

The County Commissioners of Kent County

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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
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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