

**Department of Legislative Services**  
 Maryland General Assembly  
 2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 645 (Senator Elfreth)  
 Education, Energy, and the Environment

**Maryland Trails Advisory Committee and the Maryland Office of Trails -  
 Establishment (Great Maryland Trails Act)**

This bill establishes the Maryland Office of Trails (MOT) and the Maryland Trails Advisory Commission (MTAC) within the Maryland Department of Transportation (MDOT). MOT must, among other duties, develop and maintain the “Maryland Trails Plan” to facilitate the development, construction, maintenance, management, use, and promotion of the “Maryland Trails Network,” defined in the bill as a designated system of connected trails throughout the State. The bill requires the Department of Natural Resources (DNR) and the Maryland Department of Planning (MDP) to identify and transfer employees with specified expertise to MOT by July 1, 2024. The bill also establishes an annual reporting requirement for MTAC. **The bill takes effect June 1, 2024.**

**Fiscal Summary**

**State Effect:** No effect assumed in FY 2024. Transportation Trust Fund (TTF) expenditures increase by \$706,900 in FY 2025; future years reflect inflation and ongoing costs. Federal fund revenues and expenditures increase to the extent MOT secures federal grants, but any such increase cannot be reliably estimated, as discussed below. This estimate does not include potential significant capital costs to construct and maintain the trail network, as discussed below.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
FF Revenue	-	-	-	-	-
SF Expenditure	\$706,900	\$524,000	\$543,800	\$564,300	\$585,800
FF Expenditure	-	-	-	-	-
Net Effect	(\$706,900)	(\$524,000)	(\$543,800)	(\$564,300)	(\$585,800)

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

**Local Effect:** Local government finances may be affected, as discussed below.

**Small Business Effect:** Minimal.

## Analysis

### Bill Summary:

#### *Maryland Office of Trails – Duties and Responsibilities*

The bill establishes MOT within MDOT and requires MOT to:

- develop and maintain the “Maryland Trails Plan,” which is defined by the bill as a strategy for developing, constructing, maintaining, using, and promoting the Maryland Trails Network, as specified;
- coordinate with specified entities, including, among others, numerous State agencies, relevant federal agencies, local governments, and relevant advocacy or advisory groups, to identify or establish funding sources to develop, construct, maintain, manage, and promote the network;
- identify and secure grants to develop, construct, maintain, manage, and promote the network;
- establish categories of trails, taking specified trail characteristics into consideration;
- coordinate with each modal administration within MDOT and local governments to advance the development of a robust, multi-use network;
- advance the development, maintenance, and use of trails in the State by developing appropriate policies and providing information to and coordinating the interaction of State and local governments;
- develop a publicly available statewide inventory and database of trails in the State that includes specified information;
- measure trail use and the effect of trail use on reducing traffic and greenhouse gases, improving public health, improving equitable and affordable mobility, and any other factors MOT determines relevant;
- identify utility and rail corridors that could be used as part of the network;
- identify trail gaps that should be prioritized for trail connection;
- identify regionally significant trails, as defined by the bill, that should be prioritized for inclusion in the network, with considerations given to equity and environmental impacts; and
- identify and map other land and waterways suitable for inclusion within the network.

The network may include trails connected by sidewalks or roadways if the sidewalks or roadways are not subject to high levels of use.

MOT may develop a program to recognize and promote “trail towns” in the State. A “trail town” means a community located in close proximity to a long-distance nonmotorized recreation trail. MOT may not incorporate private property into any segment of the network unless it obtains written consent from the property owner. Identification or mapping of land or waterways does not constitute inclusion of the land or waterways in the network.

#### *Maryland Office of Trails – Administration*

MOT’s physical location must be within MDOT’s headquarters. The Director of MOT is established to oversee MOT and collaborate with the Bicycle and Pedestrian Advisory Committee to coordinate the work of MOT and the advisory committee. The director, who must be professionally qualified as specified, is entitled to the salary provided in the State budget and reimbursement for travel and other expenses, as specified. Funding for MOT must be as provided in the State budget.

MOT staff must have expertise in (1) trail planning and development; (2) mapping and Geographic Information System (GIS) software; (3) State and local land use and zoning laws and regulations; and (4) financing and budget management.

DNR and MDP must identify employees from their departments to transfer to MOT to provide part or all of the staffing for the office. Employees identified for transfer must have the aforementioned expertise and be transferred to MOT by July 1, 2024. Employees transferred to MOT must be transferred without diminution of their rights, benefits, employment, or retirement status.

#### *Maryland Trails Advisory Commission*

The bill establishes MTAC in MDOT to provide guidance to State agencies regarding:

- the funding of trail-related programs;
- the development and maintenance of the Maryland Trails Plan;
- public education and awareness of trail-related activities and trail safety;
- policy and legislative changes necessary for trail development and maintenance; and
- any other issue directly related to trail planning, construction, maintenance, or use.

A member of the commission may not receive compensation but is entitled to reimbursement for expenses, as specified.

MDOT must coordinate with specified State agencies and MOT to provide staff, administrative support, and operating expenses for the commission’s activities in accordance with the State budget. MTAC must hold regular meetings as it considers

appropriate and may adopt procedures necessary to ensure the orderly transaction of business. MTAC must designate a member of the commission to serve as a liaison to the Bicycle and Pedestrian Advisory Committee.

By December 1, 2024, and each December 1 thereafter, the commission must submit a trails report to the Governor and the General Assembly. The report must include plans, progress, issues, and priorities for MOT, the Maryland Trails Plan, and the Maryland Trails Network.

**Current Law:** References to trails in State law generally address the use of trails for recreational purposes. For example, through DNR's [Public Access, Water Trails and Recreation Planning Program](#), DNR identifies and supports the State's water trails network, and through the Maryland Park Service, DNR manages numerous recreation trails, as shown in its list of [trail maps](#).

MDOT is charged with managing the State's transportation systems. To that end, MDOT is organized into modal units that focus on different aspects of transportation in the State. For example, the State Highway Administration (SHA) is responsible for planning, designing, constructing, and maintaining State-owned roads and bridges. Among other things, SHA administers the [Recreational Trails Program](#), a reimbursable grant program that matches federal funds with local funds or in-kind contributions to implement trail projects. Eligible projects include (1) maintenance and restoration of existing trails; (2) development and rehabilitation of trailside and trailhead facilities and trail linkages; (3) construction of new trails; (4) acquisition of easements and property for recreational trails or corridors; (5) assessment of trail conditions for accessibility and maintenance; and (6) development and dissemination of publications and operation of educational programs to promote safety and environmental protection related to the use of recreational trails. Projects can be sponsored by a county, a municipality, or a nonprofit agency.

MDP provides guidance, analysis, outreach and support to State agencies, local governments, and private entities to ensure that all of the State's natural resources, built environment and public assets are preserved and protected to achieve its goals for economic, community and environmental vitality. Its activities include, among other things, providing technical support through outreach and training to local governments, providing infrastructure planning and coordination with local governments and State agencies, and providing data, analysis, research assistance, and policy development and implementation support to local governments and others. Among other things, MDP serves as the State Clearinghouse for Intergovernmental Assistance and maintains an extensive series of GIS files and maps to assist in planning activities.

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:**

*Establishment of the Maryland Office of Trails*

MDOT advises that it can implement the bill by hiring a director, as required by the bill, and by engaging the expertise of existing staff and consultants. MDOT does have relevant expertise, and as discussed below in the Additional Comments section, trail use and development is currently considered by MDOT through its Bicycle and Pedestrian Master Plan and the existing Statewide Trails Plan (although it does not appear as if the plan has been updated since it was originally published during the Governor Martin J. O’Malley Administration).

Even so, because the bill requires the transfer of employees from MDP and DNR to MOT, this analysis assumes that one employee from each of those agencies is transferred to MOT on July 1, 2024. This analysis further assumes that MDP and DNR must hire replacement staff within their agencies to manage the workload currently handled by those employees. It is assumed that the replacement staff hired by MDP and DNR are hired on July 1, 2024, at the same grade and step as those transferred. Consequently, there is no net impact on MDP or DNR expenditures.

TTF expenditures increase by \$706,924 in fiscal 2025, which assumes a 30-day start-up delay from the bill’s June 1, 2024 effective date. This estimate reflects the cost of hiring one program director and one administrative assistant for MOT as well as the cost of the two employees transferred from MDP and DNR, as discussed above. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The estimate also includes \$250,000 in costs for consultants to assist MOT in the initial development and implementation of the Maryland Trails Plan.

Positions	4.0
Salaries and Fringe Benefits	\$426,777
Consultant Costs	250,000
Operating Expenses	<u>30,147</u>
<b>Total FY 2025 State Expenditures</b>	<b>\$706,924</b>

Future year expenditures reflect (1) salaries with annual increases and employee turnover; (2) annual increases in ongoing operating expenses; and (3) ongoing consultant costs of \$75,000 annually to assist with plan implementation.

The bill requires MDOT to coordinate with specified State agencies and MOT to provide staff, administrative support, and operating expenses for MTAC's activities. As a result, it is assumed that MDOT can operate MTAC using existing resources. Any expense reimbursements for MTAC members are assumed to be minimal and absorbable within existing resources.

### *Potential Funding Sources to Implement the Maryland Trails Plan*

This estimate does not include any capital expenditures that may be incurred to implement the Maryland Trails Plan. Overall costs to construct and maintain the trail network are likely significant but cannot be reliably estimated until the Maryland Trails Plan is developed. For context, however, MDOT advises that trail design and construction averages \$1.75 million per mile. Any capital funding would presumably be included in either MDOT's *Consolidated Transportation Program (CTP)*, or the State's *Capital Improvement Plan (CIP)*. However, the inclusion of additional projects in the CTP or CIP does not increase total capital spending, which is established annually and fixed each year; any new projects that are added to the capital program reduce funding available for other projects. Also, the extent to which the State would fund the construction of trails in the absence of the bill, given the fact that the State already has a Statewide Trails Plan, is unclear.

The bill requires MOT to coordinate with specified entities, including several State agencies, to identify or establish funding sources to develop, construct, maintain, manage, and promote the Maryland Trails Network. MOT is further required to identify and secure grants to develop, construct, maintain, manage, and promote the network. Accordingly, federal fund revenues (and corresponding expenditures) increase to the extent MOT is able to secure federal grants for these activities that the State would not otherwise apply for and obtain. Any increase in federal funds resulting from these provisions cannot be predicted in advance.

**Local Fiscal Effect:** The extent to which local government finances are affected is unclear. Because local governments own and maintain trails, the establishment of MOT could assist local jurisdictions in developing and maintaining their trails, potentially resulting in cost savings for affected jurisdictions. On the other hand, MOT is required to identify and secure grants to develop, construct, maintain, manage, and promote the Maryland Trails Network, and, as a result, the bill could increase competition for available grants that local governments might otherwise secure.

**Additional Comments:** The [2050 Maryland Statewide Bicycle and Pedestrian Master Plan](#), which was published in January 2024, identified the following recommendations, among others: (1) create a "Trails Team" within MDOT to coordinate trail planning, design, construction, and maintenance being carried out by MDOT, DNR, and local

governments; (2) expand the trail town program to promote economic development and active tourism; and (3) update the Statewide Trails Plan.

The existing Statewide Trails Plan, [\*Maryland Trails: A Greener Way to Go\*](#), which was published during the O'Malley Administration, emphasizes the importance of trail use as a healthy and environmentally friendly mode of transportation. The plan identifies various trails within the State and notes the problem of "missing links," or areas where a new trail is needed to connect existing trails in order to create a more robust trail network. The plan lays out broad strategies for the continued development and enhancement of the State's trail network but does not include any specific project details or short- or long-term plans.

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### **Additional Information**

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

**Designated Cross File:** HB 530 (Delegate Boyce) - Environment and Transportation.

**Information Source(s):** Maryland Department of Transportation; Department of Natural Resources; Maryland Department of Planning; Department of Commerce; Maryland Association of Counties; Maryland Municipal League; Maryland State Department of Education; Maryland Department of the Environment; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2024  
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