

Re: **HB 389 – Favorable**

Dear Chair Barnes and Committee Members,

I am a resident of District 22 in Prince George’s County. I volunteer with several organizations working to make Maryland streets safer, including Bike Maryland and Friends of the Greenbelt East Trail. I strongly support **HB 389**. I urge the committee to report **favorable** on the bill.

HB 389 removes an impediment to designing and building safer streets. While the change does not prevent MDOT SHA from continuing to negotiate over maintenance, it removes an administrative obstacle to getting needed sidewalks and bike paths designed and built along MDOT SHA-owned and -maintained roads.

Maryland residents bear the costs of unsafe streets and the lack of safe networks to walk, bike, and roll in many different ways. For example, a 2024 transportation audit conducted by Prince George’s County Public Schoolsⁱ found that the school district spends approximately \$40 million a year to bus students that live within the walk boundary of their schools because it is unsafe for children to walk along or across county and SHA-maintained streets running through their neighborhoods.

Designing and building sidewalks and bike paths along state roads is consistent with MDOT’s mission and commitment to promote a safe transportation system that supports all types of users, including people walking, biking, and rolling. In recent strategic plans, MDOT has noted the need to update its policies related to bike lanes and sidewalks.

[Maryland’s Climate Pollution Reduction Plan \(Dec. 2023\)](#)ⁱⁱ, [MDOT’s The Playbook \(i.e., the 2050 Maryland Transportation Plan\) \(Jan. 2024\)](#)ⁱⁱⁱ and MDOT’s [2050 Maryland Bicycle and Pedestrian Master Plan \(Jan. 2024\)](#)^{iv} all note the need to update SHA policies around active transportation (*i.e.*, walking and biking). The plans also note the need, and set goals, to enhance safety, serve communities, and support the economy, by increasing active transportation, including filling gaps in active transportation networks (*i.e.*, building more sidewalks and bike paths).

MDOT’s Playbook also acknowledges that there are inequities in active transportation networks that SHA must address. The 2023 Equity in Transportation Sector Law requires that equity be considered when state transportation plans, reports, and goals are developed. Further, the Climate Solutions Now Act (CSNA) (2022) is a state law with provisions to reduce negative environmental impacts on overburdened and underserved communities. SHA’s current policy to refuse to design, build, or construct sidewalks along SHA-maintained roads until a local government assumes maintenance through an MOU does not have an exception for addressing inequities, where local governments may not assume maintenance of needed bike and pedestrian facilities along state-maintained streets (due to a lack of resources, a lack of administrative capacity, or a lack of policies supportive of active transportation). So, it’s unclear how MDOT will achieve its goals of increasing equity in active transportation along state-maintained roads in places that are unable to assume maintenance responsibilities for sidewalks, with the statutory prohibition on SHA maintenance of sidewalks left in place.

Again, HB 389 removes an administrative impediment that has resulted in needed safety improvements in our communities experiencing long delays or going unbuilt, and perpetuating inequity in Maryland’s transportation network. Removing the prohibition gives MDOT greater flexibility when updating policies, as recommended in its recent strategic plans, including the option to move forward with the design and/or construction of sidewalks and bike paths needed to fill gaps in the state’s active transportation networks, and can occur concurrent with MDOT’s coordination with local jurisdictions over maintenance.

I strongly **support HB 389** and urge the committee to report **favorable** on the bill.

Thank you,

Dan Behrend
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Prince George’s County

ⁱ See e.g., Prince George’s County Public Schools Comprehensive Transportation Audit & Opportunity Analysis (Jan. 2024) at page 10. Available at: <https://go.boarddocs.com/mabe/pgcps/Board.nsf/goto?open&id=CZKRU36E470C>

ⁱⁱ See page 14 (“MDOT will ramp up investments and policies to accommodate bicyclists and pedestrians routinely and safely on our extensive road network by retrofitting streets with bike lanes, sidewalks, and traffic calming measures.”). Available at: <https://mde.maryland.gov/programs/air/ClimateChange/Pages/Maryland's-Climate-Pollution-Reduction-Plan.aspx>

ⁱⁱⁱ See e.g., pages 35 & 38. Available at: <https://www.mdot.maryland.gov/tso/pages/Index.aspx?PageId=22>

^{iv} See page 47 (“Complicating the maintenance issue, state law and policies restrict the State of Maryland from providing maintenance assistance . . . Revisiting and updating the Maryland code to remove the maintenance responsibility from local jurisdictions was encouraged [during stakeholder engagement] to provide a more equitable responsibility of asset management.”). Available at: <https://www.mdot.maryland.gov/OPCP/MDOT State Bike Ped Master Plan FULL FINAL VERSION.pdf>