

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 95 (Senator Ellis)  
Education, Energy, and the Environment

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Counties - Construction of Sidewalks and Crosswalks - Safe Alternative Routes  
to Public Schools

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This bill requires each local school board to annually prepare a report on safe alternative routes to public schools. A “safe alternative route” includes (1) a road with sidewalks and, at intersections, crosswalks; (2) a foot path; and (3) a bike path. The county governing body must annually review the report and construct any sidewalks and crosswalks necessary to create safe alternative routes for students as identified in the report. If the county governing body must alter a road that is not subject to the jurisdiction of the county in order to meet the bill’s requirements, the governing body must develop a plan with the governmental entity or person that has control of the road and take reasonable efforts to execute the plan in an expeditious manner. **The bill takes effect July 1, 2023.**

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State finances or operations.

**Local Effect:** County government expenditures increase, likely significantly, in order to implement the bill’s requirements, as discussed below. Revenues are not affected. **The bill imposes a mandate on a unit of local government.**

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** The bill requires local school boards to annually prepare a report that identifies:

- for each public school in the county, those areas of the county where a student who is regularly assigned to the school would be ineligible for transportation services based on the distance between a residence and the school; and
- pathways those students may use to travel between his or her residence and regularly assigned school using only a safe alternative route (or a contiguous series of safe alternative routes).

The local school board must post to the county's website each report prepared pursuant to the bill.

**Current Law:** At its own expense, a county governing body may provide transportation for public school students (in addition to the transportation provided by the State).

**Local Expenditures:** In the event that a local school board identifies areas without safe alternative routes for students, county governments could meet the bill's requirements in several ways, including (1) constructing new sidewalks and crosswalks, as identified in the study; (2) increasing funding for local school boards to provide bus transportation to all students (regardless of distance from the school); or (3) adjusting existing school boundaries in order to ensure no students reside in areas without safe alternative routes to school.

The Department of Legislative Services (DLS) advises that, given the number of schools in the State and the unique transportation system characteristics of each county, it is not possible to provide an exact fiscal estimate for each county. However, the following examples highlight the potential costs associated with the bill.

#### *Baltimore County*

Baltimore County Public Schools notes that its current protocols, procedures, and practices emphasize student safety as the top priority. In high-traffic areas, the county police department provides crossing guards. Nevertheless, the school system anticipates substantial construction costs for sidewalks and crosswalks under the bill. In the event that funding is not available for the needed infrastructure, affected students would require transportation to school, which would greatly increase the school system's current transportation costs. The school system is unable to provide an exact estimate of the potential fiscal impact.

#### *Charles County*

According to the Charles County Department of Planning and Growth Management as well as the Charles County Department of Public Works, the bill may have a significant fiscal impact on the county. Although staff are unable to determine the exact financial impact to

implement the bill, capital costs are expected to increase by approximately \$250,000 to \$500,000 annually. Additionally, Charles County Public Schools indicates that reviewing every route is expected to involve significant staff time.

*Montgomery County*

Montgomery County advises that it expects significant additional costs under the bill beginning in fiscal 2024 (see **Exhibit 1**) as hundreds of miles of linear sidewalk and accompanying Americans with Disabilities Act compliant ramps and crosswalks would need to be built in neighborhoods that may have various complicating factors (e.g., topographic, right-of-way, and other environmental impact issues).

The county notes that the bulk of costs resulting from the bill are likely incurred within the first year of implementation, with much smaller amounts needed for construction and maintenance in the out-years. In fiscal 2024, the county anticipates additional expenditures totaling about \$87.7 million. In later years, ongoing costs vary but total about \$850,400 by fiscal 2028.

The fiscal 2024 figure includes sidewalk installation (on one side of the street) based on current contract prices per linear foot of residential sidewalk (and existing maps of sidewalk gaps within school walk zones) as well as costs related to right-of-way acquisition, utility impacts, tree impacts, and slope issues. The estimate also includes two additional county positions (one design engineer and one construction inspector) to assist with managing and monitoring the new construction projects.

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**Exhibit 1**  
**Anticipated Expenditures for Montgomery County under the Bill**  
**Fiscal 2024**

Positions (Salaries & Wages)	\$189,000
Contractual Services	84,930,000
Fixed Charges	2,575,000
<b>Total Initial Expenditures</b>	<b>\$87,694,000</b>

Source: Montgomery County; Department of Legislative Services

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*Frederick County*

Frederick County Public Schools (FCPS) indicates that, while it currently has detailed policies to determine safe walking routes, it anticipates purchasing additional buses and

hiring additional bus drivers under the bill (see **Exhibit 2**). In fiscal 2024, FCPS anticipates purchasing eight additional school buses (and hiring eight bus drivers). In total, FCPS expenditures increase by about \$1.5 million in fiscal 2024 in order to offer transportation services to students. As mentioned above, this approach is one alternative way to meet the bill’s requirement.

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**Exhibit 2**  
**Anticipated Expenditures for Frederick County Public Schools under the Bill**  
**Fiscal 2024**

Positions (Salaries & Wages)	\$392,080
Supplemental/Overtime Pay	58,800
Supplies	74,240
Equipment (Buses)	<u>928,000</u>
<b>Total FY 2024 Expenditures</b>	<b>\$1,453,120</b>

Source: Frederick County Public Schools; Department of Legislative Services

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*Boundary Adjustments*

While no school systems reported plans to adjust school boundaries as a result of the bill, DLS advises that school systems may be able to meet the bill’s requirements by modifying boundaries. For instance, there may be areas in certain school districts with access to safe alternative routes that are also served by school buses. The school buses that serve those areas could potentially be repurposed in order to serve students who currently reside in areas that are not eligible for school bus transportation services and are not served by safe alternative routes. However, any boundary adjustments may require considerable planning and administrative time for school boards.

**Additional Comments:** The Maryland Department of Transportation maintains a [Statewide Twenty Year Bicycle-Pedestrian Master Plan](#). Related to pedestrian and bicycle safety around schools, the plan includes and discusses the importance of the [Safe Routes to Schools Programs](#). The program is a federally funded reimbursement program administered by the State Highway Administration (SHA). Eligible sponsors can apply for funding to support infrastructure and noninfrastructure activities that enable and encourage children to safely walk, bicycle, or roller skate to school. Federal funds allocated to the program must be used to benefit elementary and middle school children and are required to have a 20% cash match contribution from the State.

School zones and the additional traffic safety rules that accompany them are the primary safety mechanism for students who walk or bike to school. SHA or a local transportation authority is authorized to establish a school zone and maximum speed limits within the school zone, within a half-mile radius of any school. In any established school zone, SHA or the local authority must place signs that designate the school zone and may place other traffic control devices, such as timed flashing warning lights or traffic signals. The signs must show the maximum speed limit of the school zone, and standard fines may be doubled if a speed violation occurs when any timed flashing lights are activated. Many school districts also employ crossing guards and establish speed monitoring systems to ensure the safety of students and others on and around the school grounds.

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### **Additional Information**

**Prior Introductions:** Similar legislation has been introduced within the last three years. See SB 65 of 2020.

**Designated Cross File:** None.

**Information Source(s):** Charles, Garrett, and Howard counties; Maryland Association of Counties; Maryland State Department of Education; Maryland Department of Transportation; Anne Arundel County Public Schools; Baltimore City Public Schools; Baltimore County Public Schools; Charles County Public Schools; Frederick County Public Schools; Montgomery County Public Schools; Wicomico County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2023  
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