

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 628 (Delegate Healey, *et al.*)
Environment and Transportation

Highways - Sidewalks and Bicycle Pathways - Construction and Reconstruction

This bill requires the State Highway Administration (SHA), in determining funding for the construction and reconstruction of sidewalks and bicycle pathways in certain priority funding areas, to prioritize projects that are, or are adjacent to, highways that are subject to a complete streets policy or another similar Vision Zero program.

Fiscal Summary

State Effect: The bill does not affect total Transportation Trust Fund (TTF) expenditures for sidewalk and bicycle pathway projects but may result in different projects being prioritized for funding beginning as early as FY 2026, as discussed below. Revenues are not affected.

Local Effect: Local government operations and finances may be affected beginning as early as FY 2026 to the extent that the bill results in different sidewalk and bicycle pathway projects being prioritized for funding, as discussed below.

Small Business Effect: Minimal or none.

Analysis

Current Law:

Sidewalk and Bicycle Pathway Construction – Generally

Sidewalks must be constructed at the time of construction or reconstruction of an “urban highway,” or in response to the request of a local government unless (1) SHA determines

that the cost or impacts of constructing the sidewalks would be too great in relation to the need for them or their probable use or (2) the local government indicates there is no need for sidewalks. An “urban highway” is a highway, other than an expressway, that meets certain technical specifications, is located within the boundaries of a municipality, and is part of the State highway system.

If sidewalks or bicycle pathways are constructed or reconstructed as part of a roadway construction or reconstruction project, SHA must fund the sidewalk or bicycle pathway construction or reconstruction as a part of the cost of the roadway project. In general, if sidewalks or bicycle pathways are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway must be shared equally between the State and local governments. However, other provisions apply with respect to sidewalks or bicycle pathways constructed or reconstructed within sustainable communities and priority funding areas, as discussed below.

After any such sidewalk or bicycle pathway is constructed, it must be maintained and repaired by the political subdivision in which it is located. Subject to approval and the availability of funds, however, SHA must promptly reimburse a political subdivision for any preapproved and documented costs incurred in reconstructing a segment of sidewalk or bicycle pathway that has deteriorated to the extent that repair is not practical or desirable for public safety.

Sidewalk and Bicycle Pathway Projects – Priority Funding Areas

If a sidewalk or bicycle pathway within an area designated as a priority funding area is constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, and if SHA determines that construction would not occur due to insufficient contribution of funds by the local government, the cost of the project must be shared as follows: 75% by SHA; and 25% by the local government.

If a sidewalk or bicycle pathway within an area designated as a priority funding area is constructed or reconstructed based on a determination by SHA that a substantial public safety risk or significant impediment to pedestrian access exists and the adjacent roadway is not being concurrently constructed or reconstructed, then SHA (1) must categorize the project as “system preservation” and give corresponding funding priority to the project and (2) may fully fund the project.

Neither of these funding requirements apply to sidewalk or bicycle pathways projects in a priority funding area that is a sustainable community. Instead, any such project may be funded entirely by the State.

Sustainable Communities and Priority Funding Areas

A “sustainable community” is defined as a part of a priority funding area that (1) is designated by the Smart Growth Subcabinet on the recommendation of the Secretary of Housing and Community Development; (2) has been designated as a Base Realignment and Closure Revitalization Incentive Zone; or (3) has been designated a transit-oriented development.

Chapter 759 of 1997 established that State spending on certain growth-related activities must be directed to priority funding areas. Growth-related projects include most State programs that encourage or support growth and development, such as highways, sewer and water construction, economic development assistance, and State leases or construction of new office facilities. Priority funding areas include all municipalities that existed in the State in 1997; areas inside the Washington Beltway and the Baltimore Beltway; and areas designated as enterprise zones, neighborhood revitalization areas, heritage areas, and certain industrial areas. Areas that were annexed by a municipality after 1997 may also be designated priority funding areas, as long as the areas satisfy specified requirements in statute generally related to density, water and sewer access, and other related factors.

Complete Streets Policies

“Complete streets policy” means a policy that provides information for the implementation of complete streets design features during the planning, design, construction, and reconstruction of a facility.

Chapters 721 and 722 of 2018 established the Complete Streets Program as a competitive matching local grant program within the Maryland Department of Transportation (MDOT). Under the program, a local government that develops a complete streets policy and is certified by MDOT may apply for matching grants to finance the design and planning of eligible projects. The stated purpose of the program is to encourage local governments to, among other things, adopt and utilize complete streets design elements in transportation projects. The stated goals of the program, as modified by Chapters 572 and 573 of 2019, include, among other things, improving safety, reducing traffic congestion, promoting healthy communities, and providing healthy food and other necessities, especially in food deserts.

Once certified by MDOT, a local government may apply for matching grants from the program. Grant funds may only be used for costs associated with the implementation of the complete streets policy, as specified, and the design and planning of eligible projects, which are specified projects that include the addition of or significant repair to facilities that provide access for users of multiple modes of transportation.

Vision Zero

The State's traffic safety program was renamed Vision Zero by Chapter 377 of 2019 and is currently referred to as [Zero Deaths Maryland](#). The purpose of Vision Zero is to develop strategies to make roadways safer for drivers and passengers of motor vehicles, bicyclists, and pedestrians. The goal of Vision Zero is to have zero vehicle-related deaths or serious injuries on roadways by 2030. MDOT must designate a coordinator to oversee the implementation of Vision Zero throughout the State. In implementing Vision Zero, the coordinator must, among other duties, collaborate with other State agencies and local authorities, including local transportation agencies, law enforcement agencies, educational institutions, and fire and rescue services.

State Expenditures: The bill requires SHA, in determining funding for the construction and reconstruction of sidewalks and bicycle pathways in priority funding areas that are not sustainable communities, to prioritize projects that are, or are adjacent to, highways that are subject to a complete streets policy or another similar Vision Zero program. However, the bill does not increase total funding for these projects.

Accordingly, overall TTF expenditures are not affected, but the bill may result in different sidewalk and bicycle pathways projects receiving funding from SHA compared to current law. Any such impact cannot be reliably estimated without actual experience under the bill.

Local Fiscal Effect: For sidewalk and bicycle pathway projects in priority funding areas, SHA contributes a significant portion of the project funding (75% or the full cost of the project under certain circumstances), while local jurisdictions are responsible for paying the remainder of the costs, if any.

Accordingly, to the extent that the bill results in different sidewalk and bicycle pathway projects receiving funding, some local governments may experience a decrease in project funding (and associated project expenditures), while others may experience an increase in project funding. Any such impact cannot be reliably estimated without actual experience under the bill.

Additional Information

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

Designated Cross File: None.

Information Source(s): Maryland Department of Transportation; Maryland Association of Counties; Anne Arundel, Baltimore, Cecil, Frederick, and Montgomery counties; Maryland Municipal League; cities of Frederick and Havre de Grace; Department of Legislative Services

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km/lgc

Analysis by: Richard L. Duncan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510