



House Bill 263

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

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Appropriations Committee

Date: March 6, 2024

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS HB 263 WITH AMENDMENTS**. This bill clarifies the responsibilities of the state and counties regarding both the structural maintenance and snow removal of sidewalks adjacent to state highways.

HB 263 addresses a longstanding peculiarity in state law, where the state government designs, builds, and maintains its own network of highways across Maryland, but the local government has the odd duty to maintain sidewalks adjacent to these roads it does not control. Proper care of the roadway should include its full scope, from the surface itself to underground conduits to amenities like bicycle lanes and sidewalks. HB 263 brings this responsibility under the entity who built, owns, and maintains the road itself.

Local governments in Maryland already own and maintain roughly 5 of every 6 road miles across the state. Counties maintain all of the related infrastructure for these local roadways, whether it be in urban areas found within the greater Baltimore-Washington region, or in the rural sections of Western Maryland and the Eastern Shore. "Great Recession" era cuts to highway user revenues (the share of state transportation revenues sent for local roadway maintenance) have left local transportation infrastructure far underfunded for 15 years. Properly aligning the burdens of repair and maintenance of sidewalks and bicycle pathways constructed along State highways, ultimately provides counties more flexibility and allows for resources to be redirected to services that benefit Marylanders.

Counties thank the sponsor for developing two clarifying amendments regarding responsibilities related to snow removal. Specifically:

AMENDMENT NO. 1:

On page 1, in line 7, after "highways" insert "**UNDER CERTAIN CIRCUMSTANCES**"; and strike beginning with "requiring" in line 7 down through "pathways;" in line 9.

AMENDMENT NO. 2:

On page 2, strike beginning with "POLITICAL" in line 18 down through "BE" in line 19 and substitute "ADMINISTRATION IS NOT"; and in line 20, strike "THE SIDEWALK" and substitute "ANY SIDEWALKS CONSTRUCTED UNDER THIS SECTION".

On page 4, strike beginning with "POLITICAL" in line 5 down through "BE" in line 6 and substitute "ADMINISTRATION IS NOT"; in line 7, strike "THE SIDEWALK OR BICYCLE PATHWAY" and substitute "ANY SIDEWALKS OR BICYCLE PATHWAYS CONSTRUCTED UNDER THIS SECTION"; strike beginning with "POLITICAL" in line 12 down through "BE" in line 13 and substitute "ADMINISTRATION IS NOT"; and in line 14, strike "THE SIDEWALK" and substitute "ANY SIDEWALK ADJACENT TO A STATE HIGHWAY".

With these amendments, HB 263 is a commonsense approach that recognizes the imbalance in current road/sidewalk maintenance and properly aligns all roadways into the same posture. Accordingly, MACo urges the Committee to issue a **FAVORABLE WITH AMENDMENTS** report for HB 263.