



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

TESTIMONY

February 15, 2024

Committee: Senate Education, Energy, and the Environment

Bill: SB 401 - Department of Transportation and Maryland Transportation Authority -
Utilities Installation - Data Submission

Position: Favorable with Amendments

Reason for Position:

The Maryland Municipal League (MML) supports Senate Bill 401 with important amendments, as the bill seeks to gather data on utility facilities in State Highway Administration (SHA) rights-of-way.

Many municipal governments are “utility owners” that provide a “utility service” according to the bill’s definitions. The most common utilities provided by municipalities are 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.

In order for a municipal government to place utility facilities in or under SHA right-of-way they first need SHA’s approval. This manifests itself in a detailed permit process with a plan from the municipal government that outlines where the utility facilities will be located. In instances where an alteration to the plan is needed mid-project the municipal government adjusts the plan in coordination with SHA. In most cases this detailed plan should be sufficient to extract the data the bill is attempting to capture, however the bill requires the data to be submitting in a specific file type that may not be logistically feasible for some municipal governments with severe budget constraints.

Secondly, this is a good faith exercise in information sharing among stakeholders and the penalties for non-compliance are harsh. As mentioned above, municipal governments rely on access to SHA right-of-way to provide essential services to their residents so the provisions of the bill that allow SHA to remove utility facilities or deny future permits seem over the top for missing a reporting requirement.



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MML Amendments: Page 2, line 16

2-903.

(A) (1) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION WITHIN 60 DAYS AFTER THE COMPLETION OF THE PROVISION OF UTILITY SERVICE BY OR ON BEHALF OF A UTILITY OWNER WITHIN A RIGHT-OF-WAY OR ON REAL PROPERTY OWNED OR CONTROLLED BY THE DEPARTMENT OR THE AUTHORITY, THE UTILITY OWNER SHALL SUBMIT TO THE DEPARTMENT AND THE AUTHORITY THE LOCATION AND TYPE OF SERVICES INSTALLED OR RELOCATED.

(2) THE LOCATION INFORMATION SUBMITTED UNDER THIS SUBSECTION SHALL BE GEOREFERENCED IN A DIGITAL FORMAT IN ACCORDANCE WITH THE DATA SUBMISSION STANDARDS OF THE DEPARTMENT AND THE AUTHORITY.

(3) A UTILITY OWNER IS EXEMPT FROM THE REQUIREMENTS IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION IF THE UTILITY OWNER SUBMITS A WORK PLAN PRIOR TO CONSTRUCTION THAT OUTLINES WHERE UTILITY FACILITIES WILL BE PLACED.

(4) A UTILITY OWNER MUST UPDATE THE PLAN REFERENCED IN PARAGRAPH (3) OF THIS SUBSECTION IF DURING CONSTRUCTION THERE IS A NEED TO DEVIATE FROM THE ORIGINAL LOCATION OF A UTILITY FACILITY.

~~(B) IF A UTILITY OWNER DOES NOT COMPLY WITH THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT OR THE AUTHORITY MAY: (1) REQUIRE THE REMOVAL OF THE FACILITIES, INFRASTRUCTURE, OR APPURTENANCES FOR WHICH THE LOCATION OR SERVICE TYPE WAS NOT PROPERLY SUBMITTED; AND (2) DENY ISSUANCE OF ANY FUTURE PERMIT OR AUTHORIZATION REQUESTED BY THE UTILITY OWNER.~~

The reporting requirements in SB 401 are redundant to the detailed work plan that is submitted as part of the permit process ahead of any project in SHA right-of-way and in some cases are not technically feasible. For this reason, the League respectfully requests that the committee provide Senate Bill 401 with a favorable report with the amendments articulated above.

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