



February 13, 2024

The Honorable C.T. Wilson
Chair, Economic Matters Committee
Room 231, House Office Building
Annapolis, MD 21401

Re: OPPOSE – HB 101 (State Highway Projects –Removal, Relocation, and Adjustment of Utility Facilities-Notification, Work Plans, and Compliance)

Dear Chairman Wilson:

On behalf of the Maryland Municipal Stormwater Association (MAMSA), I am writing to convey MAMSA's **opposition** to HB 101, which would require a locality with a "utility facility" (broadly defined to include pipes, sewers, manholes, and "any other infrastructure used by a utility") to remove, relocate, or adjust its infrastructure if the State Highway Administration (SHA) deems it is necessary for an SHA project. Several of MAMSA's local government members own and operate stormwater facilities as a part of a local stormwater utility. MAMSA has the following concerns about HB 101:

- **Unilateral Control for SHA.** HB 101 gives SHA total control over a facility it does not even own. A locality would not be able to oppose or even negotiate a different approach to removing or relocating parts of its stormwater collection system that is dedicated to serving the public health and environment.
- **Unworkable Timeframes.** The 120-day plan submittal timeframe (p. 2, l. 6-9) fails to recognize the fact that a utility may need to get state and/or federal approvals as part of developing a plan. Because SHA has unilateral control, a locality would have no way to adjust the time for submitting a plan or a work schedule, if needed. Worse yet, the bill states SHA can solely decide (p. 3, l. 22-30) if the locality is liable to SHA's contractor or SHA for delays in completing a local work plan (p. 3, l. 11-21).
- **Localities Would Bear the Full Cost.** MAMSA members' work on behalf of the environment is entirely funded by our citizens and businesses. If local governments are required to pay these costs, we will be forced to recoup those dollars locally. This is not something we want to do given on-going economic pressures for our citizens.

For these reasons, MAMSA **urges the Committee to vote NO on HB 101.**

Please feel free to contact me with any questions at Lisa@AquaLaw.com or 804-716-9021.

Sincerely,

Lisa M. Ochsenhirt, MAMSA Deputy General Counsel

cc: Economic Matters Committee Members, HB 101 Sponsor