

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 977 (Delegate Wilkins, *et al.*)
Environment and Transportation

State Highway Administration Neighbor Notification Act

This bill requires the State Highway Administration (SHA) to send a notice by first-class mail or a more expeditious method to nearby property owners at least two weeks in advance of planned “construction” on a State highway. SHA must send the notice on behalf of any contractors, utility providers, or other government agencies involved in the planned construction. The notice must include specified information. If planned construction is postponed after a notice is sent, SHA must send another notice to nearby property owners if the rescheduled construction start date is more than 30 days after the originally planned construction start date, as specified. The bill does not apply in specified emergency and snow-related situations.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase significantly for SHA to send notices; however, the total effect in any fiscal year cannot be reliably estimated at this time, as discussed below. Revenues are not affected.

Local Effect: The bill does not directly affect local governmental operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Construction” includes the installation or alteration of highway infrastructure and utilities and any installation or alteration that involves the excavation of soil or digging up the road surface or sidewalk. The term does not include (1) the installation of new signage using steel or wooden poles placed into the ground using

mechanical or manual means; (2) the installation or replacement of signage or signals on existing poles or mast arms; or (3) the replacement or alteration of road markings, including lane markings and crosswalk markings.

For construction that occurs at a single intersection, the notice must be sent to property owners within a 100-yard radius of the intersection. For construction that occurs along a length of State highway, the notice must be sent to property owners within 100 yards of the centerline on either side of the highway within the defined project limits.

Among other things, the notice must include details regarding the scope and duration of the planned construction and, if possible, renderings or examples from similar projects of how the affected area will appear during construction and once construction concludes.

Current Law/Background: 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 in the State. 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.

For a transportation project, the initial planning phase must include, among other things, the notification of local, State, and federal officials and public meetings for discussion of the project. To meet this requirement, SHA advises that it issues community notifications for the start of major highway projects and other system preservation projects. SHA uses a variety of methods, including news releases, emails, website postings, social media messages, door hangers, and zip code mailings. In 2016, SHA made 368,188 mailings supporting public meetings, workshops, milestones, roadway construction, and hearings relating to 72 different projects. In 2017, SHA made 466,262 mailings relating to 61 different projects.

State Expenditures: TTF expenditures increase significantly for SHA to send the notices required by the bill. The number of notices that must be sent in any fiscal year depends on numerous factors, including (1) the number of construction projects affected by the bill; (2) the population density surrounding those projects; and (3) the frequency of project delays. Therefore, a reliable estimate cannot be provided.

Based on its actual experience in 2016, SHA estimates that there may be as many as 1,760 projects each year for which notices must be mailed at \$0.89 per mailing (\$0.40 for printing and \$0.49 for mailing). *For illustrative purposes only*, if SHA is required to mail an average of 1,000 notices for 1,760 projects, then TTF expenditures increase by \$1.6 million to mail notices. Under this illustrative example, SHA may also need additional staff to handle the significant increase in mailings. To the extent the actual

number of notices required to be mailed varies from the illustrative example, the impact on TTF expenditures varies accordingly.

Additional Information

Prior Introductions: HB 1374 of 2017 received a hearing in the House Environment and Transportation Committee but was subsequently withdrawn.

Cross File: None.

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

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mm/lgc

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