



Montgomery County

Office of Intergovernmental Relations

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HB 263

DATE: March 6, 2024

SPONSOR: Delegate Qi

ASSIGNED TO: Appropriations

CONTACT PERSON: Melanie Wenger (melanie.wenger@montgomerycountymd.gov)

POSITION: Support with Amendments (Montgomery County Department of Transportation)

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

The Montgomery County Department of Transportation supports House Bill 263, with the revisions necessary to reflect the attached sponsor amendments to the bill. As amended, the bill would require the Maryland Department of Transportation's State Highway Administration (SHA) to maintain and repair all sidewalks and / or bicycle pathways: (1) constructed by developers of industrial, commercial, or apartment areas along highways maintained by SHA; (2) constructed or reconstructed along urban highways; and (3) that are adjacent to State highways. The bill, with the amendments, also clarifies that the SHA is not responsible for removing snow and ice from these sidewalks.

The residents of Maryland rely upon infrastructure owned and maintained by SHA to travel to jobs and schools, receive necessary services, and live their lives. Some of this travel occurs in cars, some by bicycle, some in buses, and some by walking. Sidewalks are essential for those traveling by bus or by walking.

Without sidewalks, people are forced to walk in the street, increasing their exposure to hazardous traffic. Montgomery County has established a Vision Zero policy, which aims to eliminate traffic fatalities by 2030. Regular sidewalk and bicycle pathway maintenance is an absolute requirement for achieving this objective.

Currently, responsibility for sidewalk and bicycle pathway maintenance is distributed and unclear. The lack of clearly defined roles and responsibilities results in inadequate responses to problems and lack of attention to basic maintenance needs, leading to safety hazards and inattention to pedestrian safety needs. This is further complicated by the fact that all too often the ambiguity results in a greater focus on vehicle needs than pedestrian needs. The confusion is made even worse given the State responsibility for other roadside infrastructure

that can impact the safety of the sidewalk – like sign and pole placement, drainage structures, trees, traffic signals, crosswalks and other vegetation maintenance. Many of these items get little to no attention since there are multiple entities involved in the same space.

As the saying goes, when everyone is responsible, no one is responsible.

Simply put, the State should be responsible for maintaining its property just as the counties and municipalities are. For snow, the responsibility is that of the property owner except under specific circumstances carved out in Montgomery County where the County has assumed responsibility. The Department believes this practice to be generally consistent with its peer counties. House Bill 263, as amended by the sponsor, makes it perfectly clear, in the State statute, that the SHA is responsible for maintaining and repairing sidewalks along its highways – but it is not responsible for the removal of snow and ice. For this reason, the Department urges the Committee to advance this amended legislation.



HB0263/273421/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

29 JAN 24
11:34:12

BY: Delegate Qi
(To be offered in the Appropriations Committee)

AMENDMENTS TO HOUSE BILL 263
(First Reading File Bill)

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”.