

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1155 (Delegate Conaway)  
Environment and Transportation

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**Local Governments - Responsibility for Repairing or Replacing Sidewalks**

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This bill requires a county or municipality to take responsibility for repairing or replacing a sidewalk if the sidewalk becomes damaged as a result of a tree planted by the county or municipality. In such a case, the local government is prohibited from requiring the owner of the property abutting the sidewalk to repair or replace, or contribute to the cost of repairing or replacing, the sidewalk.

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**Fiscal Summary**

**State Effect:** The bill does not directly affect State operations or finances.

**Local Effect:** The bill is not anticipated to materially affect local government operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Sidewalks must be constructed during the construction or reconstruction of an “urban highway,” or if requested by a local government, unless the local government indicates there is no need for the sidewalks or the State Highway Administration (SHA) determines the cost or impacts of constructing the sidewalks would be too great in relation to the need for them or their probable use. An “urban highway” is one that meets certain technical specifications, is located within the boundaries of a municipality, and is part of the State highway system.

Responsibility for funding the actual construction/reconstruction of sidewalks is either the sole responsibility of SHA, the sole responsibility of the affected local government, or jointly shared between SHA and the affected local government. Generally, once sidewalks have been constructed, they must be maintained and repaired by the political subdivision in which they are located. However, subject to approval and the availability of funds, SHA must reimburse a political subdivision for the preapproved and documented costs incurred in reconstructing a segment of a sidewalk that has deteriorated to the extent that repair is not practical or desirable for public safety.

**Local Expenditures:** Several local governments indicate that their sidewalk repair policies already comply with the bill's requirements. For example, in the City of Annapolis, the city government is responsible for major repair and replacement of sidewalks, with property owners responsible for basic maintenance (clearing litter, snow removal, *etc.*) Another example is the City of Laurel where the city's policy is not to charge property owners for sidewalk repairs for damage that was caused by a tree within the city's right-of-way. In Baltimore City, the city government is already responsible for the full cost of sidewalk damage caused by a tree placed by the city. At the county level, the Maryland Association of Counties indicates that the proposed legislation will not have any impact on local government operations or finances. This was also the view of both Anne Arundel and Garrett counties, with Anne Arundel County indicating that county agencies generally meet the bill's requirements and Garrett County indicating that the bill will have no fiscal impact.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Baltimore City, Anne Arundel and Garrett counties; Maryland Association of Counties; cities of Annapolis and Laurel; Maryland Municipal League; Maryland Department of Transportation; Department of Legislative Services

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