



Maryland

Energy Administration

TO: Chair Feldman, Vice Chair Kagan, and Members of the Education, Energy, and the Environment Committee

FROM: MEA

SUBJECT: SB 955 - Overhead Transmission Lines - Eminent Domain

DATE: March 6, 2025

MEA Position: UNFAVORABLE

SB955 would add a subparagraph to Maryland Public Utilities Article (PUA) Section 7–207(b) that prohibits condemning property subject to a conservation easement to construct a transmission line, without exception. While the effects of overhead transmission lines on the environment should be avoided or mitigated to the extent possible, completely excluding one type of real property may tilt permitting outcomes toward projects that avoid certain conflicts at the expense of others, rather than those projects that maximize net benefits.

The bill also adds a right of action for a property owner to seek damages for a diminution in value caused by the exercise of a right of condemnation on adjacent property (within 500 feet) to construct a transmission line. The bill does not specify whom this action can be brought against—the neighbor for accepting a buy-out the property owner did not or the transmission developer for offering the neighbor the buy-out. This may raise questions regarding causation. The additional rights of action could have a chilling effect on Maryland’s clean energy economy.

Finally, the bill adds two paragraphs to the Real Property Article regarding condemnation proceedings and counsel fees related to the construction of a transmission line. Both paragraphs apply conditionally: if the final decision is that the assessed value of the property exceeds the appraised value placed on the property by the condemning authority, the defendant is awarded a reasonable counsel fee against the plaintiff. The same language would also apply to the appeal of a condemnation decision. The term “condemning authority” is not defined in the bill or Section 7–207 of the PUA. This measure would add further expense and regulatory uncertainty to the development of transmission assets in the state without guaranteeing better results in siting. The changes may also incentivise litigiousness.

For these reasons, MEA urges the committee to issue an **unfavorable report**.

Our sincere thanks for your consideration of this testimony. For questions or additional information, please contact Landon Fahrig, Legislative Liaison, directly (landon.fahrig@maryland.gov, 410.931.1537).