

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 254

(Delegate Palakovich Carr, *et al.*)

Environment and Transportation

Finance

State Highway Administration - Pedestrian and Bicyclist Fatalities -
Infrastructure Review (Vision Zero Implementation Act of 2022)

This bill requires the State Highway Administration (SHA) to conduct an infrastructure review of each pedestrian or bicyclist fatality that occurs on a State highway or at an intersection of a State highway and another highway or municipal street. The bill establishes requirements for SHA in conducting the infrastructure reviews and requires that each review be (1) completed within six months after SHA is notified by law enforcement of a fatality and (2) published on SHA’s website. By December 1, 2023, SHA must publish the vulnerable road user safety assessment required by the federal Infrastructure Investment and Jobs Act (IIJA) on its website.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures may increase beginning in FY 2023 to conduct infrastructure reviews in the manner required by the bill, as discussed below. Revenues are not affected.

Local Effect: Local government finances are not affected. Local governments can cooperate with SHA as necessary and appropriate using existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary: Each infrastructure review must identify (1) deficiencies in engineering, traffic control, and traffic operations and (2) appropriate corrective actions and crash

reduction countermeasures consistent with the U.S. Department of Transportation's best practices and the State's Vision Zero Program, if warranted. In conducting an infrastructure review, SHA must consider (1) highway context, such as proximity to mass transit and whether the highway is in an urban or rural area; (2) the different modes of transportation using the highway; and (3) prior crashes in the vicinity.

Current Law: SHA 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.

The State's traffic safety program, previously called Toward Zero Deaths, was renamed to [Vision Zero](#) by Chapter 377 of 2019, and the Federal Highway Administration's traffic safety program is known as the [Safe System Approach](#). The State's 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.

IJA requires states to complete a vulnerable road user safety assessment within two years of enactment of IJA. The assessment must include (1) a quantitative analysis of vulnerable road user fatalities and serious injuries that includes specified data, considers the demographics of the locations of fatalities and injuries, and identifies areas as 'high-risk' to vulnerable road users and (2) a program of projects or strategies to reduce safety risks to vulnerable road users in areas identified as high-risk. In carrying out the assessment, a state must use data from the most recent five-year period for which data is available, take into consideration a safe system approach, and consult with local governments, metropolitan planning organization, and regional transportation planning organizations that represent a high-risk area. A state must update the assessment, as specified.

State Expenditures: SHA advises that once it is made aware of any fatality on a State road by a law enforcement agency, its current practices include an infrastructure review at the location where the fatality occurred; however, these infrastructure reviews do not necessarily always include a full analysis of the issues and information required by the bill. Thus, TTF expenditures may increase beginning in fiscal 2023 to enhance the infrastructure

reviews conducted by SHA as needed; however, a precise estimate of any such increase cannot be reliably estimated at this time.

For contextual purposes, in its [most recent annual report](#), MSHO 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 can publish its IJA vulnerable road user safety assessment using existing budgeted resources.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 874 (Senator Waldstreicher, *et al.*) - Finance.

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

Fiscal Note History: rh/lgc First Reader - January 26, 2022
Third Reader - March 29, 2022
Revised - Amendment(s) - March 29, 2022
Revised - Updated Information - April 4, 2022

Analysis by: Richard L. Duncan

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