

# SENATE BILL 401

R2

4lr2290  
CF 4lr2298

---

By: **Senator Kagan**

Introduced and read first time: January 18, 2024

Assigned to: Education, Energy, and the Environment

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Transportation and Maryland Transportation Authority**  
3 **– Utilities Installation – Data Submission**

4 FOR the purpose of requiring a utility owner to submit to the Department of Transportation  
5 and the Maryland Transportation Authority certain information pertaining to the  
6 installation or relocation of certain facilities, infrastructure, or appurtenances  
7 associated with a utility service within or on rights-of-way or real property owned  
8 or controlled by the Department or the Authority; authorizing the Department or the  
9 Authority to require the removal of facilities, infrastructure, or appurtenances and  
10 deny issuance of certain permits or authorizations if a utility owner does not comply  
11 with the requirements of this Act; and generally relating to the installation of  
12 utilities within or on rights-of-way or real property of the Department of  
13 Transportation or the Maryland Transportation Authority.

14 BY adding to

15 Article – Transportation

16 Section 2–901 through 2–903 to be under the new subtitle “Subtitle 9. Utility Data”

17 Annotated Code of Maryland

18 (2020 Replacement Volume and 2023 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
20 That the Laws of Maryland read as follows:

21 **Article – Transportation**

22 **SUBTITLE 9. UTILITY DATA.**

23 **2–901.**

24 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 INDICATED.

2 (B) "AUTHORITY" MEANS THE MARYLAND TRANSPORTATION AUTHORITY.

3 (C) "UTILITY OWNER" MEANS AN ENTITY THAT PROVIDES OR CONTRACTS  
4 TO PROVIDE UTILITY SERVICE.

5 (D) "UTILITY SERVICE" MEANS THE INSTALLATION OR RELOCATION OF  
6 AERIAL, SURFACE, OR SUBSURFACE FACILITIES, INFRASTRUCTURE, OR  
7 APPURTENANCES ASSOCIATED WITH THE FOLLOWING TYPES OF SERVICES  
8 PROVIDED BY A PUBLIC OR PRIVATE UTILITY:

9 (1) ENERGY SERVICES;

10 (2) WATER, WASTEWATER, AND STORMWATER SERVICES; AND

11 (3) TELECOMMUNICATIONS SERVICES.

12 **2-902.**

13 THIS SUBTITLE DOES NOT APPLY TO THE PROVISION OF UTILITY SERVICE  
14 WITHIN A RIGHT-OF-WAY OR ON REAL PROPERTY OWNED OR CONTROLLED BY THE  
15 MARYLAND PORT ADMINISTRATION.

16 **2-903.**

17 (A) (1) WITHIN 60 DAYS AFTER THE COMPLETION OF THE PROVISION OF  
18 UTILITY SERVICE BY OR ON BEHALF OF A UTILITY OWNER WITHIN A RIGHT-OF-WAY  
19 OR ON REAL PROPERTY OWNED OR CONTROLLED BY THE DEPARTMENT OR THE  
20 AUTHORITY, THE UTILITY OWNER SHALL SUBMIT TO THE DEPARTMENT AND THE  
21 AUTHORITY THE LOCATION AND TYPE OF SERVICES INSTALLED OR RELOCATED.

22 (2) THE LOCATION INFORMATION SUBMITTED UNDER THIS  
23 SUBSECTION SHALL BE GEOREFERENCED IN A DIGITAL FORMAT IN ACCORDANCE  
24 WITH THE DATA SUBMISSION STANDARDS OF THE DEPARTMENT AND THE  
25 AUTHORITY.

26 (B) IF A UTILITY OWNER DOES NOT COMPLY WITH THE REQUIREMENTS OF  
27 SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT OR THE AUTHORITY MAY:

28 (1) REQUIRE THE REMOVAL OF THE FACILITIES, INFRASTRUCTURE,  
29 OR APPURTENANCES FOR WHICH THE LOCATION OR SERVICE TYPE WAS NOT  
30 PROPERLY SUBMITTED; AND

1                   **(2) DENY ISSUANCE OF ANY FUTURE PERMIT OR AUTHORIZATION**  
2 **REQUESTED BY THE UTILITY OWNER.**

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2024.