

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 786

(Delegate Healey, *et al.*)

Environmental Matters

Budget and Taxation

State Highway Administration - Sidewalk or Bicycle Pathway Construction in
Priority Funding Areas

This bill requires the State Highway Administration (SHA) to categorize a sidewalk or bicycle pathway construction project as “system preservation” and give the project funding priority if (1) it is located in a priority funding area (PFA); (2) the adjacent roadway is not being concurrently constructed or reconstructed; and (3) SHA determines a substantial public safety risk or significant impediment to pedestrian access exists. The bill authorizes the State to assume all costs for constructing or reconstructing these sidewalks or bicycle pathways.

Fiscal Summary

State Effect: Since the bill simply alters the priority given to various projects when allocating existing budgeted funds, it is not expected to impact overall State finances. However, it may place more demand on already limited Transportation Trust Fund resources.

Local Effect: To the extent the bill leads to more sidewalk or bicycle pathway construction projects in PFAs, local expenditures may increase to pay the local cost share, unless the projects are funded entirely by the State, as authorized by the bill.

Small Business Effect: None.

Analysis

Current Law: To ensure that the State’s investments in transportation retain their value and remain safe, the Maryland Department of Transportation (MDOT) allocates funds for

activities aimed at preserving the existing transportation system before pursuing capacity expansion projects.

Sidewalks must be constructed at the time of construction or reconstruction of an urban highway or in response to the request of a local government unless (1) SHA determines that the cost or impacts of construction exceed the need or probable use; or (2) the local government indicates a lack of need. If sidewalks or bike paths are constructed or reconstructed as part of a roadway construction or reconstruction project, the State is responsible for all the costs.

If sidewalks or bike paths are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the cost must be shared equally between the State and local governments. However, if the sidewalks or bike paths are within a specified designated neighborhood, the State may fund all the costs. Generally, the construction or reconstruction costs associated with sidewalks or bike paths within a PFA must be shared between the State (75%) and local government (25%) if (1) the adjacent roadway is not being concurrently constructed or reconstructed; (2) a substantial public safety risk exists; and (3) construction would not otherwise occur due to an insufficient local government contribution.

If sidewalks or bike paths are being constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the local government must (1) provide public notice and opportunities for community involvement prior to the construction; and (2) secure any necessary right-of-way that may be needed beyond those owned by the State. Generally, after sidewalks and bike paths are constructed, they must be maintained and repaired by the political subdivision in which they are located.

The Smart Growth and Neighborhood Conservation Act of 1997 (Priority Funding Areas Act) sought to strengthen the State's efforts to control sprawl, enhance land use, and control pollution. This Act capitalized on the influence of State expenditures on economic growth and development by directing State spending to PFAs. The broad purpose of PFAs is to focus State spending to make the most efficient and effective use of existing infrastructure; preserve existing neighborhoods; and preserve Maryland's fields, farms, and open spaces. The Act established certain areas as PFAs and allowed counties to designate additional areas if they meet minimum criteria.

Background: In calendar 2008, 32% of State-owned roadway centerline miles within urban areas had sidewalks. Furthermore, SHA advises that it invested \$4.8 million in fiscal 2008 for sidewalk improvements to increase compliance with the Americans with Disabilities Act. MDOT's six-year *Consolidated Transportation Program*

(fiscal 2010-2015) contains \$23.4 million for the Transportation Enhancements Program, which funds bicycle and pedestrian-related projects.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll, Montgomery, and St. Mary's counties; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2010
mlm/lgc Revised - House Third Reader - March 25, 2010

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