

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 34 (Delegate Bouchat, *et al.*)
Environment and Transportation

Municipalities - Open Drainage Inlets - Required Grating Systems (Mason's Law)

This bill requires municipalities to install an approved grating system on any existing open drainage inlet within the municipality by June 1, 2027. In addition, municipalities are required to incorporate an approved grating system into the construction of any new open drainage inlet within the municipality. An approved grating system must be secured to the inlet end of the open drainage inlet or the concrete structure used to house the drainage inlet in such a way as to prevent the grating system from being removed by the force of flood water, and removable only by using appropriate tools.

Fiscal Summary

State Effect: The bill is not anticipated to affect State finances and operations, as discussed below.

Local Effect: Potential significant increase in expenditures for most or all municipal governments to implement the updates to drains and inlets as mandated by the bill. Municipal revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary:

Definitions

An “approved grating system” means a cover placed over the opening of an “open drainage inlet” in order to allow stormwater runoff to enter the drainage inlet while preventing large

debris from entering the drainage inlet. This includes: (1) a standard yard inlet; (2) a raised grate yard inlet; (3) a trash rack grating, as specified; and (4) for new drainage inlets, a precast concrete box incorporated into the construction of the drainage inlet.

An “open drainage inlet” means a structure with a surface opening that has a diameter of 12 inches or more and is designed to collect and drain stormwater runoff.

Current Law: Municipal governments in Maryland spent approximately \$300 million on transportation services and programs, including ordinary maintenance of roads, in fiscal 2024 ([Local Government Finances Report](#) – Page 295). Most municipalities receive transportation related funding from the Local Highway User Revenues Program, with the municipal share of funding totaling \$65.6 million in fiscal 2027 ([State Aid Overview Report](#) – Page 31).

Definitions

A “highway” includes, among other things, (1) roadway surfaces; (2) drainage facilities and structures; and (3) any other structures forming an integral part of a street, road, or highway. A “state highway” is a public highway owned by the State.

Express Powers of Municipalities

Title 5, Subtitle 2 of the Local Government Article describes the general authority and express powers granted to municipalities. Generally, a municipality may adopt ordinances that (1) assures the good government of the municipality; (2) protect and preserve the municipality’s rights, property, and privileges; (3) preserve peace and good order; (4) secure persons and property from danger and destruction; and (5) protect the health, comfort, and convenience of the residents of the municipality. However, an ordinance adopted by a municipal government may not conflict with State law.

State Expenditures: This analysis assumes that the scope of the bill is limited to drains and inlets within municipal authority to regulate without a permit from the State Highway Administration (SHA).

SHA advises the bill will have no fiscal or operational impact because they, and the Maryland Department of Transportation (MDOT), are not directly named in the bill. Specifically, SHA points to the findings in *Mayor & City Council of Baltimore v. State*, 281 Md. 217: (1977), that, “it is a basic and long-standing principle of statutory construction that the State is not deemed to be bound by an enactment of the General Assembly unless the enactment specifically names the State or manifests a clear and indisputable intention that the State is to be bound.”

However, given the broad scope of the bill, and the broad authority given to SHA to regulate roads and highways under § 8-646 of the Transportation Article, the Department of Legislative Services (DLS) advises that it is possible the bill could require SHA to permit and supervise construction of grates for many drains and inlets that are connected to State highways. This may potentially create a significant fiscal and operational impact for MDOT.

Local Expenditures: Municipalities in Maryland comprise approximately 359 square miles (not including Baltimore City), which is 3.7% of the total land area of the State. Frederick City is the largest municipality in both land area and population and has a land area of approximately 24 square miles, while the smallest municipalities are less than a half of a square mile ([Local Government Finances Report](#) – Pages 351-353).

Expenditures for municipal governments may increase by a potentially significant amount in fiscal 2027 to implement the updates to drains required by the bill. DLS is unable to determine an exact cost at this time since a reliable estimate on the number of affected drains is not known. This analysis is based on the following information provided by SHA, the Maryland Municipal League (MML), and the City of Annapolis.

State Highway Administration

According to SHA, there are approximately 30,000 drains adjacent to State highways across Maryland that may require a grate under the provisions of the bill. SHA could not determine how many of those drains are in municipalities. However, SHA advised that half of the drains are coded as urban and may be more likely to be within a municipality. DLS notes that a large portion of the urban areas within Maryland are not located within a municipality, such as Baltimore and Howard counties. In addition, Anne Arundel (1.8%), Montgomery (7.1%), and Prince George's (11.6%) counties are heavily urbanized but contain limited land area within a municipality.¹ Further, there may be many more drains in a municipal area that are not connected to roads and highways and are not included in the data provided by SHA.

Based on recent projects SHA has undertaken, the cost to install a grate to the specifications of the bill is between \$1,500 and \$2,000 per unit. However, SHA advises that local projects may have lower upgrade costs relative to State controlled inlets and drains, depending on their size, condition, and staffing availability in the municipality.

Given these assumptions, and to the extent drains in a municipality are not in compliance with the provisions of the bill, a municipality could incur significant costs in fiscal 2027 due to the proposed legislation.

¹ The percentages refer to the proportion of land in the county that is located within a municipality.
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Maryland Municipal League

MML advises that the most significant fiscal impact to municipalities will be the one-time expenditures needed to retrofit existing inlets by the bill's deadline (June 1, 2027), which may require the allocation of additional budgetary resources or reprioritization of infrastructure spending. MML also notes that these expenditures may be partially offset by long-term reductions in maintenance needs, decreased blockages, and enhanced public safety.

City of Annapolis

The City of Annapolis advises that, in addition to the costs of erecting grates as specified by the bill, surveying the drains in the city to identify drains needing upgrades would be a significant expense, especially given the timeline established by the bill.

Additional Considerations Impacting Local Expenses

DLS notes that the number of drains needing grates may not be evenly distributed across municipalities, and to the extent that urban and suburban municipalities have a higher number of noncompliant drains, those municipalities may face significantly higher costs compared to more rural municipalities.

Additional Comments: On July 31, 2025, a 13-year-old boy drowned when, during an extreme flooding event, he became stuck in an open drain outside of an apartment complex in Mount Airy, Maryland (a municipality located in both Carroll and Frederick counties).

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 189 (Senator Lewis Young) - Education, Energy, and the Environment.

Information Source(s): Maryland Department of Transportation; Maryland Municipal League; City of Annapolis; Department of Legislative Services

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