

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 656

(Delegate Charkoudian)

Environment and Transportation and
Appropriations

Finance

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 for fiscal 2024; and (3) a reporting requirement. **The bill takes effect June 1, 2022.**

Fiscal Summary

State Effect: Because MDOT's capital program is fully subscribed through FY 2027, the bill's requirements do not increase Transportation Trust Fund (TTF) expenditures. Instead, to meet the bill's minimum project funding requirements, MDOT must redirect *as much as* \$28.6 million from other projects in FY 2024; however, a portion of this impact may be offset by federal Infrastructure Investment and Jobs Act (IIJA) funding, as discussed below. Additionally, MDOT may be required to redirect significantly more funding from other projects beginning as early as FY 2022, as discussed below. Revenues are not directly affected. **This bill establishes a mandated appropriation for FY 2024.**

Local Effect: The bill is not anticipated to have a direct, material effect on local government operations or finances.

Small Business Effect: Minimal.

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, 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:

- \$7.4 million for Americans with Disabilities Act retrofit projects;
- \$6.2 million for bicycle retrofit projects;
- \$44.1 million for Safety and Spot Improvement projects;
- \$8.5 million for the sidewalk program; and
- \$39.1 million for traffic management projects.

However, the amounts must be increased by at least the percentage increase in available funds for the *Consolidated Transportation Program (CTP)* obtained by the State in formula dollars from IJA.

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 [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 for fiscal 2024 and requires those amounts to be increased by at least the percentage increase in available funds for the CTP obtained by the State in formula dollars from IJA; although the precise percentage increase from IJA is not known at this time, MDOT estimates that it will be approximately 20%. 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 *as much as* \$28.6 million from other projects in fiscal 2024 to meet the minimum funding requirements; a portion of this total may be offset to the extent that IJA funding can be used to meet the bill's requirements, but any such effect cannot be predicted. **Exhibit 1** shows the increase in funding necessary to meet the minimum funding requirements assuming a 20% increase in CTP funding from IJA (compared to what is programmed in the CTP).

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

	<u>Current Law (CTP)</u>	<u>Minimum Specified</u>	<u>Minimum with Additional 20%</u>	<u>Funding Increase</u>
ADA Retrofit	\$5.9	\$7.4	\$8.9	\$3.0
Bicycle Retrofit	4.7	6.2	7.4	2.7
SSI	42.6	44.1	52.9	10.3
Sidewalk Program	7.0	8.5	10.2	3.2
Traffic Management	<u>37.6</u>	<u>39.1</u>	<u>46.9</u>	<u>9.3</u>
Total	\$97.8	\$105.3	\$126.4	\$28.6

ADA: Americans with Disabilities Act
CTP: *Consolidated Transportation Program*
SSI: Safety and Spot Improvement

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.

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

Additional Information

Prior Introductions: None.

Designated Cross File: SB 880 (Senator Waldstreicher, *et al.*) - Finance.

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

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Analysis by: Richard L. Duncan

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