

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1006

(Delegate Ruth)

Environment and Transportation

Finance and Education, Energy, and the
Environment

**State Highway Administration - Vegetation Management - Pollinator Habitat
Plan**

This bill expressly requires the State Highway Administration (SHA) to develop a pollinator habitat plan for the maintenance of vegetated areas along State highways. The plan must include the same information and meet the same requirements as the pollinator habitat plan developed by SHA pursuant to Chapter 614 of 2016 and Chapter 755 of 2017, which, among other things, require SHA to consult with the Maryland Department of the Environment (MDE) to develop the plan. SHA must also adopt related policies and procedures and apply for federal funding that may be used to support the use of pollinator-friendly native plants along State highways.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures are likely affected; however, the direction and magnitude of the effect depends on numerous unknown factors and cannot be reliably estimated at this time, as discussed below. MDE can consult with SHA using existing budgeted resources. Potential increase in federal fund revenues that could be used for some of the activities undertaken as a result of the bill.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: SHA must adopt policies and procedures (1) to encourage the use of pollinator-friendly native plants along State highways; (2) for reducing, to the extent

feasible and in accordance with relevant safety standards for drivers, bicyclists, and pedestrians, the size of the areas mowed along State highways; and (3) for educating and communicating with the public about pollinator-friendly habitats and mowing practices along State highways.

The policies and procedures for educating and communicating with the public may include (1) placing and maintaining informational signs along State highways; (2) publishing information on SHA's website and social media platforms; and (3) outreach to the general public, community associations, and elected officials.

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 Department of Natural Resources, the Maryland Environmental Service, and SHA, in consultation with MDE, were each required by Chapter 614, as modified by Chapter 755, to establish a pollinator habitat plan. Each plan:

- must include best management practices for the designation, maintenance, creation, enhancement, and restoration of pollinator habitat areas;
- must be as protective of pollinators as MDE's managed pollinator protection plan;
- may not require an action on land that is inconsistent with any federal, State, or local law, regulation, rule, or guidance that applies to the land;
- may not require the creation of pollinator habitat on productive farmland; and
- generally, may not allow the use of specified pesticides, seeds, or plants in an area designated or created as a pollinator habitat.

According to SHA's [current pollinator habitat plan](#), it has established five pollinator habitat gardens and is currently identifying sites for future pollinator habitat development, including additional welcome centers, rest areas, select Maryland Department of Transportation office complexes, and similar facilities across the State.

State Fiscal Effect: SHA can likely develop the pollinator habitat plan for the maintenance of vegetated areas along State highways and the related policies and procedures using existing budgeted resources. Nevertheless, TTF expenditures are likely to be affected as SHA implements the plan, policies, and procedures adopted in accordance with the bill.

For instance, SHA is likely to realize cost savings from reducing mowing along State highways and its use of pesticides but is also likely to incur new costs from (1) more technical vegetation management techniques that may instead be implemented along State highways and (2) the public outreach activities required by the bill. Given that the pollinator habitat plan potentially affects thousands of miles of State highways, the overall effect on TTF expenditures cannot be reliably estimated without actual experience under the bill.

The bill requires SHA to apply for federal funding that may be used to support the use of pollinator-friendly native plants along State highways. As a result, federal fund revenues may increase to the extent SHA applies for – and receives – federal funding that it would not otherwise receive. The federal Infrastructure Investment and Jobs Act authorizes the U.S. Department of Transportation to provide grants to states to carry out activities to benefit pollinators along roads and highways, including planting native grasses and wildflowers, adopting pollinator-friendly land management practices, and removing nonnative vegetation. Accordingly, federal funds may be available for some of the activities undertaken as a result of the bill.

Small Business Effect: Small businesses that contract with SHA to provide vegetation management services may be significantly affected. For example, some of these businesses may lose their contracts with the State if SHA reduces the frequency of mowing and grass cutting along State highways. Other businesses may experience an increase in the demand for their services if SHA contracts with them to implement more technical vegetation management techniques.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Transportation; Maryland Department of the Environment; Natural Resources Defense Council; Department of Legislative Services

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