

Bill No.: _____
Requested: _____
Committee: _____

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

A BILL ENTITLED

1 AN ACT concerning

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

4 **MC/PG 115–09**

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 Commission to communicate its reasons to certain persons if the Commission
10 does not approve a certain proposed facility without conditions under certain
11 circumstances; requiring the Director of Bicycle and Pedestrian Access to
12 consult regularly with the Commission; adding a representative from the
13 Commission to the membership of the Bicycle and Pedestrian Advisory
14 Committee; increasing the maximum number of members of the Committee;
15 requiring the State Highway Administration, for a project located in the
16 Maryland–Washington Regional District, to implement a certain plan to
17 increase safety and access for bicycle or pedestrian traffic; requiring the plan to
18 be developed by a certain local government in consultation with the Commission
19 under certain circumstances; requiring the Administration to construct a project
20 in the Maryland–Washington Regional District in a manner that will enhance,
21 to the extent possible, existing major routes for pedestrian and bicycle traffic;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



22 requiring the Administration to develop certain guidelines in consultation with
23 the Commission under certain circumstances; requiring sidewalks to be
24 constructed in response to a request by the Commission under certain
25 circumstances; requiring certain persons that regularly employ more than a
26 certain number of employees located in the Maryland–Washington Regional
27 District to report to the Commission regarding certain accommodations for
28 bicycle access by a certain date; making stylistic and technical changes; and
29 generally relating to the bicycle and pedestrian traffic and facilities in the
30 Maryland–Washington Regional District.

31 BY repealing and reenacting, with amendments,
32 Article 28 – Maryland–National Capital Park and Planning Commission
33 Section 7–112
34 Annotated Code of Maryland
35 (2003 Replacement Volume and 2008 Supplement)

36 BY repealing and reenacting, with amendments,
37 Article – Transportation
38 Section 2–604(b)(5), 2–606(b) and (d), 8–204(c), 8–601.1, and 8–630(b), (d), and
39 (e)
40 Annotated Code of Maryland
41 (2008 Replacement Volume)

42 BY repealing and reenacting, without amendments,
43 Article – Transportation
44 Section 2–606(a) and (c)
45 Annotated Code of Maryland
46 (2008 Replacement Volume)

47 BY repealing and reenacting, with amendments,
48 Article – Transportation
49 Section 21–1008
50 Annotated Code of Maryland
51 (2006 Replacement Volume and 2008 Supplement)

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

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

55 7–112.

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

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

66 (II) **A PUBLIC BUILDING OR STRUCTURE, INCLUDING A**
67 **FEDERAL BUILDING OR STRUCTURE; AND**

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

69 (2) **IN REVIEWING A PROPOSED PUBLIC FACILITY SUBMITTED**
70 **UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL**
71 **CONSIDER THE FEASIBILITY OF CONSTRUCTING THE FACILITY IN A MANNER**
72 **THAT WILL ENHANCE, TO THE EXTENT POSSIBLE, EXISTING SIDEWALKS AND**
73 **HIKING, BIKING, AND WALKING TRAILS.**

74 (B) (1) [In case of disapproval] **IF THE COMMISSION DOES NOT**
75 **APPROVE WITHOUT CONDITION A PROPOSED FACILITY SUBMITTED UNDER**
76 **SUBSECTION (A) OF THIS SECTION,** the Commission shall communicate its reasons
77 to the State, federal, county, municipal, or district board, body, or official [proposing to
78 locate, construct, or authorize such public way, ground, building, structure, or utility]
79 **THAT SUBMITTED THE PROPOSED FACILITY.**

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

83 **(C) (1)** The widening, extension, relocation, narrowing, vacation,
84 abandonment, change of use of any road, park, or other public way or ground in the
85 regional district, or the acquisition or sale of any land in the regional district by any
86 public board, body, or official shall be subject to [similar] submission and approval[;
87 and the failure] **AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**

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

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

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

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

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

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

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

105 **Article – Transportation**

106 2–604.

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

108 (5) Consult regularly with the Bicycle and Pedestrian Advisory
109 Committee established under § 2–606 of this subtitle **AND WITH THE**

110 **MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION IN THE**
111 **MARYLAND–WASHINGTON REGIONAL DISTRICT.**

112 2–606.

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

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

116 (2) Public education and awareness of bicycling and pedestrian related
117 activities;

118 (3) Public education and awareness of bicycling and pedestrian safety;
119 and

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

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

122 (1) One representative each from:

123 (i) The Department of Transportation;

124 (ii) The Department of Natural Resources;

125 (iii) The State Department of Education;

126 (iv) The Department of State Police;

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

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

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

130 (viii) The Department of Disabilities; **AND**

131 **(IX) THE MARYLAND-NATIONAL CAPITAL PARK AND**
132 **PLANNING COMMISSION;**

133 (2) One citizen member from each of the following areas:

134 (i) The Eastern Shore;

135 (ii) Western Maryland; and

136 (iii) Southern Maryland;

137 (3) Two citizen members from each of the following areas:

138 (i) The Baltimore metropolitan area; and

139 (ii) The Washington metropolitan area; and

140 (4) Up to six citizen members selected to represent the interests of
141 bicyclists, pedestrians, and the disabled community to include:

142 (i) A representative of individuals who are visually impaired;

143 and

144 (ii) A representative of individuals who are mobility impaired.

145 (c) One of the citizen members selected under subsection (b) of this section
146 shall have an expertise in bicycle and pedestrian safety.

147 (d) The total membership of the Committee may not exceed [21] **22**
148 members.

149 8-204.

150 (c) (1) **(I)** The Administration shall:

151 [(i)] **1.** Determine and may change from time to time the
152 location, construction, geometrics, design, and maintenance of the State highway
153 system; and

154 [(ii) 1.] **2.** If the Administration and a local government
155 designate an area as a bicycle and pedestrian priority area, implement a plan
156 developed in cooperation with the local government to increase safety and access for
157 bicycle or pedestrian traffic.

158 [2.] **(II)** If there is no State highway within the limits of the
159 bicycle and pedestrian priority area, the plan shall be developed by the local
160 government.

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

163 **(I) IF THE ADMINISTRATION AND A LOCAL GOVERNMENT**
164 **DESIGNATE AN AREA AS A BICYCLE AND PEDESTRIAN PRIORITY AREA IN**
165 **CONSULTATION WITH THE MARYLAND-NATIONAL CAPITAL PARK AND**
166 **PLANNING COMMISSION, THE ADMINISTRATION SHALL IMPLEMENT A PLAN**
167 **DEVELOPED IN COOPERATION WITH THE LOCAL GOVERNMENT AND IN**
168 **CONSULTATION WITH THE MARYLAND-NATIONAL CAPITAL PARK AND**
169 **PLANNING COMMISSION TO INCREASE SAFETY AND ACCESS FOR BICYCLE OR**
170 **PEDESTRIAN TRAFFIC; OR**

171 **(II) IF THERE IS NO STATE HIGHWAY WITHIN THE LIMITS OF**
172 **THE BICYCLE AND PEDESTRIAN PRIORITY AREA, THE PLAN TO INCREASE**
173 **SAFETY AND ACCESS FOR BICYCLE OR PEDESTRIAN TRAFFIC SHALL BE**
174 **DEVELOPED BY THE LOCAL GOVERNMENT IN CONSULTATION WITH THE**
175 **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.**

176 [(2)] **(3)** A plan for traffic management in a bicycle and pedestrian
177 priority area shall provide for:

178 (i) Appropriate changes to the location, construction,
179 geometrics, design, and maintenance of the State highway system to increase safety
180 and access for bicycle or pedestrian traffic in the bicycle and pedestrian priority area;
181 and

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

184 8-601.1.

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

189 (2) **IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT, THE**
190 **ADMINISTRATION SHALL STRIVE TO CONSTRUCT A PROJECT IN A MANNER THAT**
191 **WILL ENHANCE, TO THE EXTENT POSSIBLE, EXISTING MAJOR ROUTES FOR**
192 **PEDESTRIAN AND BICYCLE TRAFFIC.**

193 (b) The Administration shall develop guidelines jointly with local
194 governments **AND IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT, IN**
195 **CONSULTATION WITH THE MARYLAND-NATIONAL CAPITAL PARK AND**
196 **PLANNING COMMISSION,** to carry out the provisions of this section.

197 8-630.

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

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

205 (ii) The local government indicates that there is no need for
206 sidewalks.

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

209 (d) (1) The Administration may not construct any project that will result
210 in the severance or destruction of an existing major route for pedestrian

211 transportation traffic, unless the project provides for construction of a reasonable
212 alternative route or such a route already exists.

213 **(2) FOR A PROJECT IN THE MARYLAND-WASHINGTON REGIONAL**
214 **DISTRICT, THE ADMINISTRATION SHALL STRIVE TO CONSTRUCT THE PROJECT**
215 **IN A MANNER THAT WILL ENHANCE, TO THE EXTENT POSSIBLE, EXISTING MAJOR**
216 **ROUTES FOR PEDESTRIAN AND BICYCLE TRAFFIC.**

217 (e) The Administration shall develop guidelines jointly with local
218 governments **AND IN CONSULTATION WITH THE MARYLAND-NATIONAL CAPITAL**
219 **PARK AND PLANNING COMMISSION IN THE MARYLAND-WASHINGTON**
220 **REGIONAL DISTRICT** to carry out the provisions of this section.

221 21-1008.

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

225 (B) **BY FISCAL YEAR 2011, EACH STATE, FEDERAL, COUNTY,**
226 **MUNICIPAL, OR PUBLIC DISTRICT, BOARD, BODY, OR OFFICIAL THAT**
227 **REGULARLY EMPLOYS MORE THAN 50 EMPLOYEES LOCATED IN THE**
228 **MARYLAND-WASHINGTON REGIONAL DISTRICT SHALL SUBMIT TO THE**
229 **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION A PLAN**
230 **FOR PROVIDING REASONABLE ACCOMMODATIONS FOR BICYCLE ACCESS,**
231 **INCLUDING PARKING FACILITIES FOR BICYCLES UTILIZED BY VISITORS AND**
232 **EMPLOYEES AT APPROPRIATE PUBLIC FACILITIES AND LOCATIONS.**

233 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
234 October 1, 2009.