

However, the Commission to Revise the Annotated Code notes, for the consideration by the General Assembly, that, if in fact, these references are intended merely to affect the statute of limitations, a statement to that effect would be clearer.

The Commission also notes that the General Assembly may wish to clarify the meaning of the word "work" in subsection (a)(1) of this section.

7-238. DEPARTMENT OF TRANSPORTATION.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CAPITAL PROJECT" MEANS A PROJECT FOR WHICH FUNDS ARE SPENT FOR:

(I) THE CONSTRUCTION, RECONSTRUCTION, OR REHABILITATION OF A TRANSPORTATION FACILITY, AS DEFINED IN § 3-101(L) OF THE TRANSPORTATION ARTICLE; OR

(II) CAPITAL EQUIPMENT AS DEFINED BY THE SECRETARY OF TRANSPORTATION.

(3) "MAJOR CAPITAL PROJECT" HAS THE MEANING STATED IN § 2-103.1 OF THE TRANSPORTATION ARTICLE.

(4) "MODAL ADMINISTRATION" HAS THE MEANING STATED IN § 1-101 OF THE TRANSPORTATION ARTICLE.

(B) LIMITATION.

EXCEPT FOR AN EMERGENCY PROJECT, THE DEPARTMENT OF TRANSPORTATION, INCLUDING THE OFFICE OF THE SECRETARY AND THE MODAL ADMINISTRATIONS, MAY NOT USE AN APPROPRIATION FOR A MAJOR CAPITAL PROJECT FOR ANY CAPITAL PROJECT THAT WAS NOT INCLUDED IN THE CONSOLIDATED TRANSPORTATION PROGRAM WHEN THE APPROPRIATION WAS MADE.

REVISOR'S NOTE: Subsection (a)(1) and (2) of this section formerly appeared as Art. 15A, § 9A(a)(1) and (3).

Subsection (a)(3) of this section is new language based on the reference, in former Art. 15A, § 9A(d), to "major capital expenditures". Since, in TR § 2-103.1, which provides for the Consolidated Transportation Program, the term "[m]ajor capital project" is defined and used, that term is used in subsections (a)(3) and (b) of this section.

Subsection (a)(4) of this section is new language substituted for former Art. 15A, § 9A(a)(6), which