



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Charles Glass, Deputy Secretary

March 5, 2020

The Honorable Maggie McIntosh
Chair, Appropriations Committee
Room 121, House Office Building
Annapolis, MD 21401

Re: Letter of Information – House Bill 1098 - Use of Public Funds – Playground and Athletic Field Surfaces – Authorizations, Preferences, and Prohibitions (Safe and Healthy Fields Act)

Dear Chair McIntosh and Committee Members:

HB 1098 prohibits State funds from being used to build or replace playgrounds or athletic fields with synthetic surfaces. The bill also authorizes capital development funds provided through Program Open Space to be used for the maintenance and upkeep of grass athletic fields on State land and states counties may request Program Open Space Local Funds for the maintenance and upkeep of any grass athletic fields and drainage systems for grass athletic fields associated with a proposed project's lifetime as part of a local annual program submitted.

The Department constructs playgrounds on State Park lands. Over the past five years, approximately 13 playgrounds were constructed in State parks and all of these playgrounds utilized synthetic surface material for portions of the playgrounds. Synthetic materials are required to meet "fall-zone" requirements and Americans with Disabilities Act (ADA) accessibility standards.

The Department administers Program Open Space (POS) Local, a capital grant program that provides funds to local governments for the acquisition and development of land for recreation and open space purposes. Projects funded through POS Local are determined by the local jurisdictions that submit applications for funding to the department for review and submission to the Board of Public Works for approval. As a condition of the grant, the local government agrees to operate and maintain the project throughout its estimated life, (twenty years for development projects and in perpetuity for acquisition projects). Local governments have used POS Local funding for playgrounds and/or athletic fields with synthetic surfaces.

Maintenance and upkeep costs are not currently eligible for capital funding. The proposed added language is inconsistent with the current statutory framework and historic purpose of POS Local funding because these are capital funds are earmarked for local jurisdictions to acquire and develop land for recreation and open space. Maintenance and upkeep are operational costs that are borne by local jurisdictions in their operating budgets.

For these reasons, the Maryland Department of Natural Resources respectfully submits to the Committee this information on HB 1098.

Respectfully submitted,
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Director, Legislative and Constituent Services

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