

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Santiago–Mosier
Typed by: Carol
Stored – 11/02/07
Proofread by _____
Checked by _____

By: **Prince George’s County Delegation and Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–Washington Regional District – Highways – Pedestrian and**
3 **Bicycle Traffic and Facilities**

4 **PG/MC 108–08**

5 FOR the purpose of requiring the Maryland–National Capital Park and Planning
6 Commission in the Maryland–Washington Regional District to consider certain
7 information relating to existing hiking, biking, and walking trails in the
8 Commission’s review of certain proposed construction projects; requiring the
9 Director of Bicycle and Pedestrian Access to consult regularly with the
10 Commission; adding a representative from the Commission to the membership
11 of the Bicycle and Pedestrian Advisory Committee; increasing the maximum
12 number of members of the Committee; requiring the State Highway
13 Administration, for a project located in the Maryland–Washington Regional
14 District, to implement a certain plan to increase safety and access for bicycle or
15 pedestrian traffic; requiring the plan to be developed by a certain local
16 government and the Commission under certain circumstances; requiring the
17 Administration to strive to construct a project in the Maryland–Washington
18 Regional District in a manner that will utilize, to the extent possible, existing
19 major routes for pedestrian and bicycle traffic; requiring the Administration to
20 develop certain guidelines in conjunction with the Commission under certain
21 circumstances; requiring sidewalks to be constructed in response to a request by

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



22 the Commission; requiring each public employment facility in the
23 Maryland–Washington Regional District to provide certain accommodations for
24 bicycle access by a certain date; making stylistic and technical changes; and
25 generally relating to the bicycle and pedestrian traffic and facilities in the
26 Maryland–Washington Regional District.

27 BY repealing and reenacting, with amendments,
28 Article 28 – Maryland–National Capital Park and Planning Commission
29 Section 7–112
30 Annotated Code of Maryland
31 (2003 Replacement Volume and 2007 Supplement)

32 BY repealing and reenacting, with amendments,
33 Article – Transportation
34 Section 2–604(b)(5), 2–606(b) and (d), 8–204(c), 8–601.1, and 8–630(b), (d), and
35 (e)
36 Annotated Code of Maryland
37 (2001 Replacement Volume and 2007 Supplement)

38 BY repealing and reenacting, without amendments,
39 Article – Transportation
40 Section 2–606(a) and (c)
41 Annotated Code of Maryland
42 (2001 Replacement Volume and 2007 Supplement)

43 BY repealing and reenacting, with amendments,
44 Article – Transportation
45 Section 21–1008
46 Annotated Code of Maryland
47 (2006 Replacement Volume and 2007 Supplement)

48 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
49 MARYLAND, That the Laws of Maryland read as follows:

50 **Article 28 – Maryland–National Capital Park and Planning Commission**

51 7–112.

52 (A) (1) [When] **AFTER** the Commission has adopted a master plan of
53 highways of the regional district and has certified the plan to the County Council and
54 clerk of the Circuit Court of Montgomery County and to the Board of County
55 Commissioners and clerk of the Circuit Court of Prince George’s County, [thereafter
56 no road, park, or other public way or ground, no public (including federal) buildings or
57 structures, and no public utility, whether publicly or privately owned, shall] **THE**
58 **FOLLOWING FACILITIES MAY NOT** be located, constructed, or authorized in the
59 regional district [until and] unless the proposed location, character, grade, and extent
60 [thereof] **OF THE FACILITY** has been submitted to and approved by the Commission:

61 (I) **A ROAD, PARK, OR OTHER PUBLIC WAY OR GROUND;**

62 (II) **A PUBLIC BUILDING OR STRUCTURE, INCLUDING A**
63 **FEDERAL BUILDING OR STRUCTURE; AND**

64 (III) **A PUBLICLY OR PRIVATELY OWNED PUBLIC UTILITY.**

65 (2) **IN REVIEWING A PROPOSED FACILITY SUBMITTED UNDER**
66 **PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL CONSIDER THE**
67 **FEASIBILITY OF CONSTRUCTING THE FACILITY IN A MANNER THAT WILL**
68 **UTILIZE, TO THE EXTENT POSSIBLE, EXISTING SIDEWALKS AND HIKING, BIKING,**
69 **AND WALKING TRAILS.**

70 (B) (1) [In case of disapproval] **IF THE COMMISSION DOES NOT**
71 **APPROVE A PROPOSED FACILITY SUBMITTED UNDER SUBSECTION (A) OF THIS**
72 **SECTION,** the Commission shall communicate its reasons to the State, federal, county,
73 municipal, or district board, body, or official [proposing to locate, construct, or
74 authorize such public way, ground, building, structure, or utility] **THAT SUBMITTED**
75 **THE PROPOSED FACILITY.**

76 (2) [Thereupon] **ON RECEIPT OF THE COMMISSION’S REASONS**
77 **FOR DISAPPROVAL,** the board, body, or official in its discretion may overrule the
78 disapproval and proceed.

79 (C) (1) The widening, extension, relocation, narrowing, vacation,
80 abandonment, change of use of any road, park, or other public way or ground in the
81 regional district, or the acquisition or sale of any land in the regional district by any

82 public board, body, or official shall be subject to [similar] submission and approval[;
83 and the failure] **AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**

84 **(2) FAILURE BY THE COMMISSION** to approve **A PROPOSED**
85 **PROJECT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION** may be
86 [similarly] overruled **AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

87 **(D)** The failure of the Commission to act within 60 days [from and] after the
88 date of official submission to it shall be deemed an approval, unless [a longer period be
89 granted by] the submitting board, body, or official **GRANTS A LONGER PERIOD FOR**
90 **THE COMMISSION TO ACT.**

91 **(E) (1)** After appropriate public hearings, the Commission shall adopt
92 uniform standards of review to be followed in reviewing changes to public property
93 located in the regional district.

94 **(2)** The Commission shall publish a notice of the adoption of the
95 standards of review in one newspaper of record that is published in each county.

96 **(3)** The notice shall [include]:

97 **(I) INCLUDE** a summary of the purpose of the standards and
98 the review process[.]; **AND**

99 **(II)** [The notice also shall identify] **IDENTIFY** a location and a
100 phone number to contact for a complete copy of the standards of review.

101 **Article – Transportation**

102 2–604.

103 (b) To carry out the purposes of this subtitle, the Director shall:

104 (5) Consult regularly with the Bicycle and Pedestrian Advisory
105 Committee established under § 2–606 of this subtitle **AND WITH THE**
106 **MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION IN THE**
107 **MARYLAND–WASHINGTON REGIONAL DISTRICT.**

108 2-606.

109 (a) The Governor shall appoint a Bicycle and Pedestrian Advisory Committee
110 to provide guidance to State agencies concerning:

111 (1) Funding of bicycle and pedestrian related programs;

112 (2) Public education and awareness of bicycling and pedestrian related
113 activities;

114 (3) Public education and awareness of bicycling and pedestrian safety;
115 and

116 (4) Any other issue directly related to bicycling and pedestrians.

117 (b) The Committee shall consist of the following:

118 (1) 1 representative each from:

119 (i) The Department of Transportation;

120 (ii) The Department of Natural Resources;

121 (iii) The Department of Education;

122 (iv) The Department of State Police;

123 (v) The Department of Business and Economic Development;

124 (vi) The Department of Health and Mental Hygiene;

125 (vii) The Department of Planning; [and]

126 (viii) The Department of Disabilities; AND

127 (IX) THE MARYLAND-NATIONAL CAPITAL PARK AND
128 PLANNING COMMISSION;

- 129 (2) 1 citizen member from each of the following areas:
- 130 (i) The Eastern Shore;
- 131 (ii) Western Maryland; and
- 132 (iii) Southern Maryland;
- 133 (3) 2 citizen members from each of the following areas:
- 134 (i) The Baltimore metropolitan area; and
- 135 (ii) The Washington metropolitan area; and
- 136 (4) Up to 6 citizen members selected to represent the interests of
137 bicyclists, pedestrians, and the disabled community to include:
- 138 (i) A representative of individuals who are visually impaired;
139 and
- 140 (ii) A representative of individuals who are mobility impaired.
- 141 (c) One of the citizen members selected under subsection (b) of this section
142 shall have an expertise in bicycle and pedestrian safety.
- 143 (d) The total membership of the Committee may not exceed [21] **22**
144 members.

145 8–204.

- 146 (c) (1) **(I)** The Administration shall:
- 147 [(i)] **1.** Determine and may change from time to time the location,
148 construction, geometrics, design, and maintenance of the State highway system; and
- 149 [(ii) **1.] 2.** If the Administration and a local government
150 designate an area as a bicycle and pedestrian priority area, implement a plan

151 developed in cooperation with the local government to increase safety and access for
152 bicycle or pedestrian traffic.

153 [2.] (II) If there is no State highway within the limits of
154 the bicycle and pedestrian priority area, the plan **TO INCREASE SAFETY AND ACCESS**
155 **FOR BICYCLE OR PEDESTRIAN TRAFFIC** shall be developed by the local government.

156 (2) **FOR A PROJECT LOCATED IN THE MARYLAND-WASHINGTON**
157 **REGIONAL DISTRICT:**

158 (I) **IF THE ADMINISTRATION, A LOCAL GOVERNMENT, AND**
159 **THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION IN**
160 **THE MARYLAND-WASHINGTON REGIONAL DISTRICT DESIGNATE AN AREA AS A**
161 **BICYCLE AND PEDESTRIAN PRIORITY AREA, THE ADMINISTRATION SHALL**
162 **IMPLEMENT A PLAN DEVELOPED IN COOPERATION WITH THE LOCAL**
163 **GOVERNMENT AND THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING**
164 **COMMISSION IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT TO**
165 **INCREASE SAFETY AND ACCESS FOR BICYCLE OR PEDESTRIAN TRAFFIC; OR**

166 (II) **IF THERE IS NO STATE HIGHWAY WITHIN THE LIMITS OF**
167 **THE BICYCLE AND PEDESTRIAN PRIORITY AREA, THE PLAN SHALL BE**
168 **DEVELOPED BY THE LOCAL GOVERNMENT AND THE MARYLAND-NATIONAL**
169 **CAPITAL PARK AND PLANNING COMMISSION IN THE MARYLAND-WASHINGTON**
170 **REGIONAL DISTRICT.**

171 [(2)] (3) A plan for traffic management in a bicycle and pedestrian
172 priority area shall provide for:

173 (i) Appropriate changes to the location, construction,
174 geometrics, design, and maintenance of the State highway system to increase safety
175 and access for bicycle or pedestrian traffic in the bicycle and pedestrian priority area;
176 and

177 (ii) The appropriate use of traffic control devices including
178 pedestrian control signals, traffic signals, stop signs, and speed bumps.

179 8-601.1.

180 (a) (1) The Administration may not construct any project that will result
181 in the severance or destruction of an existing major route for bicycle transportation
182 traffic, unless the project provides for construction of a reasonable alternative route or
183 such a route already exists.

184 (2) **IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT, THE**
185 **ADMINISTRATION SHALL STRIVE TO CONSTRUCT A PROJECT IN A MANNER THAT**
186 **WILL UTILIZE, TO THE EXTENT POSSIBLE, EXISTING MAJOR ROUTES FOR**
187 **PEDESTRIAN AND BICYCLE TRAFFIC.**

188 (b) The Administration shall develop guidelines jointly with local
189 governments **AND, WHEN APPLICABLE, THE MARYLAND-NATIONAL CAPITAL**
190 **PARK AND PLANNING COMMISSION IN THE MARYLAND-WASHINGTON**
191 **REGIONAL DISTRICT** to carry out the provisions of this section.

192 8-630.

193 (b) (1) Sidewalks shall be constructed at the time of construction or
194 reconstruction of an urban highway, or in response to the request of a local
195 government **OR THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING**
196 **COMMISSION IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT** unless:

197 (i) The Administration determines that the cost or impacts of
198 constructing the sidewalks would be too great in relation to the need for them or their
199 probable use; or

200 (ii) The local government indicates that there is no need for
201 sidewalks.

202 (2) Sidewalks constructed under this section shall be consistent with
203 area master plans and transportation plans adopted by the local planning commission.

204 (d) (1) The Administration may not construct any project that will result
205 in the severance or destruction of an existing major route for pedestrian
206 transportation traffic, unless the project provides for construction of a reasonable
207 alternative route or such a route already exists.

208 **(2) FOR A PROJECT IN THE MARYLAND-WASHINGTON REGIONAL**
209 **DISTRICT, THE ADMINISTRATION SHALL STRIVE TO CONSTRUCT A PROJECT IN**
210 **A MANNER THAT WILL UTILIZE, TO THE EXTENT POSSIBLE, EXISTING MAJOR**
211 **ROUTES FOR PEDESTRIAN AND BICYCLE TRAFFIC.**

212 (e) The Administration shall develop guidelines jointly with local
213 governments **AND THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING**
214 **COMMISSION IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT** to carry
215 out the provisions of this section.

216 21-1008.

217 **(A)** By fiscal year 2000, each public institution of higher education and State
218 employment facility shall provide reasonable accommodations necessary for bicycle
219 access, including parking for bicycles.

220 **(B) BY FISCAL YEAR 2010, EACH PUBLIC EMPLOYMENT FACILITY IN**
221 **THE MARYLAND-WASHINGTON REGIONAL DISTRICT SHALL PROVIDE**
222 **REASONABLE ACCOMMODATIONS NECESSARY FOR BICYCLE ACCESS, INCLUDING**
223 **PARKING FACILITIES FOR BICYCLES.**

224 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
225 October 1, 2008.