

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 135 (Delegate Charkoudian)  
Environment and Transportation and  
Appropriations

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**Transportation - Maryland Transportation Authority - Pedestrian and Bicycle  
Safety and Accessibility**

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This bill (1) repeals an existing provision that prohibits pedestrians and bicycles from using any Maryland Transportation Authority (MDTA) highway unless authorized by the Chair of MDTA and (2) establishes new provisions relating to the use of a bicycle on the shoulder of an MDTA highway. The bill also requires MDTA to (1) construct separated or buffered bicycle ways and pedestrian walkways on its bridges and (2) in collaboration with the Maryland Department of Transportation (MDOT), the State Highway Administration (SHA), and local jurisdictions, identify appropriate locations for constructing separated or buffered bicycle ways and pedestrian walkways that cross or run parallel to MDTA highways, as specified. MDTA must construct such bicycle ways and pedestrian walkways at the locations identified pursuant to the bill. MDTA may, however, request a waiver from the above requirements; the bill establishes provisions regarding the waiver process.

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**Fiscal Summary**

**State Effect:** Nonbudgeted expenditures may increase significantly, potentially totaling billions of dollars over multiple fiscal years, as discussed below. Nonbudgeted revenues may increase significantly to the extent MDTA increases its toll rates as a result of the bill. State expenditures (all funds) may increase to pay higher toll rates, as discussed below.

**Local Effect:** Local government expenditures may increase to pay higher toll rates, as discussed below. Revenues are not affected.

**Small Business Effect:** Potential meaningful.

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## Analysis

### Bill Summary:

#### *Bicycle Use on Highway Shoulders*

A person may not use a bicycle on the shoulder of an MDTA highway unless (1) the shoulder is wide enough to allow a vehicle to safely stop or park out of traffic lanes and (2) there is no existing parallel shared-use path or road with a bicycle way.

#### *Bicycle Ways and Pedestrian Walkways*

MDTA must construct separated or buffered bicycle ways and pedestrian walkways on bridges as part of any construction, repair, or maintenance project on an MDTA bridge.

MDTA must also, in collaboration with MDOT, SHA, and local jurisdictions, identify appropriate locations for constructing separated or buffered bicycle ways and pedestrian walkways that cross or run parallel to MDTA highways. In identifying appropriate locations for bicycle ways and pedestrian walkways, MDTA must prioritize (1) providing safe access to transit stations, critical need areas, and neighborhoods separated by MDTA highways and (2) providing ways to traverse or cross natural physical barriers. Unless granted a waiver, MDTA must construct separated or buffered bicycle ways and pedestrian ways at the locations identified pursuant to the bill.

#### *Waivers*

MDTA may request a waiver from the bill's requirements to construct separated or buffered bicycle ways or pedestrian walkways. MDTA must submit the waiver request to the Bicycle and Pedestrian Advisory Committee and the Secretary of Transportation.

The Bicycle and Pedestrian Advisory Committee must review a waiver request submitted under the bill and provide a recommendation to the Secretary on whether the waiver should be granted. The Secretary may grant MDTA a waiver from the above requirements if implementing the requirements:

- conflicts with any statute, local law, or regulation;
- is not feasible due to insufficient funds, as specified; or
- is infeasible or unjustifiable based on safety or cost considerations.

## **Current Law:**

### *Maryland Transportation Authority*

Since 1971, MDTA has been responsible for constructing, managing, operating, and improving the State's toll facilities (for example, the Chesapeake Bay Bridge, the Francis Scott Key Bridge, and the Governor Harry W. Nice Memorial/Senator Thomas "Mac" Middleton (Nice/Middleton) Bridge) and for financing new revenue-producing transportation projects. MDTA is a nonbudgeted State agency, meaning that its budget is not subject to the General Assembly's appropriation process.

MDTA has the authority to set tolls on transportation facilities projects under its supervision. Tolls must provide funds that, when combined with bond proceeds and other available revenues, are sufficient to pay maintenance, repair, and operating costs for transportation facilities projects that are not otherwise paid for; pay the interest and principal of any outstanding bond issues; create reasonable reserves for these purposes; and provide funds for the cost of replacements, renewals, and improvements.

State law prohibits the use of any MDTA highway by pedestrians and bicycles unless authorized by the Chair of MDTA. While the use of MDTA highways by pedestrians and bicycles is generally prohibited, there are some limited exceptions. For example, bicycles are authorized to use the [Thomas J. Hatem Bridge](#) and the [Nice/Middleton Bridge](#) on weekends and holidays during certain time periods, and pedestrians are authorized to use the Chesapeake Bay Bridge for special events such as the [Bay Bridge Run](#).

### *Rules of the Road – Pedestrians and Bicycles*

State law specifies the "Rules of the Road" that must be followed by vehicles, bicycles, and pedestrians using the State's roadways, highways, pathways, and crosswalks. Where a sidewalk is provided, a pedestrian may not walk along and on an adjacent roadway. Where a sidewalk is not provided, a pedestrian who walks along and on a highway may walk only on the left shoulder, if practicable, or on the left side of the roadway, as near as practicable to the edge of the roadway, facing any traffic that might approach from the opposite direction. A pedestrian is prohibited from walking along or on any controlled access highway, except under specified circumstances.

Bicycles are generally considered vehicles under the Rules of the Road and, unless otherwise specified, must follow the same rules as cars and other vehicles. When using a roadway or highway and traveling at a speed less than the speed of traffic, a person operating a bicycle must generally ride as near to the right side of the roadway as practicable and safe. The use of a bicycle is generally prohibited on (1) any roadway where

the posted maximum speed limit is more than 50 miles per hour or (2) any expressway or controlled access highway, except as specified.

### *Bicycle and Pedestrian Advisory Committee*

The Bicycle and Pedestrian Advisory Committee, which is comprised of State officials and private citizens appointed by the Governor, provides guidance to State agencies concerning funding of bicycle and pedestrian related programs, public education and awareness of bicycling and pedestrian related activities and safety, and any other issues directly related to bicycling and pedestrians.

### **State Expenditures:**

#### *Maryland Transportation Authority*

Nonbudgeted expenditures for MDTA increase significantly to the extent that MDTA is required to construct separated or buffered bicycle ways and pedestrian walkways on its bridges and/or that cross or run parallel to its highways. MDTA advises that if it were required to design and construct such bicycle and pedestrian facilities for *all* of its bridges and highways (excluding its two roadway tunnels), costs could total as much as \$8 billion. The Department of Legislative Services notes, however, that the bill does not require MDTA to construct bicycle ways and pedestrian walkways for *all of its bridges and highways*; rather, the bill requires MDTA to construct such facilities (1) on bridges as part of any construction, repair, or maintenance project and (2) in the locations identified under the bill in collaboration with MDOT, SHA, and local governments, with respect to bicycle and pedestrian facilities that cross or run parallel to MDTA highways. Furthermore, the bill establishes a process by which MDTA may request a waiver from those requirements and authorizes the Secretary of Transportation to grant a waiver if implementing the requirements (1) conflicts with any statute, local law, or regulation; (2) is not feasible due to insufficient funds, as specified; or (3) or is infeasible or unjustifiable based on safety *or cost* considerations.

Accordingly, the extent to which MDTA will ultimately be required to construct separated or buffered bicycle ways or pedestrian walkways under the bill is unknown. Nevertheless, if MDTA is required to construct such facilities, the total cost is likely significant. While a reliable estimate of any such costs cannot be made at this time, as it depends on how many such facilities are ultimately constructed, costs could total billions of dollars over multiple fiscal years.

The bill's repeal of the general prohibition on the use of MDTA's highways by pedestrians and bicycles does not directly affect MDTA's operations or finances. Existing Rules of the Road continue to apply, and those rules generally prohibit pedestrians and bicycles from

using MDTA's facilities due to the structure of and speed limits on those highways. Moreover, MDTA already allows bicycles on two facilities that have a speed limit that is 50 miles per hour or less (the Thomas J. Hatem Bridge and the Nice/Middleton Bridge), as noted above.

### *Other State Agencies*

As discussed below, MDTA is likely to increase its tolls to pay for any additional costs associated with the construction of separated or buffered bicycle ways and pedestrian walkways on its bridges and along or across its highways. Given the potentially significant increase in MDTA expenditures, the toll increase could be substantial, resulting in increased costs for State agencies that regularly use, or reimburse their employees for using, MDTA's toll facilities.

**State Revenues:** As noted above, the bill could result in a significant increase in expenditures for MDTA. As a nonbudgeted State agency, MDTA's operations are funded primarily through toll revenues collected from vehicles that use its transportation facilities.

Therefore, nonbudgeted revenues may increase significantly to the extent MDTA increases its tolls to fund the construction of bicycle and pedestrian facilities pursuant to the bill.

**Local Expenditures:** As discussed above, MDTA is likely to increase its tolls to pay for any additional costs incurred under the bill. Given the potentially significant increase in MDTA expenditures, the toll increase could be substantial, resulting in increased costs for local governments that regularly use, or reimburse their employees for using, MDTA's toll facilities.

**Small Business Effect:** Similar to the effect discussed above on State agencies and local governments, small businesses that regularly use MDTA's toll facilities may incur a significant increase in costs to pay tolls to the extent MDTA increases its tolls as a result of the bill. Some small businesses, such as independent truck drivers and owners that deliver cargo to and from the Helen Delich Bentley Port of Baltimore, frequently use MDTA's toll facilities in their daily operations.

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## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 593 (Senator Waldstreicher) - Judicial Proceedings.

**Information Source(s):** Maryland Department of Transportation; Kent, Montgomery, and Worcester counties; towns of Bel Air and Leonardtown; Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2024  
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