

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 16 (Senators Waldstreicher and Augustine)
 Judicial Proceedings

Safe Access for All (SAFE) Roads Act of 2023

This bill requires the Maryland Department of Transportation (MDOT), in developing any construction or improvement project, or postconstruction project, preservation, or maintenance, to recommend and implement specified design elements for pedestrian and bicycle safety. If a new project is projected to take more than 12 months to complete, MDOT must implement all possible incremental near-term safety improvements immediately, as specified. The bill also establishes reporting requirements for the State Highway Administration (SHA) that relate to pedestrian and bicycle safety. **The bill takes effect June 1, 2023.**

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$100,00 in FY 2023 and by \$400,00 in FY 2024 to complete the required reports. Because MDOT’s capital program is fully subscribed, MDOT may be required to redirect significant funding from other projects beginning as early as FY 2023 to implement the required design elements and safety improvements; however, any such impact cannot be reliably estimated at this time and is not shown below. Revenues are not directly affected, as discussed below.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	100,000	400,000	0	0	0
Net Effect	(\$100,000)	(\$400,000)	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

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

Small Business Effect: Minimal.

Analysis

Bill Summary:

Project Planning and Implementation – Pedestrian and Bicycle Safety Design Elements and Safety Improvements

In developing any construction or improvement project, or postconstruction project, preservation, or maintenance, MDOT must recommend and implement context-driven design elements for pedestrian and bicycle safety consistent with the Federal Highway Administration (FHWA) Proven Safety Countermeasures and SHA's Context Driven guide and associated strategies. If a new construction or improvement project is projected to take more than 12 months to complete, MDOT must implement all possible incremental, near-term safety improvements immediately while maintaining each project's priority ranking.

The bill establishes the intent of the General Assembly that MDOT maximize applications for and access to federal funding that is or may become available for infrastructure for pedestrian and bicycle safety.

Required Reports

By October 1, 2023, SHA must submit a report to the General Assembly that includes:

- the number of its open staff positions, by title and department, and the extent to which these open positions slow down the process of implementing safety improvements once needed improvements have been identified;
- information about employees that perform direct labor on highway and road safety and improvement projects for SHA, as specified; and
- the number of new signalized crosswalks that have been approved for construction, the timeframe for completion, and the cause of any delays in deployment for (1) fully signalized crosswalks; (2) pedestrian crosswalks; and (3) any other signal types.

By December 1, 2023, SHA must submit a report to the General Assembly that includes:

- a full analysis of all State highways located in suburban activity centers or traditional town centers, as specified; and
- an installation plan and timeline necessary to establish safe pedestrian crossings on all State highways (1) using all signal types, as specified, and (2) at a minimum of one-fifth mile intervals within or adjacent to census tracts with significant transit

dependency and a population density along the highway exceeding 10,000 people per mile.

Current Law: SHA is a modal unit within MDOT, and it 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.

FHWA's [Proven Safety Countermeasures](#) initiative is a collection of countermeasures and strategies effective in reducing roadway fatalities and serious injuries on highways. FHWA strongly encourages state and local transportation agencies to consider widespread implementation of the countermeasures to accelerate the achievement of safety goals. Similarly, SHA's [Context Driven](#) guide and associated strategies is a planning and design resource that includes guidance and strategies for the implementation of safe and multimodal roads and highways.

State Fiscal Effect: TTF expenditures increase by an estimated \$100,000 in fiscal 2023 and \$400,000 in fiscal 2024 for SHA to engage consultants to complete the required reports.

As noted above, the bill requires MDOT, in developing any construction or improvement project, or postconstruction project, preservation, or maintenance, to implement specified context-driven design elements for pedestrian and bicycle safety. Also, for any new construction or improvement project that is projected to take more than 12 months to complete, MDOT must implement all possible incremental, near-term safety improvements immediately while maintaining each project's priority ranking. These requirements could increase project costs significantly – according to MDOT, potentially by tens of millions of dollars – requiring additional funds to be redirected from other projects beginning as early as fiscal 2023; however, a reliable estimate of any such impact cannot be made at this time.

Although the bill does not have a direct effect on federal fund revenues, it establishes the intent of the General Assembly that MDOT maximize applications for and access to federal funding that is or may become available for infrastructure for pedestrian and bicycle safety. To the extent such funding becomes available, a portion of the costs necessary to implement the required design elements and safety improvements may be offset, thus reducing the need for MDOT to redirect funds from other projects.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 70 (Delegate Charkoudian) - Environment and Transportation and Appropriations.

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

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km/lgc

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