

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 1319

(Delegate Franchot, *et al.*)

Environmental Matters

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Transportation - Planning - Accommodation of Bicyclists and Pedestrians

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This bill alters the General Assembly's public policy statement regarding access for bicyclists and pedestrians in transportation planning to require appropriate provisions for pedestrians and bike riders unless: (1) bicyclists or pedestrians are prohibited; (2) the cost to establish the bike or pedestrian facility would exceed 20% of the cost of the overall project; or (3) there is a demonstrable lack of need, such as a sparse population. The bill also states that an existing low level of bicycle or pedestrian activity may not be construed as a lack of need.

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Fiscal Summary

**State Effect:** Transportation Trust Fund (TTF) expenditures would increase to the extent that the State will be required to add facilities for pedestrians and bicyclists. Potentially significant operational impact as certain design considerations would be eliminated. Revenues would not be affected.

**Local Effect:** Minimal. The bill will affect the design of projects in local jurisdictions.

**Small Business Effect:** None.

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Analysis

**Current Law:** The General Assembly's policy states that access to and use of transportation facilities by pedestrians and bicyclists must be considered in all phases of transportation planning, including highway design, construction, and repair, as well as expansion and improvement of other transportation facilities, and that best engineering

practices regarding bicyclists' and pedestrians' needs must be employed. The legislative policy also directs all the agencies within the Maryland Department of Transportation (MDOT) to ensure that the State maintains an integrated transportation system by working cooperatively to remove barriers, including restrictions on bicycle access to mass transit. It also requires MDOT to work to ensure that transportation options for pedestrians and bike riders will be enhanced for any new project or for an improvement to an existing one.

State law also establishes the Director of Bicycle and Pedestrian Access in MDOT and requires the development of a statewide 20-year master plan that proposes short-term and long range goals to expand access and identify priority areas for funding new facilities. The State Highway Administration's (SHA) policy for bicycle and pedestrian access requires a waiver for any project that cannot provide facilities.

The State provides half of the funding for bike paths and sidewalks adjacent to State roads at the request of a local government. If sidewalks or bike paths are constructed or reconstructed as part of a roadway construction or reconstruction project, the State is responsible for all of the costs. Sidewalk projects in designated revitalization areas are eligible for full State funding. SHA advises that it constructed 372 miles of sidewalk in 2003.

**State Expenditures:** The six-year capital program provides \$129 million for bicycle and pedestrian access projects. SHA anticipates some additional expenditures as a result of the bill but, because nonvehicle access is already incorporated into transportation planning, the fiscal impact for most projects would not likely be significant. There may be exceptions.

The operational impact may be significant, however. The bill would bar SHA or MDOT from considering factors that are often the subject of community concern and debate, such as the impact of a sidewalk or bike path on open space or street parking. SHA notes that the bill does not define what is an appropriate provision; accordingly, the cost or magnitude of new facilities cannot be determined at this time. Few, if any, pedestrian or bike facilities currently exceed 20% of the project costs.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 758 (Senator Lawlah) – Finance.

**Information Source(s):** Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - March 15, 2004  
ncs/mdr

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