



Larry Hogan  
Governor  
Boyd K. Rutherford  
Lt. Governor  
Gregory Slater  
Secretary

February 23, 2021

The Honorable Paul G. Pinsky  
Chair, Senate Education, Health, and Environmental Affairs Committee  
2 West Miller Senate Office Building  
Annapolis MD 21401

**RE: Letter of Information – Senate Bill 449 – Public Information Act – Revisions (Equitable Access to Records Act)**

Dear Chair Pinsky and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 449 but offers the following information for the Committee’s consideration.

MDOT is committed to being open, transparent, and collaborative with the public and the communities we serve. Allowing the public to request and inspect documents under the Public Information Act (PIA) is a vital element of the public’s trust in our governmental institutions. The goal of this process is to ensure requested records are identified and processed in the shortest amount of time and at the lowest cost to all parties. Under current law, requesters are incentivized to work with governmental entities to reduce the labor and other costs associated. As drafted, Senate Bill 449 may remove that incentive and increase the costs.

MDOT averages 1,000 formal PIA requests annually, in addition to the millions of records provided regularly. While more than two-thirds of PIA requests are processed in under ten days with little to no cost to requesters, we receive numerous broad and expansive record requests that may include email, construction project, procurement, or other larger fields that could involve hundreds of reports and tens of thousands of pages. The costs MDOT is not able to recover are paid by the Transportation Trust Fund and Authority funding; MDOT is mindful of the dual responsibility to balance transparency and cost recovery whenever legally permissible.

MDOT is concerned about the confidential and sensitive nature of many of the records and information maintained by the Department, including many governed by federal laws and regulations prohibiting their release, even to the Compliance Board or Ombudsman. For example, MDOT has a legal responsibility to maintain the privacy of records with HIPAA and/or PII information as well as critical infrastructure and homeland security records. As written, these provisions may lead to disagreements regarding determinations, which once again could require judicial oversight.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating Senate Bill 449.

Respectfully submitted,

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