



## House Bill 101

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

MACo Position: **OPPOSE**

To: Economic Matters and  
Environment & Transportation Committees

Date: February 15, 2024

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **OPPOSES** HB 101. This bill would require a utility 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.

As stewards of critical infrastructure, counties operate the lion’s share of water, stormwater, and wastewater infrastructure in Maryland. The intent of HB 101 appears to be to require certain utilities like broadband and energy providers to comply with stricter relocation requirements as determined by SHA. The bill calls for utilities (which would include counties) to develop workplans to move critical infrastructure within 120 days of notice and then begin work within 60 days. Unlike the private sector, counties do not have the luxury of unilaterally approving and funding projects required under HB101. Relocating this type of infrastructure can range immensely in scope and can take years to plan and fund.

Additionally, the Maryland Association of Municipal Wastewater Agencies (MAMWA) and the Maryland Municipal Stormwater Association (MAMSA) both cite further concerns shared by MACo. Specifically,

- **“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 a 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 & MAMWA 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."

HB 101 is unworkable as it fails to recognize the constraints of counties in the management and operation of critical water, stormwater, and sewer infrastructure. Counties are unable to comply with the unrealistic timetables proposed within the bill and therefore urge the Committee to issue HB 101 an **UNFAVORABLE** report.