

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
 Enrolled - Revised

House Bill 19
 Appropriations

(Delegate Solomon)

Education, Health, and Environmental Affairs

Education - School Construction - Pedestrian Safety Plans (Safe Walk to School Act)

This bill requires a local school board that is seeking State funds for the construction of a new public school, or the renovation or addition to an existing school, under specified circumstances, to submit a pedestrian safety plan to the Interagency Commission on School Construction (IAC). Pedestrian safety plans must be developed in collaboration with the State Highway Administration (SHA) and county departments of transportation, and IAC must approve submitted pedestrian safety plans if they comply with the bill’s requirements. Only a local school board, not IAC, can determine the contents of a pedestrian safety plan. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$250,000 annually beginning in FY 2023 to help develop pedestrian safety plans, as discussed below. IAC can implement the bill with existing resources. No effect on revenues.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	250,000	250,000	250,000	250,000	250,000
Net Effect	(\$250,000)	(\$250,000)	(\$250,000)	(\$250,000)	(\$250,000)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local expenditures for some local school systems may increase moderately to prepare pedestrian safety plans that they must submit to IAC, as discussed below; other school systems can develop the plans with existing resources because they have engineers on staff. No effect on revenues. This analysis does not include any costs associated with implementation of a pedestrian safety plan, as discussed below. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary: Local school systems in “high-density counties,” defined by the bill as Baltimore City and Anne Arundel, Baltimore, Howard, Montgomery, and Prince George’s counties, must submit a pedestrian safety plan to IAC when requesting State funds for the construction of a new school or the renovation of or addition to an existing school that would increase the school’s capacity by more than 100 students. Local school systems in all other counties must submit a pedestrian safety plan for the same types of projects as high-density counties but only if the proposed project is for a school in a city with more than 10,000 residents.

The pedestrian safety plan required by the bill must:

- be developed in collaboration with the county department of transportation or equivalent entity and SHA;
- be limited to the area surrounding the school for which the local school board will not provide transportation to students;
- identify existing and potential safe routes for students to walk or bike to school;
- evaluate the infrastructure, including sidewalk infrastructure, along existing and potential pedestrian or cyclist routes to the school to determine whether increased capacity is necessary;
- analyze existing and potential school zones, including the need for expanding school zones on State and county roads; and
- include documentation of public participation and input related to the pedestrian safety plan.

IAC may adopt regulations to carry out the bill’s provisions.

Current Law: As enacted by Chapter 14 of 2018 (the 21st Century School Facilities Act), IAC manages State review and approval of local school construction projects. Each year, local systems develop and submit to IAC a facilities master plan that includes an analysis of future school facility needs based on the current condition of school buildings and projected enrollment. The master plan must be approved by the local school board. Subsequently, each local school system submits a capital improvement plan to IAC that includes projects for which it seeks planning and/or funding approval for the upcoming fiscal year, which may include projects that the local system has forward funded. In addition to approval from the local school board, the request for the upcoming fiscal year must be approved by the county’s governing body. Typically, the submission letter to IAC contains signatures of both the school board president and either the county executive and county council president or chair of the board of county commissioners.

Based on its assessment of the relative merit of all the project proposals it receives, and subject to the projected level of school construction funds available, IAC determines which projects to fund. By December 31 of each year, IAC must approve projects comprising 75% of the preliminary school construction allocation projected to be available by the Governor for the upcoming fiscal year. Local school systems may appeal these preliminary decisions by IAC. By March 1 of each year, IAC must recommend to the General Assembly projects comprising 90% of the allocation for school construction submitted in the Governor's capital budget. Following the legislative session, IAC approves projects comprising the remaining school construction funds included in the enacted capital budget, no earlier than May 1. The final allocations are not subject to appeal.

The State pays at least 50% of *eligible* costs of school construction and renovation projects, based on a funding formula that takes into account numerous factors including each local school system's wealth and ability to pay. Regulations specify public school construction-related costs that are eligible and ineligible for State funding. In general, the following costs are included among *eligible* expenses:

- planning and design costs;
- construction of a new facility, a renovation of a new facility, an addition to an existing facility, or a replacement of an existing building or building portion (*i.e.*, "bricks and mortar");
- building and site development;
- modular construction that meets specified standards;
- State-owned relocatable facilities and temporary facilities that are required to be on site during construction; and
- furniture, fittings, and equipment with an average useful life of at least 15 years.

Among the major items that explicitly are *ineligible* for State funding (besides site acquisition) are (1) master plans and feasibility studies; (2) projects or systemic renovations for buildings and systems that have been replaced, upgraded, or renovated within the last 15 years; and (3) items that do not have an average useful life of at least 15 years.

State Expenditures: TTF expenditures increase by \$250,000 annually for SHA to hire a transportation engineering consultant to assist with the development of pedestrian safety plans. The information and assumptions used in calculating the estimate are stated below.

- IAC receives approximately 80 submissions (planning and funding) annually for new, replacement, and renovated/expanded schools (including Built to Learn submissions).

- Of those, 50 requests each year require the submission of pedestrian safety plans. The remainder are assumed to be renovations that either do not increase capacity by more than 100 students or are in low-density counties but not in cities with more than 10,000 residents.
- SHA will use third-party engineering consultants to assist in the development of pedestrian safety plans at a cost of \$10,000 per plan. This is consistent with previous estimates from local school systems for a similar bill in the 2021 legislative session. School systems that have in-house transportation engineering staff may not require assistance from SHA, so SHA's expenses will vary each year. This analysis assumes that half of the 50 projects require SHA assistance each year.

Local Expenditures: The bill requires local school systems to develop pedestrian safety plans in collaboration with local transportation agencies and SHA. Some local school systems advise that they do not have staff with expertise to develop pedestrian safety plans. If local transportation agencies can provide the necessary transportation engineering expertise with in-house staff, or if SHA can provide the necessary expertise through the administration's consultant at no cost to the local school system, local expenditures are not affected. Otherwise, local expenditures may increase to the extent that local school systems require transportation engineering assistance from a third-party consultant. Given the assistance available from SHA, it is assumed that local school systems will bear only a minimal share of the cost of developing the plans. Other local school systems have previously indicated that they have the in-house expertise to develop the plans with existing resources.

This analysis does not reflect any costs associated with implementation of an approved local pedestrian safety plan. Costs related to capital improvements (*e.g.*, construction of sidewalks) in areas surrounding a public school are not eligible for State school construction funding. Therefore, any such costs are borne entirely by local governments. However, under the bill, IAC has no say in the content of such plans, so local governments can include, or not include, any features they deem appropriate.

Additional Information

Prior Introductions: HB 487 of 2021, a similar bill, passed the House and received a hearing from the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken on the bill. HB 615 of 2020, a similar bill as amended, passed the House and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken on the bill.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Public School Construction Program; Maryland Department of Transportation; Baltimore City Public Schools; Anne Arundel County Public Schools; Prince George’s County Public Schools; St. Mary’s County Public Schools; Department of Legislative Services

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Analysis by: Michael C. Rubenstein

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