

March 27, 2025

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

***RE: Letter of Information – House Bill 628 – Highways – Sidewalks and Bicycle Pathways
– Construction and Reconstruction***

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 628 and offers the following information for the Committee's consideration.

HB 628 requires that the State Highway Administration (SHA) prioritize funding for the construction and reconstruction of sidewalks and bicycle pathways that are, or are adjacent to, highways that are subject to a Complete Streets policy or a similar Vision Zero program. As amended, the bill requires local governments to request funding for the sidewalk construction activities identified in § 8-630 of the Transportation Article through the annual priority letters submitted to MDOT. Finally, HB 628 authorizes the State to fund right-of-way acquisitions for sidewalks and bicycle pathways under certain circumstances.

SHA's goal for Complete Streets is to prioritize safety for all road users and create a balanced and sustainable transportation system for Maryland residents. Through the Pedestrian Safety Action Plan (PSAP), which is part of the Complete Streets initiative, SHA is implementing meaningful context-driven planning and design work to transform twenty-three of our state's most dangerous highway segments and make them safer for all road users. The improvements along these PSAP segments focus on pedestrian and bicyclist safety and prioritize the construction and reconstruction of sidewalks.

SHA's current process for prioritizing sidewalks focuses on those in identified PSAP corridors. Improvements along PSAP corridors are data-driven and safety focused, with the goal of enhancing vulnerable user safety. The SHA will continue using a data driven approach, prioritizing the construction and reconstruction of sidewalks based on engineering principles in areas identified as those with the greatest needs.

The intent of HB 628 is unclear. Some may interpret the bill's requirement to prioritize funding for Complete Streets or Vision Zero as requiring SHA to fund only sidewalks ahead of other asset classes (e.g., pavement, bridges, etc.). This interpretation of the bill may prevent SHA from maintaining the safety of other asset classes or result in required road closures. Codification of current SHA processes is unnecessary and may have unintended consequences if critical safety situations arise outside of areas subject to the Complete Streets / Vision Zero programs. The bill

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provisions requiring prioritization for sidewalk construction and reconstruction may be interpreted relative to other safety priorities, like the prioritization of state of good repair needs for pavement, bridges, etc.

In addition, there are two different paths for project identification, prioritization, and funding. The current bill language makes it unclear if the bill would force SHA to prioritize sidewalk funding over other project categories or in addition to other project categories. SHA believes that the proposed language could be interpreted to prioritize funding where there is a third-party contribution requirement and potentially reserve money in the program that could be contingent on third party funding. This could lead to projects being held up based on third party funding availability.

SHA will continue to work with the sponsor on additional amendments for clarification and resolution. SHA recommends retaining the language that requires local governments to request this funding through the annual priority letters issued to MDOT but requests an amendment that removes the potential funding mandate for Complete Streets or Vision Zero projects. Such a change allows prioritization and funding decisions to follow the existing codified Consolidated Transportation Program processes.

The Maryland Department of Transportation respectfully requests that the Committee consider this information when deliberating House Bill 628.

Respectfully submitted,

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