



Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Secretary

February 11, 2021

The Honorable Shane Pendergrass
Chair, House Health and Government Operations Committee
241 House Office Building
Annapolis MD 21401

RE: Letter of Information – House Bill 183 – Public Information Act – Revisions (Equitable Access to Records Act)

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 183 but offers the following information for the Committee's consideration.

MDOT is committed to being open, transparent, and collaborative with the public and the communities we serve. Allowing the public to request and inspect documents under the Public Information Act (PIA) is a vital element of the public's trust in our governmental institutions. The goal of this process is to ensure requested records are identified and processed in the shortest amount of time and at the lowest cost to all parties. Under current law, requesters are incentivized to work with governmental entities to reduce the labor and other costs associated. As drafted, House Bill 183 may remove that incentive and increase the costs.

MDOT averages 1,000 formal PIA requests annually, in addition to the millions of records provided regularly. While more than two-thirds of PIA requests are processed in under ten days with little to no cost to requesters, we receive numerous broad and expansive record requests that may include email, construction project, procurement, or other larger fields that could involve hundreds of reports and tens of thousands of pages. The costs MDOT is not able to recover are paid by the Transportation Trust Fund and Authority funding; MDOT is mindful of the dual responsibility to balance transparency and cost recovery whenever legally permissible.

MDOT is concerned about the confidential and sensitive nature of many of the records and information maintained by the Department, including many governed by federal laws and regulations prohibiting their release, even to the Compliance Board or Ombudsman. For example, MDOT has a legal responsibility to maintain the privacy of records with HIPAA and/or PII information as well as critical infrastructure and homeland security records. As written, these provisions may lead to disagreements regarding determinations, which once again could require judicial oversight.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 183.

Respectfully submitted,

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Maryland Department of Transportation
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