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February 6, 2020

The Honorable Kumar Barve  
Chairman, House Environment and Transportation Committee  
251 House Office Building  
Annapolis MD 21401

***RE: Letter of Opposition – House Bill 84 – Construction and Maintenance – Permit Requirements – (Nighttime Noise and Construction Act)***

Dear Chairman Barve and Committee Members:

The Maryland Department of Transportation (MDOT) respectfully opposes House Bill 84 due to the significant safety, operational, and financial impacts.

House Bill 84 would prohibit the MDOT State Highway Administration (MDOT SHA) from issuing a work permit for between the hours of 10:00pm and 6:00am, should the project be within 500 feet of a commercial or residential zone, unless a local zoning official deems it is in the interest of the public safety, health, or welfare of the effected community. A “commercial or residential zone” is defined as any area that is zoned commercial or residential on a zoning map. Currently, the MDOT SHA coordinates night work with county and municipal officials and requires that permittees working in the MDOT SHA right-of-way (ROW) obtain noise waivers. The MDOT SHA also provides advance notice to public officials as well as residents and business owners in the affected community.

MDOT SHA maintains 17,000 lane miles of roadway throughout the State, which see over 60 billion vehicle miles traveled each year. MDOT SHA is not able to perform all construction and maintenance of our State’s highway system during daytime hours; maintenance of traffic becomes burdensome and danger increases for workers in the construction zone, drivers, pedestrians, and cyclists trying to navigate the roadway. By eliminating night work and excluding rush hour, MDOT SHA and contractors would only be spared four hours, between 10:00am and 2:00pm, to perform the necessary work needed to provide a safe transportation system. This would mark a significant decrease from the ten hours that construction crews usually have at night between 8:00pm and 6:00am.

Given the tight window proposed by this legislation, projects would become more expensive and construction would be prolonged, furthering the impacts on residents and businesses. The provisions in House Bill 84 would cause construction to last three times as long on many projects. This bill will also increase the overhead cost for contractors, which will increase the bids MDOT SHA receives for projects. Cumulatively, the additional costs incurred are expected to be significant.

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For these reasons, the Maryland Department respectfully requests the Committee grant House Bill 84 an unfavorable report. Should the committee have any questions or concerns, please do not hesitate to contact the Department.

Sincerely,

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Maryland State Highway Administration  
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