



Letter of Information  
Education, Energy, and Environment  
2/15/2024

**Senate Bill 401- Department of Transportation and Maryland Transportation Authority - Utilities Installation - Data Submission**

Baltimore Gas and Electric Company (BGE) offers this letter of information on *Senate Bill 401- Department of Transportation and Maryland Transportation Authority - Utilities Installation - Data Submission*. *Senate Bill 401* would require utility owners to submit to the Maryland Transportation Authority (MTA) and Maryland Department of Transportation (MDOT), in a digital format the georeferenced location and type of utility service completed in its right of way within 60 days of completing the work. If a utility fails to submit the information within the prescribed time, the agencies could require that the utility remove its infrastructure and/or deny the issuance of any future permits requested by the utility owner.

*Senate Bill 401* goes beyond process and system efficiency changes. BGE is concerned that this legislation would create an increased physical threat risk to utility assets by requiring them to disclose the “*georeferenced*” location for sensitive critical systems information and to transmit the information in a “*digital format*,” which poses additional cybersecurity risks. As written, the legislation requires the disclosure of *georeferenced locations*, which could include the exact location, depth, and infrastructure sizing of BGE’s infrastructure. The changes required apply to all utilities working in the MTA and MDOT rights of way. The information collected would become a centralized repository of utility information that, if compiled, could be used to create a holistic view of all the utility systems—**water, gas, electricity, and telecommunications**. These are critical to the operations of all other sectors, as well as each other, and are fundamental to the delivery of essential services. With this information, the agency could create a living record of built infrastructure in a *digital format*, which is extremely alarming. Having such sensitive information for all utility infrastructure stored together makes it an even more attractive target for threat actors.

BGE believes that the current permitting process captures sufficient information for the agencies to have knowledge of work in the right of way without creating more risks to

BGE, headquartered in Baltimore, is Maryland’s largest gas and electric utility, delivering power to more than 1.2 million electric customers and more than 655,000 natural gas customers in central Maryland. The company’s approximately 3,400 employees are committed to the safe and reliable delivery of gas and electricity, as well as enhanced energy management, conservation, environmental stewardship, and community assistance. BGE is a subsidiary of Exelon Corporation (NYSE: EXC), the nation’s leading competitive energy provider.

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utility system critical infrastructure. <sup>1</sup> Senate *Bill 401*, as written, fails to include protections against accidental or deliberate disclosure of the georeferenced data. More importantly, there are heightened requirements under specific federal cybersecurity and homeland security statutes and regulations concerning Critical Energy Infrastructure Information (CEII) that utilities comply with that the state and local governments currently are unable to and cannot meet. Therefore, there are fewer safeguards against attacks.

BGE and other utilities are subject to numerous restrictions on disclosing CEII such as the Department of Homeland Security's 49 CFR 15.5 regulation on sensitive information, security directives from the Transportation Security Administration, and when the bulk electric system is involved NERC/FERC disclosure rules. We are well-positioned to control and protect our sensitive critical information, and we are concerned that *Senate Bill 401* would jeopardize our ability to do so.

We look forward to working with the sponsor to align efforts to ensure a comprehensive and protective program is in place to continue coordinating utility projects with MDOT, MTA, and all state agencies.

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<sup>1</sup> Utilities and contractors applying for an 'MTA Right Entry Permit Application must include with the application:

1. A street or highway location map with road directions to the site from the nearest main highway or road.
2. A county assessor map.
3. An aerial photo with the right-of-entry area description indicated on the photo.
4. Legal description of the use area with an accurate delineation of the area relative to the tax lot boundaries of the upland parcel.
5. A detailed design drawn to scale that shows the type and location of utility work in relation to the agency right of way noting the surface to be disturbed, tree trimming or landscaping disturbance and any other disturbance to the facility infrastructure.
6. A description detail of any type of traffic interference this work, or activity may require and submit a traffic control plan; and
7. An explanation of the activity.

The enumerated were taken from the Maryland Transportation Authority application, found here [Right of Entry \(maryland.gov\)](https://www.mta.gov/Right-of-Entry), on the MTA website: [Permits and Miss Utility Information | MDTA \(maryland.gov\)](https://www.mta.gov/Permits-and-Miss-Utility-Information)

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