

March 3, 2026

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

Re: Letter of Concern – Senate Bill 687 – Environment – Flood Risk Review Process – Establishment

Dear Chair Feldman and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 687 but respectfully offers the following concerns for the Committee’s consideration.

SB 687 requires the Department of the Environment (MDE) to establish and implement a flood risk review process for areas identified as being at risk of tidal or nontidal flooding, applies the flood risk review process to the review of plans and permits, and provides that prior to a final determination on a plan or permit, MDE must consult with the Maryland Department of Planning (MDP), local governments, and other parties.

The State Highway Administration (SHA) recognizes the importance of flood risk and stormwater management across the state and is committed to responsible project planning, design, and delivery. However, SHA has concerns about the requirements imposed by SB 687 as they apply to highway projects.

Of significant concern are the requirements set forth in the proposed new § 5-803.1(c)(1)(i) of the Environment article. As written, it is unclear what level of effort and what studies would be required to evaluate past development activity within a watershed – specifically how far back in time SHA would be required to assess prior development. Additionally, it is unclear if SHA would be expected to reasonably determine foreseeable future development within a given watershed.

If SHA is expected to comply with the requirements as written, this will result in significant administrative and financial burdens, for which SHA is not currently staffed or funded to undertake. As written, SHA would be required to analyze historical and current zoning maps, project future development scenarios and develop new hydrological and hydraulic models to analyze cumulative stormwater and flood impacts.

These requirements go well beyond SHA’s current flood risk and stormwater management practices for highway projects. Without clearer definitions and limits on the scope of these obligations, implementation could be extraordinarily resource-intensive and could affect the timely delivery of critical transportation projects across Maryland.

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The Maryland Department of Transportation requests the Committee consider these concerns during their deliberations of Senate Bill 687.

Respectfully submitted,

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