

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 1049
Rules

(Senator Harrington)

**State Highway Administration - Clearing Sidewalks of Snow at Transit Stations -
Agreements with Political Subdivisions**

This bill requires the State Highway Administration (SHA) to negotiate and enter into a memorandum of understanding (MOU) or any other agreement with the governing body of each political subdivision in which a transit station is located to clear snow from the pedestrian sidewalks that serve the transit station after a declaration of a snow emergency by the Governor or the governing body of the political subdivision in which the transit station is located. The MOU must (1) outline the procedures and responsibilities of SHA and the political subdivision to clear snow from the sidewalks that serve the transit station; and (2) include provisions regarding responsibility for the cost and any liability related to clearing snow from sidewalks that serve a transit station.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources; however, Transportation Trust Fund (TTF) expenditures increase to the extent the bill results in MOUs that require SHA to assume responsibility for snow removal. Revenues are not affected.

Local Effect: The bill's requirements can be handled with existing budgeted resources; however, local expenditures are affected to the extent the bill results in MOUs that require local jurisdictions to assume more or less responsibility for snow removal.

Small Business Effect: Minimal or none.

Analysis

Current Law: A “transit station” is any facility, the primary function of which relates to the boarding and alighting of passengers from transit vehicles, and includes platforms, shelters, passenger waiting facilities, parking areas, access roadways, and other real property used to facilitate passenger access to transit service or railroad service.

A “transit facility” is any one or more or combination of tracks, rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking areas, equipment, fixtures, buildings, structures, other real or personal property, and services incidental to or useful or designed for use in connection with the rendering of transit service by any means, including rail, bus, motor vehicle, or other mode of transportation, but does not include any railroad facility.

Background: The Maryland Department of Transportation (MDOT) supports transit services in Maryland through the Maryland Transit Administration (MTA) and Washington Metropolitan Area Transit Authority (WMATA). MDOT provides annual operating grants to the Washington Suburban Transit Commission, which then provides funding to WMATA for operation of the Metrorail, Metrobus, and MetroAccess systems. Among other things, MTA (1) manages bus services in Baltimore City and surrounding counties, including operation of fixed route and paratransit lines; (2) operates the Baltimore Metro heavy rail line and the Baltimore area light rail lines and manages Maryland Area Regional Commuter contracts; (3) provides technical assistance and operating grants to local jurisdictions’ transit services; and (4) contracts with private carriers to operate commuter bus services throughout the State.

SHA is responsible for more than 5,200 miles or approximately 16,800 lane miles of road, 2,500 bridges, 3,500 small stream crossing structures, and 80 miles of sound barriers. It also has responsibility for planning, designing, constructing, and maintaining these roads and bridges to safety and performance standards while considering sociological, ecological, and economic concerns. SHA must construct, reconstruct, and repair State highways as necessary and maintain them in good condition. SHA is also required to keep all State highways reasonably clear of brush, snow, and other debris.

Snow Removal

The State of Maryland received a record level of snow over the past four months. In December 2009, a storm left upwards of 20 inches of snow on much of the State. In early February 2010, two storms left as much as 50 inches of snow in some parts of the State. On February 5, 2010, the Governor issued a Declaration of Emergency in response to one of the storms, which effectively authorized the State to activate the Maryland National Guard and provide assistance to local emergency managers.

MTA provides snow removal, including parking lot clearing, for all of its transit facilities. Municipal sidewalks and rights-of-way leading up to and into transit facilities are not part of the regular snow clearance activity of MTA, nor are municipal sidewalks and corners which double as bus stops. While MTA did clear some major bus stops in the unprecedented snow events of February 2010, typically MTA does not undertake snow removal for bus stops and other access points for transit facilities.

WMATA provides snow removal, including parking lot clearing, for all property it owns. Municipal sidewalks and rights-of-way leading up to and into WMATA property are not part of the regular snow clearance activity of WMATA, nor are municipal sidewalks and corners which double as bus stops.

State Expenditures: SHA is required to negotiate and enter into a MOU or agreement with the governing body of each political subdivision in which a transit station is located. Hundreds of transit stations are located throughout the State; however, some of the local jurisdictions with the most transit stations are Baltimore City and Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties. This estimate assumes SHA can absorb any costs associated with developing the MOUs or agreements with local jurisdictions.

To the extent the bill results in MOUs that require SHA to assume responsibility for snow removal from sidewalks that serve transit stations, TTF expenditures increase. *For illustrative purposes*, SHA advises that there are approximately 350 miles of sidewalks that lead to bus stops for routes in Montgomery and Prince George's counties. Based on historical costs to clear snow from sidewalks along two sections of MD-70 in the City of Annapolis, SHA advises it costs approximately \$4,000 per mile to clear a sidewalk along a State highway. Therefore, SHA could assume up to \$1.4 million in additional expenditures per snow event to keep sidewalks clear in those two counties alone.

Local Expenditures: Local expenditures are affected to the extent this bill results in MOUs that require local jurisdictions to assume more or less responsibility for snow removal from sidewalks that serve transit stations.

Montgomery County advises that lists and procedures for maintenance around transit centers are already in place that detail county and State responsibilities and there is no need to develop formal MOUs or agreements concerning snow removal.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Montgomery County, Maryland Department of Transportation, Washington Metropolitan Area Transit Authority, Department of Legislative Services

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Analysis by: Amanda Mock

Direct Inquiries to:
(410) 946-5510
(301) 970-5510