

# Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

## BILL 9-21: Streets and Roads- Sidewalk and Roads - Sidewalk Snow Removal – Amendments

### SUMMARY

The Office of Legislative Oversight (OLO) expects Bill 9-21 to favorably impact racial equity and social justice in Montgomery County.

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### BACKGROUND

On February 23, 2021, the Council introduced Bill 9-21; it aims to help reduce injuries to pedestrians who commute alongside roadways in Montgomery County by removing accumulated snow and ice from certain sidewalks. <sup>1</sup> Bill 9-21 aligns with the County's *Vision Zero Initiative*, the plan to eliminate serious road injuries and traffic deaths in Montgomery County by 2030. <sup>2</sup> The 2019 Montgomery County Police Department Annual Report indicates that there were 13 pedestrian fatalities in the County. <sup>3</sup>

If enacted, Bill 9-21 will assign the Department of Transportation with removing snow and ice accumulation of three inches or more from approximately 60 miles of sidewalks along 19 specific roadways in the County that meet the following conditions:

- **Non-Buffered Sidewalks.** A sidewalk along a roadway that does not contain a grass strip or other physical separation between the sidewalk and the adjacent curb or road edge;
- **Orphan Sidewalk.** A sidewalk either abutting a State or County road, including an adjacent to a vacant lot and/or an overpass with no adjacent commercial or residential property adjoined; or
- **Behind a residential or commercial property** that is not directly accessible from the owner's property and is separated from the sidewalk by a fence, guardrail, or change in elevation. <sup>4</sup>

If implemented, Bill 9-21 would make the following modifications to County Law:

- Define certain terms relating to sidewalks;
- Establish an exception to the requirements for removal of snow and ice on private property;
- Require removal of snow and ice by the County from certain sidewalks and paths; and
- Generally amend the law concerning the removal of snow and ice from certain sidewalks and paths in the County.

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### ANALYSIS OF DEMOGRAPHIC DATA

Understanding the impact of Bill 9-21 on racial equity and social justice requires an analysis of available data on the racial and ethnic composition of residents who typically use public transportation and/or walk to work. As shown below, the data indicate that Bill 9-21 will particularly benefit Black residents and low-income residents in the County.

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According to the 2019 American Community Survey (ACS), an estimated 81,686 residents in the County use public transportation to commute to work, and about 12,381 residents walk to their place of employment.<sup>5</sup> Black residents are disproportionately represented among public transit users in the County. To illustrate, Black residents accounted for 52.4% of persons who used public transit to travel to work, whereas White residents accounted for 30.3% of transit riders, Latinx residents accounted for 11.8% of riders and Asian residents accounted for 7.6% of riders.<sup>6</sup> As an indicator of walkers and public transit riders, these findings suggest Black residents will disproportionately benefit from expanded County snow removal services under Bill 9-21.

Data on public transit riders by income also suggest that low-income residents will disproportionately benefit from Bill 9-21 as well. As shown in Table 1, about 47% of Ride On users had annual household incomes less than \$30,000, according to a 2020 survey.<sup>7</sup> As an indicator of walkers and public transit riders, these finding also suggests that lower-income earners will also disproportionately benefit from Bill 9-21.

**Table 1: Ride On Ridership Household Income**

Household Income	# of Responses	% of Responses
Less than \$20,000	2,483	27.3%
\$20,00 to \$29,999	1,760	19.4%
\$30,000 to \$49,999	1,755	19.3%
\$50,000 to \$74,999	1,052	11.6%
\$75,000 to \$99,999	687	7.6%
\$100,000 to \$149,999	701	7.7%
\$150,000 to \$199,999	400	4.4%
\$200,000 or more	249	2.7%
Total Responses	9,087	100.0%

Source: Ride On Montgomery County Transit, Public Participation Plan<sup>8</sup>

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## ANTICIPATED RESJ IMPACTS

Assuming that the accumulation of snow and ice on unattended sidewalks increases the likelihood of accidents along roadways, removing snow from sidewalks as required under Bill 9-21 should reduce the number of pedestrian accidents in the County. Given that Black and lower-income residents are the most likely to use sidewalks for access to public transportation, Bill 9-21 should disproportionately benefit Black and lower-income residents given their disproportionate use of public transportation. As such, OLO anticipates that Bill 9-21 will favorably impact racial equity and social justice in the County by improving pedestrian safety and commutes for residents who are most dependent on public transit: Black residents and low-income residents in these groups.

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## METHODOLOGIES, ASSUMPTIONS, AND UNCERTAINTIES

This RESJ impact statement and OLO's analysis rely on several information sources, including Census data, MCPD Reports, and County Council packets. OLO also reviewed two additional sources to understand pedestrian and public transit use trends related by race and ethnicity locally:

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- Vision Zero Initiative
- Public Participation Plan, Ride On Montgomery County

OLO also spoke with the Central Council analyst from the Transportation and Environment Committee for information.

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## RECOMMENDED AMENDMENTS

The County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequalities are warranted in developing RESJ impact statements.<sup>9</sup> OLO has determined that the key provisions included in Bill 9-21 adequately address RESJ in the County. Consequently, this RESJ impact statement does not offer amendments.

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## CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

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<sup>1</sup> Montgomery County Council, Bill 9-21, Streets and Roads- Sidewalk and Roads - Sidewalk Snow Removal - Amendments, February 2021, Montgomery County, Maryland.

<sup>2</sup> Vision Zero, No Traffic Deaths by 2030 in Montgomery County, 2017, Montgomery County, Maryland.

[https://www.montgomerycountymd.gov/visionzero/Resources/Files/Montgomery\\_20County\\_20Vision\\_20Zero\\_202\\_20Year\\_20Action\\_20Plan.pdf](https://www.montgomerycountymd.gov/visionzero/Resources/Files/Montgomery_20County_20Vision_20Zero_202_20Year_20Action_20Plan.pdf)

<sup>3</sup> MCPD policy, Planning & Quality Assurance Division, 2019 Annual Report on Crime & Safety, Montgomery County Department of Police, Montgomery County Maryland. [2019 MCPD Annual Report on Crime and Safety FINAL \(1\).pdf \(montgomerycountymd.gov\)](#)

<sup>4</sup> Bill 9-21

<sup>5</sup> American Community Survey (ACS) 2019, Montgomery County Employment Status

<https://data.census.gov/cedsci/table?q=montgomery%20county&t=Income%20and%20Poverty&d=ACS%205-Year%20Estimates%20Data%20Profiles&tid=ACSDP5Y2019.DP03>

<sup>6</sup> Ibid

<sup>7</sup> Ride On Montgomery County Transit, Public Participation Plan, July 2020, Montgomery County, Maryland.

<https://www.montgomerycountymd.gov/DOT-Transit/Resources/Files/Public%20Participation%20Plan%202020%20Draft%207-23-20.pdf>

<sup>8</sup> Ibid

<sup>9</sup> Montgomery County Council, Bill No. 27-19 Racial Equity and Social Justice, Montgomery County, MD.