

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 285

(Senator Lee)

Finance

Environment and Transportation

State Highway Administration - Highway Work Permits - Pedestrian Access
(Pedestrian Access Act of 2020)

This bill requires an entity permitted by the State Highway Administration (SHA) to do work within one mile of Washington Metropolitan Area Transit Authority (WMATA) or Maryland Transit Administration (MTA) rail or bus rapid transit stations (including Maryland Area Regional Commuter (MARC) stations) to maintain a safe alternative pedestrian path at the work site. SHA must adopt regulations governing the maintenance of pedestrian access to the maximum extent practicable in those areas where construction or maintenance work is permitted; the bill specifies requirements for those regulations and issues SHA must consider when adopting the regulations. SHA must also compile an inventory of best practices used to maintain pedestrian access in areas where construction or maintenance work is performed in State highway rights-of-way. SHA must publish and make available the inventory to any interested party.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures may increase minimally for SHA to enhance its permit approval process and field inspections for applicable sidewalk sheds, as discussed below. SHA can compile and publish the inventory and develop and adopt the required regulations using existing budgeted resources. Revenues are not affected.

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

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The regulations adopted by SHA must:

- prohibit the erection of a sidewalk shed unless SHA has approved the erection of the sidewalk shed pursuant to a permit or the person that will apply for the permit or do the work determines that immediate erection of a sidewalk shed is necessary for public safety;
- require a person who has determined that immediate erection of a sidewalk shed is necessary for public safety to apply for a permit within 24 hours after erecting the sidewalk shed;
- specify standards and requirements for sidewalk sheds and other structures that maintain pedestrian access, including requirements regarding dimensions of the structures, lighting in and around the structures, compliance with the federal Americans with Disabilities Act, the storage of supplies and other materials on the roof of a sidewalk shed, temporary office facilities, circumstances under which a structure may block other highway features, as specified, and maintaining access to bike lanes, as specified; and
- address any other issue SHA determines is necessary, as specified.

In adopting the regulations, SHA must consider (1) safety factors for pedestrians, bicyclists, and construction and maintenance workers; (2) the cost of maintaining pedestrian access; (3) specified best practices; (4) the need for storage and access to construction materials and equipment; and (5) the need to separate different modes of travel.

Current Law/Background:

State Highway Administration, Permits, and Sidewalk Sheds

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/noise 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.

Unless permitted to do so by SHA, a person may not (1) make an opening in any State highway; (2) place any structure on any State highway; (3) change or renew any structure placed on any State highway; (4) dig up any State highway for any purpose, including the placement of pipes, sewers, poles, wires, or rails; (5) plant or remove any tree on any State

highway; or (6) place any obstruction or improvement on any State highway. Any work done under a permit must be performed to the satisfaction of SHA.

Even though there are no statutory requirements related to sidewalk sheds, SHA advises that when they are necessary to maintain pedestrian access, it sets some basic design criteria that must be followed by a contractor (*i.e.*, height, width, weight capacity, *etc.*) and otherwise puts the obligation on the contractor doing the permitted work to fully design and construct the sheds. Once complete, SHA confirms the dimensions of the shed through an inspection and compares it to what was approved in the contract. SHA further advises that it is a common practice to have workers occasionally and temporarily halt pedestrian traffic when something potentially dangerous is going on overhead and that it tends to approve this kind of work to be done at night in order to minimize the impact on pedestrians, bicyclists, and traffic.

Maryland Transit Administration

MTA operates a comprehensive transit system throughout the Baltimore-Washington metropolitan area, including more than 50 local bus lines in Baltimore and other services such as the light rail, Baltimore Metro subway, commuter buses, MARC trains, and mobility/paratransit vehicles. MTA is also responsible for hundreds of transit stations.

Washington Metropolitan Area Transit Authority

WMATA was established in 1967 through an interstate compact among Maryland, Virginia, and the District of Columbia. The original purpose was construction and operation of a rapid rail transit system for the Washington metropolitan area. In 1973, WMATA purchased the assets of four major private bus companies operating in the area. Maryland's overall participation in the Washington metropolitan transit system consists of the provision of annual funding to WMATA for capital and operating costs of the Metrorail, Metrobus, and MetroAccess systems.

State Expenditures: Although SHA has experience with sidewalk sheds to maintain pedestrian access at work sites, its involvement generally relates to the approval and inspection of contractor designs, with a focus on dimensions and pedestrian safety. The bill requires SHA to develop regulations related to these and multiple other factors (such as lighting, bike lanes, *etc.*), which SHA must approve of and inspect for any sidewalk shed constructed in the areas specified by the bill. The increased complexity of permit approvals and inspections may result in an increase in TTF expenditures, as SHA staff spend more time and resources on these processes; however, any such impact is likely not significant because (1) SHA is already involved with issues relating to the construction and inspection of sidewalk sheds to maintain pedestrian access and (2) the bill only applies in limited areas.

SHA can compile and publish the inventory and develop and adopt the required regulations using existing budgeted resources.

Small Business Effect: Depending on the standards and requirements established by SHA for pedestrian access in the affected areas, small business contractors may experience increased project costs and/or project delays.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 194 (Delegate Korman, *et al.*) - Environment and Transportation.

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

Fiscal Note History: First Reader - February 10, 2020
rh/lgc Third Reader - March 15, 2020
Revised - Amendment(s) - March 15, 2020

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