



Maryland Municipal League  
*The Association of Maryland's Cities and Towns*

# TESTIMONY

February 15, 2024

**Committee:** House Economic Matters

**Bill:** HB 101 - State Highway Projects - Removal, Relocation, and Adjustment of Utility Facilities - Notification, Work Plans, and Compliance

**Position:** Unfavorable

**Reason for Position:**

The Maryland Municipal League (MML) opposes House Bill 101 as it sets potentially unworkable requirements on municipal governments as owners of utility facilities in State Highway Administration (SHA) rights-of-way to remove or relocate their facilities due to an SHA project.

Many municipal governments provide utility service to their residents and own or operate a “utility facility” according to the bill’s definition. The most common utility provided by municipalities is water, sewer, and stormwater, though some also offer electric service and use cables for communication purposes. These utility facilities are most often found under roadways either owned by the municipality or owned by SHA on a state highway that runs through the municipality.

One major problem with the bill is the process for SHA to submit notice to a utility facility owner that their facilities must be removed or relocated in prior to an SHA project and the response required. The bill states that the notice from SHA to a utility owner must specify a date not to exceed 120 days by which the utility owner must submit a work plan. What the bill does not specify is the earliest date by which SHA may require the work plan to be submitted. For instance, a letter from SHA to a utility owner dated January 1 can specify the date the work plan is due as April 26 which does not exceed 120 days as stated in the bill. However, that same letter from SHA dated January 1, could also specify the date the work plan is due as January 10, because that too does not exceed 120 days, but is an unworkable turnaround time to complete a work plan that requires moving water and sewer pipes.

Municipal governments also are right-of-way owners under which other utility providers place their facilities. The bill is written to only apply to SHA projects so the benefits of workplans and deadlines only benefit SHA. Meanwhile, local governments own the vast majority of the roads in the State and are subject to the requirements of utility facility owners but receive none of the benefits of the bill from the perspective as right-of-way owners.



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The provisions of HB 101 place a heavy burden on municipal governments as owners of utility facilities without any of the benefits that SHA sees as right-of-way owners. For this reason, the League respectfully requests that the committee provide House Bill 101 with an unfavorable report.

**FOR MORE INFORMATION CONTACT:**

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