



February 6, 2020

The Honorable Kumar P. Barve, Chair
House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401

Oppose: HB 84 – SHA – Nighttime Construction and Maintenance – Permit Requirements

Dear, Chair Barve and Committee Members:

The NAIOP Maryland Chapters representing more than 700 companies involved in all aspects of commercial, industrial and mixed-use real estate oppose House Bill 84.

The bill would require that a local planning official issue a finding that nighttime work is in the interest of the public health, safety and welfare prior to issuance of a State Highway Administration permit that allows nighttime work in the state right of way.

How the local approval of a state permit would work and when the requirement would apply is unclear. The fiscal note and page 5 line 11 of the bill suggest the local health, safety and welfare finding would apply only when the work is to be conducted the next day. Under these circumstances, the need for a local approval may delay emergency excavation necessary for the repair of underground utilities that are in or adjacent to the state road right of way.

A broader application would be of concern because it could prohibit deliveries, utility connections and road crossings that are conducted after hours. Night work is important to meet construction schedules, reduce the duration of lane closures, allow access to storefronts and sidewalks and to avoid disruption of traffic during daytime hours. Similarly, storing materials and equipment overnight in the state right of way requires a permit that would be subject to the provisions of the bill. The bill applies regardless of whether the permitted work would generate excessive noise. Further, the footprint of the bill includes locations that are proximate to vacant land, unoccupied dwellings and hotels.

For these reasons, NAIOP respectfully requests your unfavorable report on House Bill 84.

Sincerely;

A handwritten signature in blue ink, appearing to read "T.M. Ballentine". The signature is fluid and cursive, written over a light blue horizontal line.

Tom Ballentine, Vice President for Policy
NAIOP Maryland Chapters -*The Association for Commercial Real Estate*

cc: House Environment and Transportation Committee Members
Nick Manis – Manis, Canning Assoc.