stephen S. Hershey, Jr.  
Senate of Maryland  
James Senate Office Building, Room 420  
Annapolis, Maryland 21401

Dear Senator Hershey:

You have asked for advice regarding Transportation Article ("TR") § 4-407, which prohibits a State agency from constructing any toll road, toll highway, or toll bridge in the nine Eastern Shore counties without the consent of a majority of the affected counties. Specifically, you have asked whether this provision would apply to a bridge that crosses the Chesapeake Bay and, if it would, whether it would require the consent of a majority of the nine counties or only of the Eastern Shore county in which the bridge would terminate. It is my view that TR § 4-407 would apply to a toll bridge that spans the Chesapeake Bay, and that section would not require the consent of all nine Eastern Shore counties but likely would require only the consent of a majority of the Eastern Shore counties in which the toll facility<sup>1</sup> is constructed.

TR § 4-407 was enacted in 1978 as § 232 of former Article 25. Chapter 495 *Laws of Maryland* 1978. Aside from a non-substantive restructuring of the statute,<sup>2</sup> as well as its recodification in the Transportation Article, TR § 4-407 is identical to the original 1978 enactment. Section 4-407, in its entirety, provides as follows:

(a) This section applies to:

- (1) Caroline County;
- (2) Cecil County;
- (3) Dorchester County;
- (4) Kent County;
- (5) Queen Anne's County;

<sup>1</sup> As used in this letter, "toll facility" means any portion of a roadway for which a toll is assessed for passage and includes toll roads, toll highways, and toll bridges.

<sup>2</sup> As enacted in 1978, the list of the nine counties to which the statute applied appeared as subsection (b), and the general prohibition on the construction of toll facilities was set forth in subsection (a).

- (6) Somerset County;
- (7) Talbot County;
- (8) Wicomico County; and
- (9) Worcester County.

(b) A State agency, including the Maryland Transportation Authority, may not construct any toll road, toll highway, or toll bridge in the counties enumerated in this section without the express consent of a majority of the governments of the affected counties.

**1. Would TR § 4-407 apply to a Chesapeake Bay crossing?**

Based on the plain meaning of the statutory language, it is my view that TR § 4-407 would apply to a toll bridge that spans the Chesapeake Bay and terminates in one of the nine Eastern Shore counties.

When interpreting legislative acts, the cardinal rule is to "ascertain and effectuate the intention of the legislature," *Oaks v. Connors*, 339 Md. 24, 35 (1995), the primary source of which is the language of the act itself, *State v. Pagano*, 341 Md. 129, 133 (1996). If the language is clear and unambiguous, courts usually will not look beyond the plain meaning of the language to discern legislative intent. *Gary v. State*, 341 Md. 513, 521 (1996). "In construing the plain language, '[a] court may neither add nor delete language so as to reflect an intent not evidenced in the plain and unambiguous language of the statute; nor may it construe the statute with forced or subtle interpretations that limit or extend its application.'" *Chow v. State*, 393 Md. 431, 443 (2006) (quoting *Kushell v. Dept. of Natural Resources*, 385 Md. 563, 576-77 (2005) (citations omitted) (quotations omitted)). Nonetheless, where there is an ambiguity or "uncertain meaning" in a statute, a court "may and often must consider other 'external manifestations' or 'persuasive evidence,' including a bill's title and function paragraphs, amendments that occurred as it passed through the legislature, ... and other material that fairly bears on the fundamental issue of legislative purpose or goal ...." *Kaczorowski v. Mayor & City Council of Baltimore*, 309 Md. 505, 515 (1987).

TR § 4-407 limits the authority of State agencies to "construct any toll road, toll highway, or toll bridge in the counties enumerated in [that] section." A toll bridge that terminates in a given county necessarily would be "construct[ed]" in that county, and thus a toll bridge that spans the Chesapeake Bay and terminates in one of the nine Eastern Shore counties would be "construct[ed] in" at least one of "the counties enumerated in" TR § 4-407.<sup>3</sup> Accordingly, it is my view that TR

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<sup>3</sup> It is possible – though perhaps not likely – that a portion of the span over the waters of the Bay would be constructed within the jurisdiction of an Eastern Shore county different from the county in which the bridge makes landfall, given that the jurisdiction of a county extends into navigable waters, including the Chesapeake Bay. See Local Government Article ("LG") § 9-109

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§ 4-407 applies to such a toll bridge and, therefore, a State agency may not construct the toll facility "without the express consent of a majority of the governments of the affected counties."

To be sure, there are some statements sprinkled throughout the legislative history of TR § 4-407 that appear to provide at least some support for an argument that the statute was meant to limit a State agency's authority to construct toll roads, toll highways, and toll bridges only if such facilities are located entirely, or at least predominantly, within the nine Eastern Shore counties. For example, the legislative history suggests that Chapter 495 was enacted in response to concerns among Eastern Shore counties that certain road projects on the Eastern Shore would be constructed as toll roads or bridges. See Maryland Department of Transportation ("MDOT") Written Testimony, Senate Bill 725 of 1978, February 14, 1978 ("This legislation has been introduced as a result of an unfortunate comment regarding a very initial and preliminary analysis of several potential projects ... . The Department has no plans to build a toll road on the Eastern Shore nor would we ever without the support of the involved counties."); House Committee on Appropriations, Minutes, March 29, 1978 ("there had been 4 meetings with other counties on 20-year needs study and no mention had been made of toll road but got wind of toll road being underway in plans with road starting at Wye Mills through to Mardella. ... [The Secretary of Transportation] said they have no intention of building toll roads on E.S. at this time but plan to ... improve E.S. roads.").

Similarly, nothing I have found in the legislative history suggests the General Assembly specifically contemplated the application of this provision to a toll bridge across the Bay.<sup>4</sup> But the lack of any evidence in the legislative history on this specific point, or the suggestion that the General Assembly likely was focused primarily on infrastructure with a more significant presence on the Eastern Shore, cannot overcome the plain meaning of the statutory language, which expressly limits a State agency's authority to construct a toll facility, *including a toll bridge*, in any of the nine Eastern Shore counties. Because the statute does not draw any distinction between toll facilities constructed entirely or mostly within the Eastern Shore counties and toll facilities,

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(the jurisdiction of a county bounded at any point by navigable waters other than a river extends to the center of the waters or, if the navigable waters join a neighboring state, to the ultimate limit of the State); LG § 9-108 (except as otherwise provided by law, the jurisdiction of a county lying on a navigable river in the State extends to the channel of the river dividing the county from another county); *Anne Arundel Cty. v. City of Annapolis*, 352 Md. 117, 134 n.8 (1998) ("Anne Arundel County and its sister counties also have jurisdiction to the geographic middle of any body of water other than a river, such as the Chesapeake Bay, which serves as its border.").

<sup>4</sup> That a new Chesapeake Bay crossing may not have been a chief concern among State legislators or Eastern Shore counties at the time is not surprising, given that the second span of the Bay Bridge was completed just five years earlier, in 1973.

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such as a bridge across the Bay, of which only a portion is constructed in any Eastern Shore counties,<sup>5</sup> it is my view that § 4-407 would apply to a toll bridge across the Chesapeake Bay.

**2. If TR 4-407 applies to a Chesapeake Bay crossing, does that mean all 9 counties have a vote on where it crosses, or would just the county where it terminates get the sole vote?**

The answer to your question turns on the meaning of the term "affected counties" in TR § 4-407. Though not free from doubt, it is my view that "affected counties" means only those counties in which a toll facility is constructed. Accordingly, if a proposed toll facility were to pass through only one of the nine Eastern Shore counties, under TR § 4-407 that single county would have to give consent. If the toll facility were to pass through multiple Eastern Shore counties, however, a majority of those counties would have to give consent.

The legislative history of the statute supports this interpretation. When first introduced, Chapter 495 provided that a State agency "may not construct any toll road, toll highway, or toll bridge in the counties enumerated in this section without the express consent of the government of *the county*." (Emphasis added). The bill's reference to "the county," in the singular, suggests that the objective of the bill, as introduced, was to require the consent only of the specific county or counties in which a toll facility is to be constructed, as opposed to requiring the consent of all nine of the Eastern Shore counties enumerated in that section. In other words, the bill applied to all nine Eastern Shore counties – in that it limited a State agency's authority to construct any toll road, toll highway, or toll bridge in those nine counties – but it did not require the express consent of all nine counties for every proposed toll facility on the Eastern Shore.

Thus, under that initial version of the bill, if a toll project were to be constructed in only one of the nine enumerated counties, the responsible State agency would have had to get the consent of that one county. However, if a toll project were to run through multiple counties on the Eastern Shore, the State agency would have had to get the express consent of each county in which the toll facility was to be constructed, and each of those counties effectively would have had veto power over the project. Further support for this construction of the bill as originally introduced can be found in the bill's fiscal note, which described the bill's fiscal impact as follows:

If plans [to construct toll facilities in the enumerated counties] were to materialize, and *each county affected gave its express consent*, the cost of construction of the toll facilities undoubtedly would be financed by bonds that would be amortized by the tolls.

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<sup>5</sup> Because the jurisdiction of a county bounded by the Chesapeake Bay extends to the Bay's center, a substantial portion of a Bay crossing would be constructed in at least one Eastern Shore county. See footnote 3, *supra*.

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*If any of those counties in which a toll facility was proposed did not give its express consent*, alternative routes may be possible, presumably at higher construction costs or with smaller projections of toll revenues.

Fiscal Note on Senate Bill 725 of 1978, February 10, 1978 (emphasis added).

In response to this original version of the bill, MDOT raised concerns in its written testimony about the consent requirement:

[MDOT] has no plans to build a toll road on the Eastern Shore nor would we ever without the support of the involved counties.

However, it should be pointed out that the legislation would limit the flexibility of the State to implement a project which was supported by a majority of Eastern Shore counties but opposed by only one.

MDOT Written Testimony, Senate Bill 725 of 1978, February 14, 1978.

Then, in an apparent effort to address MDOT's concerns, the General Assembly amended the bill to its current form. *See* House Committee on Appropriations, Minutes, March 29, 1978 (The amendment "has taken care of [MDOT's] only objection. Must have majority of counties in agreement."). More specifically, the General Assembly amended the bill by striking "the government of the county" and inserting in its place "a majority of the governments of the affected counties."

Based on this history and on the plain language of the statute, it is my view that the term "affected counties" likely was meant to embrace only those Eastern Shore counties in which a proposed toll facility is to be constructed. For one thing, had the General Assembly intended to require the consent of all nine Eastern Shore counties whenever a toll facility is proposed in any of the Eastern Shore counties, it could have simply used the term majority of the governments of "the counties," "those counties," or "the enumerated counties," any of which would have provided a clear reference back to the antecedent "counties enumerated in this section." That the General Assembly included the adjective "affected," however, suggests it intended some further limitation.

The legislative history provides some clues as to the intended limitation. It appears that the term "affected counties" likely was meant to refer only to the Eastern Shore counties in which a proposed toll facility is to be constructed. In the fiscal note, legislative staff characterized the original version of the 1978 bill as allowing the construction of a toll facility on the Eastern Shore if "each county affected" gives its express consent but prohibiting the construction if "any of those counties in which a toll facility [is] proposed" does not consent. Thus, the fiscal note appears to have used the phrase "each county affected" as shorthand for the "counties in which a toll facility [is] proposed." (Emphasis added). When the General Assembly subsequently amended the bill,



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it likely used the similar phrase, "the affected counties," in the same way – as a shorthand reference to the counties in which a proposed toll facility is to be constructed.<sup>6</sup>

I also have considered whether "affected counties" could be construed more broadly to include, in addition to the counties in which a proposed toll facility is to be constructed, those Eastern Shore counties that would be affected by a proposed toll facility in some other way, for example, by new traffic patterns or changes in traffic congestion, increased economic activity in the county, or an impact on property values. The legislative history, however, does not suggest that the General Assembly had such a broad construction in mind. Rather, the history of the provision – especially how the term "affected" was used in the fiscal note – seems to indicate that the General Assembly intended the narrower, more precise construction of "affected counties." However, we cannot definitively exclude the possibility that, under some circumstances, a court might interpret the term "affected counties" to include a bordering county to which the toll facility does not extend but that is singularly affected by the facility. In the final analysis, it is difficult to give conclusive guidance about the application of the statute in the abstract, without applying the statute to a specific proposed toll project.

With that caveat, although the matter is not free from doubt, it is my view that the better construction of TR § 4-407, and the construction that is most consistent with the statutory text and legislative history, is one that equates "affected counties" with those Eastern Shore counties in which a proposed toll facility is to be constructed. Accordingly, with respect to a Chesapeake Bay crossing, if the toll facility is to be constructed in only one Eastern Shore county, it is my view that TR § 4-407 prohibits a State agency from constructing the toll bridge without the express consent of the government of that one Eastern Shore county. If the toll facility is to be constructed in multiple Eastern Shore counties, then the responsible State agency must get the consent of the governments of a majority of those Eastern Shore counties.

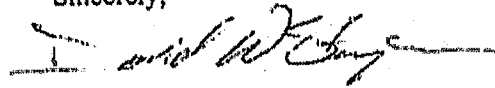
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<sup>6</sup> Under this construction of the statute, if a toll facility is to be constructed in a single Eastern Shore county – or even in two Eastern Shore counties – one county could effectively stop the project. At first blush, this construction is arguably at odds with the amendment made to the 1978 bill, the apparent purpose of which was to address MDOT's concern that the bill "would limit the flexibility of the State to implement a project which was supported by a majority of Eastern Shore counties but opposed by only one." MDOT's testimony, however, must be read in the context of that 1978 bill as it was originally introduced, which would have allowed a single Eastern Shore county to effectively block a proposed toll project *that ran through several Eastern Shore counties* even if all of those other counties supported the project. When MDOT's testimony is read in that context, it appears that MDOT's specific concern likely related to a single county being able to block a multi-county project that was supported by a majority of the counties in which the project would be constructed. That concern is amply addressed by reading "affected counties" to mean the counties in which a toll facility is constructed.

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While I hope this letter is responsive to your questions, it is not an official opinion of the Attorney General.

Sincerely,

A handwritten signature in dark ink, appearing to read "David W. Stamper", with a long horizontal flourish extending to the right.

David W. Stamper  
Assistant Attorney General