

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 1305

(Delegate Brinkley, *et al.*)

Commerce and Government Matters

Budget and Taxation

Frederick County - Public Easement Roads

This bill requires the Frederick County Board of Commissioners to disburse to homeowner's associations in election districts 9 and 13 a prorated share of highway user revenues in proportion to the mileage of the public easement roads submitted by the association to the board for road maintenance. This bill also requires the Frederick County Board of Commissioners to accept an easement of a public road by a homeowner's association in election districts 9 and 13 if the road: (1) is located in Frederick County; (2) is owned and maintained by a homeowner's association; (3) over which the board has been granted an easement; and (4) which has a minimum right-of-way width of 30 feet, a minimum length of 0.02 miles, and a road surface of stone or pavement with a minimum width of 12 feet. The bill also provides for the administration and disbursement of highway user revenues.

The bill is effective June 1, 2002.

Fiscal Summary

State Effect: None.

Local Effect: Frederick County expenditures could increase by \$9,900 for each additional mile of public easement roads in election districts 9 and 13 eligible to receive highway user revenues for road maintenance. Providing highway user revenue funds directly to homeowner's associations in these districts would reduce the availability of highway user revenues for roads maintained by Frederick County.

Small Business Effect: None.

Analysis

Current Law: In Frederick County, the Board of County Commissioners may use funds designated for county road purposes by the federal or State government for county road purposes or a public easement road. The board may establish criteria for the use of funds designated for county road purposes and for the qualifications of a public easement road.

Background: A portion of highway user revenues are distributed to local jurisdictions based on a formula that is weighted 50% for total county road mileage and 50% for total county vehicle registrations. Frederick County will receive \$14.5 million in highway user revenues in fiscal 2003, of which \$3.5 million is earmarked for municipalities. Based on the highway user revenue formula, there are 1,457 miles of county roads in Frederick County. Accordingly, Frederick County will receive approximately \$9,900 in highway user revenues per road mile in fiscal 2003 for road maintenance. Frederick County advises that the county currently verifies public road easement information submitted by homeowner's associations.

Local Fiscal Effect: Currently, Frederick County may use highway user revenues to maintain public easement roads. However, the county does not guarantee that the proportional share of highway user revenues would be used for public easement roads owned or maintained by a homeowner's association in any given year. Under the bill, Frederick County must accept a public easement road owned or maintained by a homeowner's association in election districts 9 and 13 if the road meets certain requirements and provide to the homeowner's association a prorated share of the county's highway user revenues for road maintenance. Accordingly, Frederick County expenditures would increase by \$9,900 in fiscal 2003 for each mile of public easement roads maintained by a homeowner's association in election districts 9 and 13 that are eligible to receive highway user funds from the county. Providing highway user revenues directly to a homeowner's association in these districts would decrease the availability of highway user revenues for roads maintained by Frederick County. Additionally, any increase in the number of requests by homeowner's associations in these districts to make public easement roads eligible for highway user revenue funds under the bill's provisions would result in a shift of county resources dedicated to verification of eligibility away from other activities; it is assumed these tasks could be handled with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Frederick County, Department of Legislative Services

Fiscal Note History: First Reader - March 14, 2002
lc/hlb Revised - House Third Reader - April 6, 2002

Analysis by: Christopher J. Kelter

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510