

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 797

(Delegate McIntosh, *et al.*)

Environmental Matters

Finance

Transportation Projects - Transportation Facilities - Water Access

This bill requires local governments and the Maryland Department of Transportation (MDOT), when developing a construction or improvement project involving a bridge or other transportation facility that is adjacent to or that crosses a waterway, to consider any reasonable and appropriate measures to provide or improve water access for fishing, canoeing, kayaking, or any other nonmotorized water dependent recreational activity. Local governments and MDOT, in consultation with the Department of Natural Resources (DNR) and interested stakeholders, must establish (1) standards and guidelines for identifying appropriate bridges and other transportation facilities to be considered for the provision or improvement of water access and (2) best practices and cost-effective strategies for accommodating water access.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) and nonbudgeted expenditures increase, potentially significantly, in FY 2014 and future years to develop standards, guidelines, best practices, and cost-effective strategies. Revenues are not affected.

Local Effect: Local government expenditures increase, potentially significantly, in FY 2014 and future years to (1) develop standards, guidelines, best practices, and cost-effective strategies and (2) construct water access improvements. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Current Law: The *Consolidated Transportation Program* (CTP) is MDOT's six-year budget for the construction, development, and evaluation of transportation capital projects. It is revised annually to reflect updated information and changing priorities. It contains a list of current and anticipated major and minor capital projects for the fiscal year it is issued and for the next five fiscal years, including:

- an expanded description of major capital projects;
- a detailed breakdown of the costs of a project, project expenditures to date, expected expenditures for the current fiscal year, projected annual expenditures for the next five years, and total project costs; and
- MDOT's estimates of the source (*i.e.*, federal funds, special funds, etc.) and amount of revenues required to fund projects in the CTP.

The CTP also must contain a list of major bridge work projects.

Background: According to the Chesapeake Conservancy, public access sites along the Chesapeake Bay and its rivers remain limited to less than 2% of the watershed's tidal shoreline. Meanwhile, participation in fishing, canoeing, kayaking, and other recreational activities continues to grow. A recent report of the Outdoor Foundation states that participation in recreational kayaking in the United States increased from 4.1 million participants in 2006 to over 8.2 million participants in 2011. According to the U.S. Fish and Wildlife Service, 33.1 million people engaged in recreational fishing during 2011.

In January 2013, the National Park Service released a *Chesapeake Bay Watershed Public Access Plan* for increasing public access to the bay and tributaries by adding 300 new public access sites by 2015. The plan describes the status of existing public access, identifies potential new public access sites, provides planning and policy considerations, and recommends actions necessary to expand public access. The plan recommends (1) making funding for public access a priority; (2) carrying out and supporting more detailed assessments and project design for potential sites; (3) exploring memoranda of understanding with transportation departments; (4) exploring the potential for additional access on public lands; and (5) fully addressing accessibility at public access sites.

Some states are working to improve public access to waterways from bridges. For example, California law requires consideration of, and reports on, the feasibility of providing a means of public access to a navigable river for public recreational purposes before building any bridge.

State Expenditures: TTF and nonbudgeted expenditures increase, potentially significantly, beginning in fiscal 2014 to develop standards, guidelines, best practices, and cost-effective strategies and (2) construct water access improvements. However, any impact cannot be reliably estimated and would depend on, among other things, the standards and guidelines that are established as well as the extent to which current and future transportation projects are altered as a result of the bill.

DNR can absorb any potential costs associated with implementing the bill.

Local Expenditures: Local government expenditures increase, potentially significantly, in fiscal 2014 and future years to (1) develop standards, guidelines, best practices, and cost-effective strategies and (2) construct water access improvements. Charles County advises that six bridges require water access improvements at an estimated cost of \$1.6 million, or approximately \$270,000 per bridge. Frederick County notes that while the fiscal impact cannot be reasonably estimated, local expenditures may increase significantly to, among other things, conduct construction and ongoing maintenance. Montgomery County advises that the bill increases the cost of local bridge projects by \$50,000 to \$100,000 per bridge, or possibly more if the access improvements must comply with the Americans with Disabilities Act.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Charles, Frederick, and Montgomery counties; towns of Bel Air, Leonardtown, and Riverdale Park; City of Salisbury; Chesapeake Conservancy; Outdoor Foundation; Department of Natural Resources; Maryland Department of Transportation; Maryland Transportation Authority; U.S. Fish and Wildlife Service; National Park Service; Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2013
mc/lgc Revised - House Third Reader - March 28, 2013

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