



House Bill 10

*State Highway Administration – Sidewalks Within
Priority Funding Areas – Repair and Maintenance*

MACo Position: **SUPPORT**
with AMENDMENT

To: Environment and Transportation Committee

Date: January 30, 2019

From: Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS HB 10**. This bill would require the State Highway Administration (SHA) to maintain sidewalks adjacent to state roads in priority funding areas.

HB 10 merely extends an existing law (HB 786 of 2010) which appropriately required that SHA be responsible for building sidewalks adjacent to state roads in priority funding areas. HB 10 simply follows through on the spirit of this previously passed law, to require that the maintenance of adjacent sidewalks and infrastructure should be handled similarly. MACo urges a clarifying amendment that the SHA maintenance should retain the character and composition of the sidewalks, to the extent practicable.

Statewide, road responsibility is generally understood by actors in public works. In the overwhelming share of cases, “numbered” roads are built and maintained by the State Highway Administration and the remainder are built and maintained by local governments. Recent legislation remedied a quirk in this clear understanding: where sidewalks are suitable for state roads in built-up areas, those sidewalks should be built by SHA, as they build the roadway itself. Aligning this responsibility makes sense, and HB 10 simply extends the same logic to their repair or maintenance. The entity that builds and maintain the roads, and manages its rights-of-way, is in the best posture to maintain sidewalks or other ancillary infrastructure.

An amendment could clarify that this duty should entail an effort to maintain the intended character of the sidewalks. In historic areas, or others where special surfaces were used originally, the repairs should maintain that intended character. MACo urges this clarification.

HB 10 would sensibly vest the duty to repair and maintain sidewalks with the entity that builds, repairs, and maintains the roadway itself. For this reason, MACo **SUPPORTS HB 10, with a clarifying amendment** to protect the character of affected walkways.