

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 880
Finance

(Senator Waldstreicher, *et al.*)

Safe Access for All (SAFE) Roads Act of 2022

This bill establishes various requirements for the Maryland Department of Transportation (MDOT) and the State Highway Administration (SHA) related to pedestrian and bicycle rider safety, including (1) requirements for the planning, development, and implementation of certain elements and improvements; (2) mandated appropriations for SHA's Safety, Congestion Relief, Highway, and Bridges System Preservation Minor Projects Program from fiscal 2024 through 2028; and (3) study, analysis, and reporting requirements. **The bill takes effect June 1, 2022.**

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) operating expenditures increase significantly to conduct site, corridor, and intersection analyses and a study of road characteristics, as discussed below. Because MDOT's capital program is fully subscribed through FY 2027, the bill's other requirements do not increase TTF expenditures. Instead, MDOT must redirect *at least* \$71.2 million in FY 2024, \$70.9 million in FY 2025, \$67.2 million in FY 2026, and \$87.8 million in FY 2027. Revenues are not directly affected. **This bill establishes a mandated appropriation beginning in FY 2024.**

Local Effect: It is assumed that local governments can provide information to and consult with SHA as necessary and appropriate using existing budgeted resources. Revenues are not directly affected.

Small Business Effect: Meaningful.

Analysis

Bill Summary:

Maryland Department of Transportation – Project Planning and Implementation

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.

It is 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.

Mandated Funding for Projects

For fiscal 2024 through 2028, the Governor must include in the annual budget bill an appropriation for SHA's Safety, Congestion Relief, Highway, and Bridges System Preservation Minor Projects Program in at least the following amounts:

- \$9.0 million for Americans with Disabilities Act retrofit projects;
- \$10.0 million for bicycle retrofit projects;
- \$80.0 million for Safety and Spot Improvement projects;
- \$10.0 million for the sidewalk program; and
- \$60.0 million for traffic management projects.

For fiscal 2025 through 2028, however, the amounts must be increased by 10% each year.

State Highway Administration – Pedestrian and Bicycle Rider Safety

To improve pedestrian and bicycle rider safety in the State, SHA must conduct an analysis of sites, corridors, and intersections across the State with pedestrian and bicycle rider crashes, fatalities, and significant injuries and conduct a full study of road characteristics that:

- determines which factors create a public safety risk or danger to vulnerable road users such as pedestrians and cyclists;

- includes a network analysis that examines vulnerable road users' origins and destinations to determine high-risk areas where accidents could occur;
- examines gaps in existing safe infrastructure for vulnerable road users such as shared-use paths, sidewalks, bike lanes, and high-risk roadway crossings;
- recommends engineering and safety improvements designed to eliminate pedestrian and bicycle rider injuries and fatalities;
- develops a budget estimate and timeline for the implementation of each engineering and safety improvement; and
- implements each engineering and safety improvement.

By July 1, 2023, and by July 1 annually thereafter, SHA must report on the findings and implementation of the analysis and study.

SHA must also (1) ensure that all engineering and safety improvements are consistent with the State's Vision Zero Program and implementation strategies and (2) consult regularly with the Bicycle and Pedestrian Advisory Committee.

Staffing Report

By October 1, 2022, SHA must report on 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 those improvements are identified. SHA must also report on information about employees that perform direct labor on highway and road safety and improvement projects for SHA, including (1) wage, benefit, and compensation levels; (2) open positions by title and department; (3) turnover rates; and (4) an examination of how turnover rates and open positions affect how quickly safety improvements can be implemented.

Current Law:

State Highway Administration and Highway Safety Documents

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 multi-modal roads and highways.

Transportation Planning – Generally

Long-term transportation planning in the State is a collaborative process designed to consider input from the public, local jurisdictions, metropolitan planning organizations, and elected officials. Among the numerous reports, meetings, and discussions that take place, two important documents are developed to guide transportation planning in the State: the Consolidated Transportation Program ([CTP](#)) and the Maryland Transportation Plan ([MTP](#)).

The CTP, which is issued annually to the General Assembly, local elected officials, and interested citizens, provides a description of projects proposed by MDOT for development and evaluation or construction over the next 6-year period. The MTP is a 20-year forecast of State transportation needs based on MDOT's anticipated financial resources during that 20-year period. It must be revised every 5 years through an inclusive public participation process. Furthermore, it must be expressed in terms of goals and objectives and include a summary of the types of projects and programs that are proposed to accomplish the goals and objectives, using a multimodal approach when feasible. The MTP was last updated in 2019.

In addition to these more general documents, MDOT is also required to publish a [Bicycle and Pedestrian Master Plan](#) and update the plan every five years. The plan, which was last updated in January 2019, includes goals, objectives, and strategies (including funding) to create a safe and robust bicycle and pedestrian transportation network.

Vision Zero

The State's traffic safety program, previously called Toward Zero Deaths, was renamed to [Vision Zero](#) by Chapter 377 of 2019. The program is administered by the Maryland Highway Safety Office (MHSO), which is located within the Motor Vehicle Administration. SHA partners closely with MHSO to implement safety programs and best practices for the program.

MHSO's safety operations are divided into various program areas that include impaired driving, occupant protection, distracted driving, motorcycle safety, pedestrian and bicycle safety, and communications and social media. MHSO's activities include data tracking and reporting, program development, and providing grant funding for law enforcement, outreach, and education.

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 bicycling 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 Fiscal Effect: As noted above, the bill establishes minimum funding requirements for five SHA programs through fiscal 2028. This requirement does not increase total TTF expenditures because MDOT’s capital program is fully subscribed through fiscal 2027 (and the bill does not increase MDOT’s revenues). As such, MDOT must redirect \$297.1 million from other projects from fiscal 2024 through 2027. **Exhibit 1** shows the diversion necessary in funding necessary to meet the minimum funding requirements (compared to what is programmed in the CTP). There is also an effect in fiscal 2028, but that is outside the scope of this analysis.

Exhibit 1
Required Increase in Funding for Affected Transportation Projects
Fiscal 2024-2027
(\$ in millions)

	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
ADA Retrofit	\$3.1	\$2.4	\$1.2	\$2.3
Bicycle Retrofit	5.3	3.5	2.4	3.6
Safety and Spot Improvement	37.4	56.0	44.1	53.9
Sidewalk Program	3.0	3.5	2.4	3.6
Traffic Management	22.4	5.5	17.1	24.5
Total	\$71.2	\$70.9	\$67.2	\$87.8

ADA: Americans with Disabilities Act

Note: Totals may not sum due to rounding.

Source: Consolidated Transportation Program for FY 2022 through 2027, Department of Legislative Services

Additionally, the bill requires SHA, for any new construction or improvement project that is projected to take more than 12 months to complete, to implement all possible incremental, near-term safety improvements immediately while maintaining each project’s

priority ranking. This requirement could increase project costs significantly, requiring additional funds to be redirected from other projects beginning as early as fiscal 2022; 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 states that it is 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 is available, the costs identified above may be partially offset; however, any such impact is speculative and not reflected in this analysis.

State Highway Administration – Analysis, Study, and Reporting Requirements

The bill requires SHA to conduct (1) an analysis of sites, corridors, and intersections across the State with pedestrian and bicycle rider crashes, fatalities, and significant injuries and (2) a full study of road characteristics that meets specified requirements.

While information on the total number of crashes and significant injuries is unknown, in its [most recent annual report](#), MHSO reports that from 2015 through 2019, there was an average of 114.2 pedestrian fatalities and 10.8 bicyclist fatalities per year (totaling 125 fatalities per year) on all roads in the State. Though public data is not yet available, SHA advises that the average number of pedestrian and bicyclist fatalities per year increased to 139 for the period between 2016 through 2020.

SHA has previously advised that infrastructure review analyses in instances where a bicycle or pedestrian fatality occurs costs approximately \$15,000, and the Department of Legislative Services advises that costs related to pedestrian and bicycle rider crashes and injuries, while unknown, are likely similar. *For illustrative purposes*, TTF expenditures would increase by \$2.1 million for SHA to conduct 139 analyses (at \$15,000 each). The actual number of analyses required by the bill is unknown and likely varies from year to year; while SHA must conduct analyses for pedestrian and bicycle rider crashes and significant injuries (not just fatalities), the total number of incidents may decrease over time as SHA analyzes, researches, and implements safety improvements on affected roadways. Even so, the cost in future fiscal years is likely to be significant.

Costs for SHA to conduct the study of road characteristics are unknown, but, given the extensive nature of the bill's requirements for the study, are also likely significant.

SHA can complete the required staffing report using existing budgeted resources.

Small Business Effect: Given the bill's expansion of transportation project development and implementation and extensive analysis and reporting requirements for SHA, small

businesses that contract and consult with MDOT and SHA are likely to experience increased business.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 656 (Delegate Charkoudian) - Environment and Transportation and Appropriations.

Information Source(s): Maryland Department of Transportation; Department of Budget and Management; Federal Highway Administration; Department of Legislative Services

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