

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 263  
Appropriations

(Delegate Qi)

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**State Highway Administration - Sidewalks and Bicycle Pathways - Maintenance and Repair**

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This bill requires the State Highway Administration (SHA) to maintain and repair sidewalks that are adjacent to State highways; however, the political subdivisions in which those sidewalks are located are responsible for removing snow and ice from the sidewalks. The bill also requires sidewalks constructed along State highways – and sidewalks and bicycle pathways constructed along urban highways – to be maintained and repaired by SHA instead of by the political subdivisions in which those sidewalks and bicycle pathways are located; however, the political subdivisions in which those sidewalks and bicycle pathways are located are responsible for removing snow and ice from those sidewalks and bicycle pathways.

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**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) expenditures increase, likely significantly, as the bill shifts responsibility for the maintenance and repair of specified sidewalks and bicycle pathways from local governments to SHA. Although a reliable estimate of the increase in TTF expenditures cannot be made, costs likely exceed \$1.0 million annually and could be significantly higher, as discussed below. Revenues are not affected.

**Local Effect:** Local expenditures decrease, likely significantly, as the bill shifts responsibility for the maintenance and repair of specified sidewalks and bicycle pathways from local governments to the State, as discussed below. Revenues are not affected.

**Small Business Effect:** Minimal or none.

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## Analysis

### Current Law:

#### *Sidewalks Along State Highways*

SHA may require any developer of an industrial, commercial, or apartment area along a State highway to construct sidewalks parallel to the highway, with the agreement of the appropriate local government. However, sidewalks may not be required if SHA determines that:

- the establishment of sidewalks would be contrary to public safety;
- the cost of establishing the sidewalks would be too great considering the need for them or their probable use; or
- the sparsity of population, the existence of other available ways, or any other factor indicates that there is no need for the sidewalks.

After any such sidewalk is constructed, it must be maintained and repaired by the political subdivision in which it is located.

#### *Sidewalks and Bicycle Paths Along Urban Highways*

Sidewalks must be constructed at the time of construction or reconstruction of an “urban highway,” or in response to the request of a local government unless (1) SHA determines that the cost or impacts of constructing the sidewalks would be too great in relation to the need for them or their probable use or (2) the local government indicates there is no need for sidewalks. An “urban highway” is a highway, other than an expressway, that meets certain technical specifications, is located within the boundaries of a municipality, and is part of the State highway system.

If sidewalks or bicycle pathways are constructed or reconstructed as part of a roadway construction or reconstruction project, SHA must fund the sidewalk or bicycle pathway construction or reconstruction as a part of the cost of the roadway project. In general, if sidewalks or bicycle pathways are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway must be shared equally between the State and local governments. However, other provisions apply with respect to sidewalks or bicycle pathways constructed or reconstructed within sustainable communities and priority funding areas.

After any such sidewalk or bicycle pathway is constructed, it must be maintained and repaired by the political subdivision in which it is located. Subject to approval and the availability of funds, however, SHA must promptly reimburse a political subdivision for any preapproved and documented costs incurred in reconstructing a segment of sidewalk or bicycle pathway that has deteriorated to the extent that repair is not practical or desirable for public safety.

**State/Local Expenditures:** TTF expenditures increase, likely significantly, for SHA to maintain and repair affected sidewalk and bicycle infrastructure. SHA advises that the full extent of the cost to do so cannot be reliably estimated without a full inventory of the affected infrastructure. Although SHA did not provide any information on the potential number of miles of sidewalks and bicycle pathways that could be affected by the bill or the estimated cost per mile to maintain and repair such infrastructure, SHA advises that total maintenance and repair costs could range from \$1.0 million annually to \$10.0 million annually depending on the length and state of repair of affected sidewalks and bicycle pathways.

Local government expenditures – in total – decrease correspondingly. However, local governments are still responsible for removing snow and ice from affected sidewalks and bicycle pathways under the bill.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Anne Arundel, Baltimore, Cecil, Frederick, Montgomery, and Somerset counties; Maryland Association of Counties; cities of Frederick and Havre de Grace; Maryland Municipal League; towns of Indian Head and Rising Sun; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2024  
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