
March 4, 2021

The Honorable Dereck E. Davis
Chair, House Economic Matters Committee
Room 231 House Office Building
Annapolis MD 21401

***Re: Letter of Information – House Bill 1328 – Economic Development – Broadband
Providers – Joint Trenching and Fee (Building Out Broadband Act of 2021)***

Dear Chair Davis and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 1328 but offers the following information for the Committee's consideration.

House Bill 1328 renames the Rural Broadband Assistance Fund as the Maryland Digital Connectivity Fund (MDCF) and declares the intent of the General Assembly regarding broadband and connectivity. Specifically, House Bill 1328 requires MDOT and MDOT State Highway Administration (MDOT SHA) to allow "joint trenching" by broadband providers on a nonexclusive and nondiscriminatory basis with some exceptions.

Some considerations to House Bill 1328 that would help clarify the proposed requirements and better streamline the process for MDOT include:

- Expanding the broadband deployment method listed from "joint trenching" to any underground construction method. Broadband deployment may also occur on infrastructure above ground or other below ground placement technology.
- Clarifying the hierarchy of statutes and requirements MDOT must follow in these instances (such as those concerning Resource Sharing Requirements).
- Requirements of additional companies looking to be in Joint Build may delay the originating request.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 1328.

Respectfully Submitted,

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