

**SB0401 - TSO - Utility Location Data\_SUPP\_FINAL.pd**

Uploaded by: Patricia Westervelt

Position: FAV



Wes Moore  
Governor  
Aruna Miller  
Lieutenant Governor  
Paul J. Wiedefeld  
Secretary

February 15, 2024

The Honorable Brian Feldman  
Chair, Senate Education, Energy, and the Environment Committee  
2 West, Miller Senate Office Building  
Annapolis MD 21401

***RE: Letter of Support – Senate Bill 401 – Department of Transportation and Maryland Transportation Authority - Utilities Installation - Data Submission***

Dear Chair Feldman and Committee Members:

The Maryland Department of Transportation (MDOT) supports Senate Bill 401 as it gives MDOT the tools to facilitate projects more quickly and cut down on project delays due to utility work.

Senate Bill 401 requires utility owners to report the georeferenced location data of aerial, surface, and subsurface utility facilities installed within the boundaries of all MDOT rights-of-way and owned or controlled real property for all new and relocated facilities to MDOT. The legislation also sets forth penalties for non-compliance, which includes removal of facilities for which data was improperly submitted and denial of future permits.

A centralized database of location data of utility accommodations within MDOT road, controlled access highway, and rail rights-of-way, facilities, extra, and excess land is critical to minimizing the potential impacts on future MDOT projects; avoiding costly right-of-way restoration; reducing intrusive utility maintenance operations; and eliminating unnecessary disruptions to the traveling public. These factors contribute to the overall cost to construct and maintain both transportation and utility infrastructures. Providing this level of coordination early and often during projects will help identify and resolve issues as early as possible; facilitate timely utility relocations; and ultimately minimize the overall project costs to the MDOT, utility companies, and the public.

It is important to note that a majority of utility companies are already collecting location data of their facilities. Sharing data with MDOT will improve coordination with our utility partners and ensure efficient project schedules, while also reducing the risk of increased costs.

For these reasons, the Maryland Department of Transportation respectfully requests the Committee grant Senate Bill 401 a favorable report.

Respectfully submitted,

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# **Kagan 2024 Testimony - MDOT Utilities.pdf**

Uploaded by: Sen. Cheryl Kagan

Position: FAV

CHERYL C. KAGAN  
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—  
*Vice Chair*

Education, Energy, and  
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—  
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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB401: MDOT Utilities Data**

Education, Energy, & the Environment Committee

February 15, 2024: 1:00 PM

When transportation projects are being planned and constructed, it is vital that information on local utility infrastructure is easily accessible. [SB401](#), requested by the Maryland Department of Transportation (MDOT), would require utility owners to digitally report new installations within rights-of-way or property that is owned or controlled by MDOT or the Maryland Transit Authority (MTA), within 60 days.

MDOT seeks to continue to work with utility providers. SB401 will:

- Minimize the potential impact of future projects;
- Avoid costly rights-of-way restoration;
- Reduce intrusive utility maintenance operations;
- Eliminate unnecessary disruptions for the traveling public; and
- Save taxpayers and utility customers money through increased cooperation.

To ensure compliance, this bill allows— but does not require— MDOT or MTA to order the removal of any construction for which the requested information was not properly submitted. They may also deny the issuance of future permits to the utility in violation.

It is important to note that a majority of large utility companies already collect location data for their facilities. SB401 will make sure that this data is transmitted to the proper governmental entity in a timely manner and a usable format. Overall, ensuring that this data is shared will improve project schedules and reduce costs by avoiding unforeseen delays caused by previously unknown utility installations.

I defer to the experts at MDOT to answer any technical questions.

**MML-SB 401 - FWA.pdf**

Uploaded by: Bill Jorch

Position: FWA



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.



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

**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.

**FOR MORE INFORMATION CONTACT:**

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Angelica Bailey Thupari, Esq.  
Bill Jorch  
Justin Fiore

Chief Executive Officer  
Director, Advocacy & Public Affairs  
Director, Public Policy & Research  
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# **MD 2024 SB 401 Columbia Gas Informational Only Tes**

Uploaded by: Carville Collins

Position: INFO





**INFORMATIONAL ONLY – Senate Bill 401  
DOT and Maryland Transportation Authority – Utilities Installation – Data Submission  
Senate Education, Energy and Environment Committee**

Columbia Gas of Maryland, Inc., a natural gas utility providing energy to more than 34,000 customers in Maryland’s western counties of Allegany, Garrett and Washington, understands the purpose of Senate Bill 401. We do, however, wish to raise a security concern related to the proposal.

The legislation requires a utility owner to submit to the Department of Transportation and the Maryland Transportation Authority information pertaining to the installation or relocation of facilities, infrastructure, or appurtenances within or on rights-of-way or property owned or controlled by the Department or the Authority within 60 days.

The legislation seeks to improve the collection of data by the Department or the Authority related to new utility installations and relocations going forward, ensuring future Department and Authority projects are aware of utility facilities in their rights-of-way. Columbia concurs improved data collection and utility coordination with the Department or the Authority increases safety and reduces costs for Marylanders in the future.

Columbia is concerned with a requirement of the legislation to provide the location information “georeferenced in a digital format”. Natural gas companies safeguard and protect the specific location of natural gas pipelines and other facilities. Our facilities are critical infrastructure and location information needs to be secured and protected. The mandate to provide this information in only digital formats to the Department or the Authority may violate company security protocols and such digital only information could be compromised in the future.

Columbia recommends this security issue be considered further as this legislation continues through the legislative process. Thank you.

February 15, 2024

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**BGE\_EEE\_LOI\_SB401 Deparment of Transportation and**

Uploaded by: Dytonia Reed

Position: INFO



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.

Brittany Jones | Guy Andes | Dytonia Reed | 410.269.5281



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)

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.

**2024-SB401-PHI- INF.pdf**

Uploaded by: Katie Lanzarotto

Position: INFO



February 15, 2024

112 West Street  
Annapolis, MD 21401

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

Potomac Electric Power Company (Pepco) and Delmarva Power & Light Company (Delmarva Power) submit this letter of information on **Senate Bill 401- Department of Transportation and Maryland Transportation Authority - Utilities Installation - Data Submission**. Senate Bill 401 requires utility owners to submit to the Maryland Department of Transportation (MDOT) and Maryland Transit Authority (MTA) the location and type of services installed or relocated within 60 days of the completion of the installation or relocation of a project. The legislation requires the location information provided to MDOT and MTA be georeferenced in a digital format. If the 60 days is not met, MDOT or MTA can require the removal of facilities, infrastructure or appurtenances for which the location or service type was not properly submitted and deny the issuance of any future permits requested by the utility owner.

Based on the conversations with MDOT and SHA, it is our understanding that the intent of the legislation is to provide agencies with a better record as to where critical infrastructure is and specific changes that have been made. Pepco and Delmarva Power support the adoption of an electronic submission process, but are concerned about the georeferenced format, as it provides exact locations and other sensitive information, which may be provided to an unsecured system. There are heightened requirements under specific federal cybersecurity and homeland security statutes concerning Critical Energy Infrastructure Information (CEII) that must be kept secure that utilities comply with. Finally, Pepco and Delmarva Power believe MDOT and SHA already have access to the information they are requesting based on the information readily accessible in a permit application.

Pepco and Delmarva Power are committed to working with the bill sponsors, MDOT and SHA to come up with a resolution that provides MDOT with the information they are requesting, but does not threaten the security of our critical infrastructure.

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**Information Letter - SB0401.pdf**

Uploaded by: Kim Mayhew

Position: INFO

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**INFORMATIONAL ONLY – Senate Bill 0401**

**SB0401 – Department of Transportation and Maryland Transportation Authority – Utilities Installation  
– Data Submission**

**Education, Energy, and the Environment Committee**

**Thursday, February 15, 2024**

Potomac Edison, a subsidiary of FirstEnergy Corp., serves approximately 285,000 customers in all or parts of seven Maryland counties (Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington). FirstEnergy is dedicated to safety, reliability, and operational excellence. Its ten electric distribution companies form one of the nation's largest investor-owned electric systems, serving customers in Ohio, Pennsylvania, New Jersey, New York, West Virginia, and Maryland.

**Informational Only**

Potomac Edison / FirstEnergy would like to provide information related to Senate Bill 0401 – *Department of Transportation and Maryland Transportation Authority – Utilities Installation – Data Submission*. As written, SB-401 would require a utility owner to submit geospatial and type-of-service information to the Maryland Department of Transportation, and the Maryland Transportation Authority, after installing or relocating facilities, infrastructure, or appurtenances within their rights-of-way.

While this legislation does not appear to be particularly onerous, treating a small one-pole installation or utility relocation project the same as a large project that involves miles of work is concerning. The 60-day compliance timeline language in the bill is too short, as it does not consider the size or complexity of the installation or relocation project.

Potomac Edison / FirstEnergy also believes the bill does not appropriately address potential issues surrounding third-party pole attachments. Utilities must often wait on third-party owners to relocate their property onto our utility poles before a project can be completed. In these instances, the tardiness of a third-party pole attachment owner completing their relocation work, could result in our company being in non-compliance of the timeline.

In addition, after an installation or relocation project is complete, it takes time for the construction team to finalize their paperwork, return it to the internal design team, and update all necessary drawings. The proposed punishment for non-compliance, which may include the mandatory removal of facilities, or denial of future permit authorizations, seems too severe for such an infraction. SB-401 appears to treat all projects the same, when in reality, each installation or utility relocation project provides a unique set of challenges that can impact a projects timeline.

**If this legislation proceeds, Potomac Edison / FirstEnergy recommends amendments to extend the compliance timeline to a minimum of 90 days; address concerns with third-party pole attachments; and outline an appeal process for any punitive actions proposed due to non-compliance.**