

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 178

(Senator Klausmeier)

Finance and Education, Energy, and the
Environment

Environment and Transportation

**Agriculture – Pollinator Habitat Plan – Requirements for State Highway
Administration**

This bill requires the State Highway Administration’s (SHA) pollinator habitat plan to include specified policies and procedures related to pollinator habitat areas along State highways. SHA must also track and evaluate federal programs that provide pollinator-habitat related funding, as specified, and apply for any funding determined to be appropriate and beneficial to pollinator habitats in the State. By October 1, 2024, and each October 1 thereafter, SHA must update the pollinator habitat plan published on its website to include (1) current policies and procedures adopted in accordance with the bill’s requirements and (2) a list of the location and approximate size of current pollinator habitat areas it maintains. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase minimally (likely by less than \$50,000 annually), as discussed below. Affected agencies can consult with SHA as necessary to update the pollinator habitat plan using existing budgeted resources. Potential increase in federal fund revenues related to pollinator habitats, as discussed below.

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

Small Business Effect: Minimal.

Analysis

Bill Summary: In addition to existing requirements, SHA's pollinator habitat plan must include policies and procedures (1) to encourage the use of pollinator-friendly native plants along State highways; (2) to develop and maintain pollinator habitat areas along State highways, to the extent reasonable and feasible and in accordance with relevant specified safety standards; and (3) for educating and communicating with the public about pollinator habitat areas along State highways.

In developing the policies and procedures, SHA must consider the Federal Highway Administration's publication on [Roadside Best Management Practices that Benefit Pollinators](#). The policies and procedures for educating and communicating with the public may include placing and maintaining informational signs along State highways, as specified, publishing information on the SHA website and associated social media platforms, and outreach to community associations and elected officials.

SHA must also (1) track and evaluate federal programs that provide funding for pollinator habitats, native plants, and invasive species control, including funding under the federal Infrastructure Investment and Jobs Act of 2021 and (2) apply for any funding that SHA determines appropriate and beneficial to pollinator habitats in the State.

It is the intent of the General Assembly that nothing in the bill be interpreted to modify, limit, or interfere with State or local laws relating to weed control under Title 9, Subtitle 4 of the Agriculture Article.

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.

Pollinator Habitat Plans

The Department of Natural Resources, the Maryland Environmental Service, and SHA, in consultation with the Maryland Department of Agriculture (MDA), were each required by Chapter 614 of 2016, as modified by Chapter 755 of 2017, 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 MDA'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 at three of its welcome centers and is working to install six demonstration gardens with interpretive signage at six of its offices throughout the State.

Weed Control – Title 9, Subtitle 4 of the Agriculture Article

Title 9, Subtitle 4 of the Agriculture Article requires the Secretary of Agriculture to adopt regulations to establish a list of plants that are considered to be noxious weeds in the State and authorizes the Secretary to, among other things, institute programs or carry out practices necessary for the control and eradication of a noxious weed. The Secretary may also, among other things, enter into agreements with a county or other political subdivision of the State, an adjoining state, or a federal government agency to implement a program for the control and eradication of a noxious weed.

A person may not (1) import or transport a noxious weed in the State in any form capable of growth or (2) contaminate any uninfested land with a noxious weed through the movement of rootstocks, seed, soil, mulch, nursery stock, farm machinery, or any other artificial medium. Each landowner who possesses and manages land infested with a noxious weed is required to eradicate or control the noxious weed on that land, as specified. Specified penalties apply to violations of the subtitle.

State Revenues: The bill requires SHA to apply for federal funding that SHA determines appropriate and beneficial to pollinator habitats in the State. As a result, federal fund revenues may increase to the extent SHA applies for – and receives – federal funding that it would not otherwise receive.

State Expenditures: SHA can update its pollinator habitat plan and track and apply for federal funding using existing budgeted resources. To implement the updated plan requirement related to educating and communicating with the public about pollinator habitat areas along State highways, SHA advises that it plans to place informational signs throughout the State and host occasional public events. While the total cost in any given fiscal year ultimately depends on how many signs are placed and events hosted, SHA has developed a preliminary plan for the first year to place 50 signs (at an estimated cost of \$300 per sign) and host two events (at an estimated cost of \$10,000 per event). As a result, if SHA follows this preliminary plan, TTF expenditures increase by \$35,000 in fiscal 2025. While the actual impact on TTF expenditures each year is unknown, it is assumed, based

on SHA's initial plan, that costs in any given year likely do not exceed \$50,000. It is also assumed that SHA can implement the other updated plan requirements using existing budgeted resources.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1006 of 2023.

Designated Cross File: HB 22 (Delegate Ruth, *et al.*) - Environment and Transportation.

Information Source(s): Maryland Department of Transportation; Maryland Department of Agriculture; Maryland Department of the Environment; Department of Legislative Services

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Analysis by: Richard L. Duncan

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