

## **State Highway Projects and Utility Compliance (HB101)**

This bill creates mechanisms for ensuring utility work doesn't delay state highway projects, thus removing potential barriers to safety improvements and reducing costs for the Transportation Trust Fund.

### **Background:**

Poles, wires, lines, pipes, and other utility infrastructure line our streets and run beneath them. After the long process of requesting, approving, and designing a new traffic engineering element to be installed on a state highway, oftentimes utilities need to be moved or changed to allow for installation. Currently, the State Highway Administration (SHA) will request the utility company perform this work, but there is no requirement to meet a timeline or incentive to move quickly. With 592 reported crash fatalities in 2023<sup>1</sup>, as of December 17th, any delay in implementing safety projects is a risk to pedestrians, cyclists, and drivers alike. Furthermore, utility delays result in significant costs to the Transportation Trust Fund, at a time that the fund is cutting projects due to budget constraints.

### **The Solution:**

This bill revises the Transportation Article to create the timeline for utility work, including potential consequences for nonaction:

- When SHA finds it is necessary to adjust a utility facility for a state highway project, they will send a letter to the relevant utility company with details on the project and a date by which the utility must submit work plans to address the alternation.
- The utility company must return to the SHA by the specified date: an acknowledgement of the request, an outline of their work plan, and a time frame for completing it.
  - If the utility fails to submit a work plan by the specified date, cost of the utility alteration falls to the utility company.
- Once the utility has SHA approval of the work plan, they have 60 days to begin work on the utility alteration.
  - If the utility doesn't meet this deadline and doesn't begin work, even after SHA sends a final notice requiring work in 10 days, SHA may seek injunctive relief.
- If no work plan is completed or work does not begin within the timeframe, the utility may be liable for costs or damages
- For utilities subject to rate regulation, any fines may not be passed on to rate-payers

### **For more information please contact:**

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<sup>1</sup> <https://zerodeathsmd.gov/resources/crashdata/>