

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 635 (Prince George's County Delegation)
 Environment and Transportation

**Maryland Emergency Management Agency, Department of Transportation, and
 Department of the Environment – Study on Historic and Recent Flooding in
 Prince George’s County PG 407–21**

This bill requires the Maryland Emergency Management Agency (MEMA), the Maryland Department of Transportation (MDOT), and the Maryland Department of the Environment (MDE) to study flooding in Prince George’s County by (1) analyzing, evaluating, and examining specified issues and (2) developing related recommendations, including long- and short-term solutions. By October 15, 2021, MEMA, MDOT, and MDE must report the findings and recommendations to the Governor, the Prince George’s County House and Senate delegations, the Presiding Officers, and the General Assembly. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: General fund expenditures increase by \$1.0 million in FY 2022 only, and Transportation Trust Fund (TTF) expenditures increase by \$1.6 million in FY 2022 only. Revenues are not affected.

(\$ in millions)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1.0	0	0	0	0
SF Expenditure	1.6	0	0	0	0
Net Effect	(\$2.7)	\$0.0	\$0.0	\$0.0	\$0.0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Prince George’s County finances are not materially affected.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: MEMA, MDOT, and MDE must study flooding in Prince George's County by (1) analyzing historic flooding in the county (including historic flooding and flooding that occurred on September 10, 2020); (2) evaluating existing and potential flood prevention and control measures (including physical infrastructure); (3) examining environmental issues associated with flooding in the county; and (4) developing recommendations, including long- and short-term solutions to address the impacts of flooding and associated environmental issues in the county.

Current Law: There are a number of flood mitigation, preparation, and response programs in the State. MEMA and MDE both have important roles in managing, mitigating, and responding to flooding and other emergency situations.

MEMA, which is part of the Military Department, is responsible for coordinating the State response in any major emergency or disaster. This includes supporting local governments as needed or requested and coordinating assistance with the Federal Emergency Management Agency (FEMA) and other federal partners. MEMA manages many of the federal grants that fund a broad range of initiatives leading to enhanced protection from and responses to the full range of natural and man-made disasters that could threaten the State's citizens.

Part of MDE's mission is to achieve its environmental goals while fostering safe communities. To that end MDE's flood hazard mitigation program helps communities identify their flooding risks and, through a variety of programs, assists them in becoming safer. MDE also assists in the development of guidance to minimize the impacts of flooding and provides State guidelines and technical assistance to local governments to manage flood areas.

Among other things, MDE administers the Comprehensive Flood Management Grant Program, which was established in 1976 to promote the development of local flood management plans, fund studies of watersheds, and support capital projects for flood control and watershed management. The program coordinates closely with MEMA. MEMA is the lead agency to request federal funds through FEMA, while MDE is the lead for the Comprehensive Flood Management Grant Program.

Additionally, all Maryland counties, including Prince George's County, and 92 municipalities, participate in the National Flood Insurance Program (NFIP). This program makes flood insurance available to property owners in participating communities. In return, local governments must adopt ordinances to manage development within 100-year floodplains to prevent increased flooding and minimize future flood damage. Local ordinances must contain minimum requirements that are specified by federal law

and apply in floodplain areas mapped by FEMA. The ordinances should also reflect State laws and policies. MDE's Water and Science Administration is the State's coordinating office for NFIP.

The State Highway Administration (SHA), as a unit of MDOT, is responsible for more than 5,200 miles or approximately 16,800 lane miles of road, 2,500 bridges, 3,500 small stream crossing structures, and 80 miles of sound/noise barriers in the State. It also has responsibility for planning, designing, constructing, and maintaining these roads and bridges to safety and performance standards while considering sociological, ecological, and economic concerns.

State Expenditures: In fiscal 2022 only, general fund expenditures increase by \$1.0 million for MDE and by \$40,000 for MEMA to hire third-party contractors to conduct the required study. Additionally, TTF expenditures increase by \$1.6 million in fiscal 2022 only for SHA to hire a third-party contractor. This estimate assumes that SHA handles the aspects of the study associated with State highways and major roadways, that MEMA obtains Geographic Information Systems (GIS) analysis of available historical flood data, and that MDE studies, analyzes, evaluates, and examines flooding in the remainder of the county.

As the agency responsible for maintaining State highways, MDOT advises that SHA will work with MEMA and MDE to conduct the study and complete the required report. The information and assumptions used in calculating SHA's estimate are stated below:

- contractual costs to examine SHA roadways, small culverts, and conveyances in the 500-year flood plain for extreme weather vulnerabilities are \$15,000 per mile;
- there are 34 major structures in the 100- or 500- year flood plain and each needs to be studied, at an estimated cost of \$20,000 per structure;
- there are 10 development-dense areas/municipalities that must be evaluated for observed stresses on SHA facilities, at a cost of \$50,000 per area;
- the bill's requirements that the study include an evaluation of existing and potential flood prevention and control measures, *including physical infrastructure*, and the fact that the flooding that occurred on September 10, 2020, severely affected county roadways (including Route 50) means that SHA must evaluate State highways and major roadways; and
- to the extent that the bill does not require the distinct elements included in SHA's estimate to be studied, or that a less robust evaluation is sufficient, SHA costs are considerably less.

The estimated cost to MDE to hire a third-party contractor to conduct the required study is based on previous costs incurred by MDE to conduct a flood study. The estimate assumes

that (1) MDE is primarily responsible for examining the environmental issues associated with flooding in Prince George's County and (2) current MDE staff cannot absorb the additional workload.

The estimated cost to MEMA is based on similar contractual costs to conduct GIS studies. MEMA notes that current staff can absorb any additional work beyond the necessary GIS mapping.

Small Business Effect: To the extent that the contractual services acquired by MDE, MEMA, and SHA are provided by small businesses (for example, for GIS mapping or engineering analysis), the bill could offer meaningful opportunities for small businesses in the State.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Prince George's County; Maryland Department of the Environment; Maryland Department of Transportation; Military Department; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2021
mr/lgc

Analysis by: Kathleen P. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510