

absence of any clear indication of legislative intent to the contrary, this ambiguity is resolved in favor of the former interpretation.

It is unclear whether Ch. 687, Acts of 1974, which amended present §22A to change references to "the State Roads Commission" to "the Department", was intended to grant to the Department itself, as opposed to its various units, condemnation powers, or whether it merely authorizes use of retirement system funds for acquisitions of property by the various units of the Department, even if the acquisition was by condemnation.

Interestingly, this section has never been used since its enactment in 1967 and, in the opinion of the Administration and the retirement systems, is not likely to be used in the foreseeable future. The General Assembly may wish to consider this section for repeal as obsolete.

2-105. ACQUISITION OF RAILROAD CORRIDOR PROPERTY.

(A) POWER OF SECRETARY TO ACQUIRE.

(1) WITH THE APPROVAL OF THE BOARD OF PUBLIC WORKS, THE SECRETARY MAY ACQUIRE ON BEHALF OF THIS STATE, BY GIFT, PURCHASE, LEASE, CONDEMNATION, OR OTHERWISE, FOR ANY TRANSPORTATION RELATED PURPOSE, ANY RAILROAD CORRIDOR PROPERTY OVER WHICH TRANSPORTATION HAS BEEN PROVIDED AND ABANDONMENT HAS BEEN APPROVED BY THE INTERSTATE COMMERCE COMMISSION OR OTHER GOVERNING AGENCY WITH JURISDICTION IN THE MATTER.

(2) ANY CONDEMNATION PROCEEDINGS UNDER THIS SECTION SHALL BE INSTITUTED AND MAINTAINED IN THE NAME OF THIS STATE AND ARE GOVERNED BY TITLE 12 OF THE REAL PROPERTY ARTICLE.

(B) RAILROAD COMPANY TO NOTIFY SECRETARY OF INTENT TO DISPOSE OF PROPERTY.

IF A RAILROAD COMPANY INTENDS TO SELL OR OTHERWISE DISPOSE OF ANY RAILROAD CORRIDOR PROPERTY THAT IS LOCATED IN THIS STATE AND FOR WHICH THE COMPANY HAS RECEIVED PERMISSION FROM THE INTERSTATE COMMERCE COMMISSION OR OTHER GOVERNMENTAL AGENCY WITH JURISDICTION IN THE MATTER TO ABANDON TRANSPORTATION SERVICES, THE COMPANY SHALL NOTIFY THE SECRETARY OF ITS INTENT TO SELL OR OTHERWISE DISPOSE OF THE PROPERTY.

(C) SECRETARY TO RESPOND TO NOTICE.

WITHIN 60 DAYS AFTER THE SECRETARY RECEIVES A NOTICE UNDER SUBSECTION (B) OF THIS SECTION, THE