

HOUSE BILL 1147

Unofficial Copy
R2

2000 Regular Session
(01r2241)

ENROLLED BILL

-- Ways and Means/Budget and Taxation --

Introduced by **Delegates Pitkin, R. Baker, Bobo, Bronrott, Carlson, Clagett, Conroy, D'Amato, Dembrow, Dewberry, Frush, Healey, Hixson, Howard, Hubbard, Kopp, Leopold, Marriott, Menes, Moe, Montague, Patterson, Ports, Proctor, Rosso, Stocksdale, Swain, and ~~Turner~~ Turner, Bozman, Crvor, C. Davis, Finifter, Heller, Bohanan, McKee, Phillips, Rzepkowski, and Shriver**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER 670

1 AN ACT concerning

2 **Bicycle and Pedestrian Access 2001**

3 FOR the purpose of altering certain requirements relating to the State's Consolidated
4 Transportation Program to require inclusion of certain information concerning
5 pedestrians; stating certain findings of the General Assembly and declaring
6 certain policies of the State regarding bicycle and pedestrian access to
7 transportation facilities; ~~establishing the Office~~ *providing for a Director* of
8 Bicycle and Pedestrian Access in the Department of Transportation; providing
9 for the appointment, duties, and salary of the Director ~~of the Office~~; establishing
10 the duties and powers of the ~~Office~~ *Director*; requiring the ~~Office~~ *Director* to
11 develop a Statewide Bicycle-Pedestrian Master Plan that meets certain
12 requirements; expanding the duties of the Bicycle Advisory Committee to

1 include matters relating to pedestrians; altering the name of the Committee to
 2 be the Bicycle and Pedestrian Advisory Committee; ~~establishing the~~
 3 ~~Bicycle Pedestrian Program Account in the Transportation Trust Fund;~~
 4 requiring the Department of Transportation, in each fiscal year, to ~~use at least a~~
 5 ~~certain percentage of funds in the Transportation Trust Fund for credit to the~~
 6 ~~Bicycle Pedestrian Program Account~~ *budget* an amount of funds sufficient to
 7 fund projects and programs to achieve certain bicycle and pedestrian
 8 transportation goals; requiring the Department to use the funds in the
 9 Bicycle Pedestrian Program Account *Transportation Trust Fund* for certain
 10 purposes, which may include the construction and maintenance of certain
 11 facilities for the use of pedestrians and bicycle riders; ~~requiring that a certain~~
 12 ~~percentage of the cost of each new highway construction or reconstruction~~
 13 ~~project be devoted to certain facilities for the use of pedestrians and bicycle~~
 14 ~~riders; requiring certain surplus funds to be credited to the Bicycle Pedestrian~~
 15 ~~Program Account to be used for certain purposes; defining certain terms;~~
 16 making certain technical and conforming changes; and generally relating to
 17 pedestrian and bicycle access to transportation facilities in the State.

18 BY renumbering

19 Article - Transportation
 20 Section 21-1213
 21 Annotated Code of Maryland
 22 (1999 Replacement Volume and 1999 Supplement)
 23 to be
 24 Article - Transportation
 25 Section 2-606
 26 Annotated Code of Maryland
 27 (1993 Replacement Volume and 1999 Supplement)

28 BY adding to

29 Article - Transportation
 30 Section 2-601 through 2-605, inclusive, to be under the new subtitle "Subtitle 6.
 31 Bicycle and Pedestrian Access"
 32 Annotated Code of Maryland
 33 (1993 Replacement Volume and 1999 Supplement)

34 BY repealing and reenacting, with amendments,

35 Article - Transportation
 36 Section 2-606
 37 Annotated Code of Maryland
 38 (1993 Replacement Volume and 1999 Supplement)
 39 (As enacted by Section 1 of this Act)

40 BY repealing and reenacting, with amendments,

41 Article - Transportation

1 Section 2-103.1(c)(2); and 3-216(c) and (d), ~~and 8-630~~
 2 Annotated Code of Maryland
 3 (1993 Replacement Volume and 1999 Supplement)

4 BY repealing and reenacting, without amendments,
 5 Article - Transportation
 6 Section 3-101(k) and (l)
 7 Annotated Code of Maryland
 8 (1993 Replacement Volume and 1999 Supplement)

9 BY repealing and reenacting, without amendments,
 10 Article - Transportation
 11 Section 21-101(a), (k), (l), (l-1), (l-2), and (t)
 12 Annotated Code of Maryland
 13 (1999 Replacement Volume and 1999 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 15 MARYLAND, That Section(s) 21-1213 of Article - Transportation of the Annotated
 16 Code of Maryland be renumbered to be Section(s) 2-606.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 18 read as follows:

19 **Article - Transportation**

20 2-103.1.

21 (c) (2) In addition to the items listed in paragraph (1) of this subsection, the
 22 Consolidated Transportation Program shall include:

23 (i) A summary of current efforts and future plans, prepared after
 24 consultation with the ~~OFFICE~~ **DIRECTOR** OF BICYCLE AND PEDESTRIAN ACCESS ~~IN~~
 25 ~~THE DEPARTMENT~~ AND THE Bicycle AND PEDESTRIAN Advisory [Board]
 26 COMMITTEE established under [§ 21-1213] § 2-606 of this [article] TITLE:

27 1. To develop and promote bicycle AND PEDESTRIAN
 28 transportation; and

29 2. Working together with local jurisdictions, to accommodate
 30 in a safe and effective manner pedestrians and bicycles within a reasonable distance
 31 for walking and bicycling to rail stops, light rail stops, and subway stations;

32 (ii) A listing of all bicycle and pedestrian transportation projects
 33 expected to use State or federal highway funds; and

34 (iii) Reflected under the Office of the Secretary, any
 35 technology-related project to be funded from the account established under § 2-111 of
 36 this article, along with a description and projected cost of each.

SUBTITLE 6. BICYCLE AND PEDESTRIAN ACCESS.

2 2-601.

3 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (B) ~~"OFFICE"~~ "DIRECTOR" MEANS THE ~~OFFICE~~ DIRECTOR OF BICYCLE AND
6 PEDESTRIAN ACCESS.

7 (C) "TRANSIT FACILITY" HAS THE MEANING STATED IN § 3-101(K) OF THIS
8 ARTICLE.

9 (D) "TRANSPORTATION FACILITY" HAS THE MEANING STATED IN § 3-101(L) OF
10 THIS ARTICLE.

11 2-602.

12 THE GENERAL ASSEMBLY FINDS THAT IT IS IN THE PUBLIC INTEREST FOR THE
13 STATE TO INCLUDE ENHANCED TRANSPORTATION FACILITIES FOR PEDESTRIANS
14 AND BICYCLE RIDERS AS AN ESSENTIAL COMPONENT OF THE STATE'S
15 TRANSPORTATION SYSTEM, AND DECLARES THAT IT IS THE POLICY OF THE STATE
16 THAT:

17 (1) ACCESS TO AND USE OF TRANSPORTATION FACILITIES BY
18 PEDESTRIANS AND BICYCLE RIDERS SHALL BE CONSIDERED AND BEST
19 ENGINEERING PRACTICES REGARDING THE NEEDS OF BICYCLE RIDERS AND
20 PEDESTRIANS SHALL BE EMPLOYED IN ALL PHASES OF TRANSPORTATION
21 PLANNING, INCLUDING HIGHWAY DESIGN, CONSTRUCTION, RECONSTRUCTION, AND
22 REPAIR AS WELL AS EXPANSION AND IMPROVEMENT OF OTHER TRANSPORTATION
23 FACILITIES;

24 (2) THE MODAL ADMINISTRATIONS IN THE DEPARTMENT SHALL
25 ENSURE THAT THE STATE MAINTAINS AN INTEGRATED TRANSPORTATION SYSTEM
26 BY WORKING COOPERATIVELY TO REMOVE BARRIERS, INCLUDING RESTRICTIONS ON
27 BICYCLE ACCESS TO MASS TRANSIT, THAT IMPEDE THE FREE MOVEMENT OF
28 INDIVIDUALS FROM ONE MODE OF TRANSPORTATION TO ANOTHER; AND

29 (3) AS TO ANY NEW TRANSPORTATION PROJECT OR IMPROVEMENT TO
30 AN EXISTING TRANSPORTATION FACILITY, THE DEPARTMENT SHALL WORK TO
31 ENSURE THAT TRANSPORTATION OPTIONS FOR PEDESTRIANS AND BICYCLE RIDERS
32 WILL BE ENHANCED AND THAT PEDESTRIAN AND BICYCLE ACCESS TO
33 TRANSPORTATION FACILITIES WILL NOT BE NEGATIVELY IMPACTED BY THE
34 PROJECT OR IMPROVEMENT.

35 2-603.

36 (A) THERE IS ~~AN OFFICE~~ A DIRECTOR OF BICYCLE AND PEDESTRIAN ACCESS
37 IN THE ~~DEPARTMENT~~ OFFICE OF THE SECRETARY.

1 (B) (1) ~~THE HEAD OF THE OFFICE IS THE DIRECTOR, WHO~~ DIRECTOR SHALL
2 BE APPOINTED BY THE SECRETARY WITH THE APPROVAL OF THE GOVERNOR.

3 (2) THE DIRECTOR SHALL BE A PERSON WITH EXPERIENCE IN
4 TRANSPORTATION PLANNING WITH SPECIALIZED KNOWLEDGE IN MATTERS
5 RELATING TO BICYCLE AND PEDESTRIAN ACCESS TO TRANSPORTATION FACILITIES.

6 (C) (1) THE DIRECTOR SERVES AT THE PLEASURE OF THE SECRETARY AND
7 SHALL REPORT DIRECTLY TO THE SECRETARY.

8 (2) SUBJECT TO THE AUTHORITY OF THE SECRETARY, THE DIRECTOR IS
9 RESPONSIBLE FOR CARRYING OUT:

10 (I) THE POWERS AND DUTIES VESTED BY LAW IN THE OFFICE; AND

11 (II) THOSE POWERS AND DUTIES VESTED IN THE SECRETARY AND
12 DELEGATED TO THE DIRECTOR BY THE SECRETARY.

13 (D) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
14 BUDGET.

15 2-604.

16 (A) ~~THE OFFICE~~ DIRECTOR SHALL DEVELOP AND COORDINATE POLICIES AND
17 PLANS FOR THE PROVISION, PRESERVATION, IMPROVEMENT, AND EXPANSION OF
18 ACCESS TO TRANSPORTATION FACILITIES IN THE STATE FOR PEDESTRIANS AND
19 BICYCLE RIDERS, INCLUDING DEVELOPMENT, BEFORE OCTOBER 1, 2002, OF A
20 STATEWIDE 20-YEAR BICYCLE-PEDESTRIAN MASTER PLAN THAT:

21 (1) (I) IDENTIFIES SHORT-TERM AND LONG-RANGE GOALS THAT ARE
22 CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE; AND

23 (II) FOR EACH IDENTIFIED GOAL, INCLUDES:

24 1. REASONABLE COST ESTIMATES FOR ACHIEVING THE
25 GOAL; AND

26 2. FOR PURPOSES OF THE ANNUAL REPORT REQUIRED
27 UNDER § 3-216 OF THIS ARTICLE, OBJECTIVE PERFORMANCE CRITERIA AGAINST
28 WHICH PROGRESS IN ACHIEVING THE GOAL CAN BE MEASURED;

29 ~~(2)~~ (2) COMPLIES WITH APPLICABLE FEDERAL FUNDING REQUIREMENTS;

30 ~~(3)~~ (3) PROVIDES A MODEL TO GUIDE POLITICAL SUBDIVISIONS OF THE
31 STATE IN ENHANCING BICYCLE AND PEDESTRIAN ACCESS TO TRANSPORTATION
32 FACILITIES;

33 ~~(4)~~ (4) PROPOSES LONG-TERM STRATEGIES FOR IMPROVING THE STATE'S
34 HIGHWAYS TO ENSURE COMPLIANCE WITH THE MOST ADVANCED SAFETY
35 STANDARDS FOR PEDESTRIANS AND BICYCLE RIDERS; AND

1 ~~(4)~~ (5) AFTER CONSULTATION WITH POLITICAL SUBDIVISIONS IN THE
2 STATE, IDENTIFIES BICYCLE-PEDESTRIAN PRIORITY AREAS TO FACILITATE THE
3 TARGETING OF AVAILABLE FUNDS TO THOSE AREAS OF THE STATE MOST IN NEED.

4 (B) TO CARRY OUT THE PURPOSES OF THIS SUBTITLE, THE ~~OFFICE~~ DIRECTOR
5 SHALL:

6 (1) PARTICIPATE IN THE PLANNING OF NEW TRANSPORTATION
7 FACILITIES AND IMPROVEMENTS TO EXISTING TRANSPORTATION FACILITIES;

8 (2) ADVISE THE SECRETARY ON MATTERS CONCERNING BICYCLE AND
9 PEDESTRIAN ACCESS AND ANY OTHER MATTER AS REQUESTED BY THE SECRETARY;

10 (3) INITIATE A PROGRAM OF SYSTEMATIC IDENTIFICATION OF AND
11 PLANNING FOR PROJECTS RELATED TO BICYCLE AND PEDESTRIAN
12 TRANSPORTATION THAT QUALIFY FOR FUNDS UNDER FEDERAL HIGHWAY
13 ADMINISTRATION GUIDELINES;

14 (4) MONITOR STATE TRANSPORTATION PLANS, PROPOSALS, FACILITIES,
15 AND SERVICES TO ENSURE MAXIMUM BENEFITS FOR PEDESTRIANS AND BICYCLE
16 RIDERS IN THE STATE; AND

17 (5) CONSULT REGULARLY WITH THE BICYCLE AND PEDESTRIAN
18 ADVISORY COMMITTEE ESTABLISHED UNDER § 2-606 OF THIS SUBTITLE.

19 (C) THE EXERCISE OF THE POWERS AND DUTIES OF THE ~~OFFICE~~ DIRECTOR IS
20 SUBJECT TO THE AUTHORITY OF THE SECRETARY.

21 2-605.

22 (A) SUBJECT TO THE LIMITATIONS IMPOSED BY THIS SUBTITLE, THE ~~OFFICE~~
23 DEPARTMENT, IN CONSULTATION WITH THE DIRECTOR, MAY EXERCISE ALL POWERS
24 REASONABLY NECESSARY TO THE ACHIEVE THE PURPOSES OF THIS SUBTITLE,
25 INCLUDING THE AUTHORITY TO:

26 (1) ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS
27 SUBTITLE;

28 (2) APPLY FOR AND RECEIVE GRANTS, GIFTS, PAYMENTS, LOANS,
29 ADVANCES, APPROPRIATIONS, PROPERTY, AND SERVICES FROM THE FEDERAL
30 GOVERNMENT, THE STATE, ANY OF THEIR AGENCIES OR POLITICAL SUBDIVISIONS,
31 OR ANY OTHER PUBLIC OR PRIVATE PERSON; AND

32 (3) ~~APPOINT AND REMOVE ALL EMPLOYEES OF THE OFFICE, SUBJECT~~
33 ~~TO THE PROCEDURES AND STANDARDS THAT THE SECRETARY ADOPTS; AND~~

34 ~~(4)~~ ENTER INTO AGREEMENTS AND CONTRACT FOR:

35 (I) ANY STUDIES, PLANS, DEMONSTRATIONS, OR PROJECTS;

36 (II) PLANNING, ENGINEERING, AND TECHNICAL SERVICES; AND

1 (III) ANY PURPOSE NECESSARY FOR OR INCIDENTAL TO THE
2 PERFORMANCE OF ITS DUTIES AND THE EXERCISE OF ITS POWERS UNDER THIS
3 SUBTITLE.

4 2-606.

5 (a) The Governor shall appoint a Bicycle AND PEDESTRIAN Advisory
6 Committee to provide guidance to State agencies concerning:

7 (1) Funding of bicycle AND PEDESTRIAN related programs;

8 (2) Public education and awareness of bicycling AND PEDESTRIAN
9 RELATED activities;

10 (3) Public education and awareness of bicycling AND PEDESTRIAN safety;
11 and

12 (4) Any other issue directly related to bicycling AND PEDESTRIANS.

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

14 (1) 1 representative each from:

15 (i) The Department of Transportation;

16 (ii) The Department of Natural Resources;

17 (iii) The Department of Education;

18 (iv) The Department of State Police;

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

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

21 (2) 1 citizen member from each of the following areas:

22 (i) The Eastern Shore;

23 (ii) Western Maryland; and

24 (iii) Southern Maryland; and

25 (3) 2 citizen members from each of the following areas:

26 (i) The Baltimore metropolitan area; and

27 (ii) The Washington metropolitan area.

28 (c) One of the citizen members selected under subsection (b) of this section
29 shall have an expertise in bicycle AND PEDESTRIAN safety.

1 (d) The Governor shall select a chairman from among the citizen members.

2 (e) The Committee shall meet at least quarterly with at least 1 meeting held
3 in Annapolis.

4 (f) The staff for the Committee shall be provided by the Executive Branch as
5 directed by the Governor.

6 3-101.

7 (k) "Transit facility" includes any one or more or combination of tracks,
8 rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports,
9 parking areas, equipment, fixtures, buildings, structures, other real or personal
10 property, and services incidental to or useful or designed for use in connection with
11 the rendering of transit service by any means, including rail, bus, motor vehicle, or
12 other mode of transportation but does not include any railroad facility.

13 (l) "Transportation facility" includes any one or more or combination of:

14 (1) Airport facilities;

15 (2) Highway facilities;

16 (3) Port facilities;

17 (4) Railroad facilities; and

18 (5) Transit facilities.

19 3-216.

20 (c) (1) There shall be maintained in the Transportation Trust Fund one or
21 more sinking fund accounts to which shall be credited and from which shall be paid,
22 from the proceeds of the taxes levied and imposed for that purpose or from any other
23 funds of the Department, amounts sufficient at all times to meet the debt service on
24 all bonds of prior issues and consolidated transportation bonds from time to time
25 outstanding and unpaid.

26 (2) (I) The Gasoline and Motor Vehicle Revenue Account, Driver
27 Education Account, [and] the Motorcycle Safety Program Account, ~~AND THE~~
28 ~~BICYCLE PEDESTRIAN PROGRAM ACCOUNT~~ shall be maintained in the
29 Transportation Trust Fund.

30 (II) IN EACH FISCAL YEAR, THE DEPARTMENT SHALL CREDIT TO
31 THE BICYCLE PEDESTRIAN PROGRAM ACCOUNT, BUDGET FROM FEDERAL FUNDS
32 AVAILABLE TO THE DEPARTMENT, OTHER FUNDS IN THE TRANSPORTATION TRUST
33 FUND, AND ANY OTHER FUNDS AVAILABLE TO THE DEPARTMENT, AN AMOUNT
34 SUFFICIENT TO FUND PROJECTS AND PROGRAMS DETERMINED BY THE SECRETARY
35 TO BE NECESSARY TO ACHIEVE THE BICYCLE AND PEDESTRIAN TRANSPORTATION

1 GOALS IDENTIFIED FOR THE FISCAL YEAR UNDER TITLE 2, SUBTITLE 6 OF THIS

2 ARTICLE.

3 (d) (1) After meeting its debt service requirements, the Department may use
4 the funds in the Transportation Trust Fund for any lawful purpose related to the
5 exercise of its rights, powers, duties, and obligations.

6 (2) Expenditures under this subsection shall be made in accordance with
7 any appropriation provided for in any applicable budget bill or supplementary
8 appropriation bill. However, an appropriation proposed to be made to any unit in the
9 Department or proposed to be made for any designated transportation activity,
10 function, or undertaking that has been reduced by the General Assembly may not be
11 restored, for the same purpose as originally proposed, except in an emergency, by the
12 budget amendment procedure of § 7-209 of the State Finance and Procurement
13 Article, or otherwise if the General Assembly in striking or reducing the
14 appropriation, prohibited its restoration. However, except for emergency capital
15 projects, if the General Assembly explicitly reduces in the budget bill an
16 appropriation proposed for a major capital project as defined in § 2-103.1(a)(4) of this
17 article, the appropriation may not be restored for the same purpose as originally
18 proposed by the budget amendment procedure of § 7-209 of the State Finance and
19 Procurement Article or otherwise unless the General Assembly, in striking or
20 reducing the appropriation, expressly authorized its restoration.

21 (3) (i) During the period of fiscal years 1988 through 1992 as included
22 in the annual State report on transportation, the Department shall utilize all of its
23 share of the revenues attributable to the 5 cent increase of the motor fuel tax under
24 the provisions of Chapter 291 of the Acts of 1987 and credited to the Transportation
25 Trust Fund under § 2-1104 of the Tax - General Article and the proceeds of any
26 increased indebtedness based on that revenue and credited to the Transportation
27 Trust Fund to fund Department projects for the construction, reconstruction, and
28 rehabilitation of the State highway system.

29 (ii) During the period of fiscal year 1988 through fiscal year 1992
30 the total level of State funds appropriated to the State Highway Administration for
31 construction, reconstruction and rehabilitation of the State highway system,
32 including the revenues referred to in subparagraph (i) above, shall be at least 70
33 percent of the total appropriation of State funds in the consolidated transportation
34 capital program.

35 (iii) The Secretary of the Department shall submit, subject to §
36 2-1246 of the State Government Article, to the Legislative Policy Committee and the
37 Department of Legislative Services a report:

38 1. Prior to the beginning of each session through the 1991
39 session, detailing the intended use of the new revenues; and

40 2. Prior to the beginning of each session beginning with the
41 1989 session and through the 1993 session, detailing the actual use of the new
42 revenues in the prior fiscal year.

1 (4) Of the new revenues derived under the provisions of Chapter 291 of
 2 the Acts of 1987 and credited to the Department, \$31,000,000 shall be transferred to
 3 the Maryland Emergency Medical Service System Fund at such time as determined
 4 by the Secretary of Budget and Management.

5 (5) ~~FOR EACH FISCAL YEAR, AFTER MEETING ITS DEBT SERVICE~~
 6 ~~REQUIREMENTS, THE DEPARTMENT SHALL USE AT LEAST 3% OF THE FUNDS IN THE~~
 7 ~~BICYCLE PEDESTRIAN PROGRAM ACCOUNT IN THE~~ TRANSPORTATION TRUST FUND
 8 ~~TO CONSTRUCT AND MAINTAIN FOR THE PURPOSES SPECIFIED IN SUBSECTION~~
 9 ~~(C)(2)(II) OF THIS SECTION, WHICH MAY INCLUDE CONSTRUCTION AND~~
 10 ~~MAINTENANCE OF:~~

11 (I) PUBLIC BICYCLE AREAS AS DEFINED IN § 21-101(K) OF THIS
 12 ARTICLE;

13 (II) BICYCLE WAYS AS DEFINED IN § 21-101(L) OF THIS ARTICLE;
 14 AND

15 (III) SIDEWALKS AS DEFINED IN § 21-101(T) OF THIS ARTICLE.

16 (6) EACH YEAR, BEFORE THE GENERAL ASSEMBLY CONSIDERS THE
 17 PROPOSED MARYLAND TRANSPORTATION PLAN AND THE CONSOLIDATED
 18 TRANSPORTATION PROGRAM, THE DEPARTMENT SHALL REPORT TO THE GENERAL
 19 ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
 20 ON:

21 (I) THE EXPENDITURES FROM THE BICYCLE PEDESTRIAN
 22 PROGRAM ACCOUNT MADE TOWARD THE ATTAINMENT OF THE BICYCLE AND
 23 PEDESTRIAN TRANSPORTATION GOALS DURING THE PRECEDING FISCAL YEAR
 24 UNDER TITLE 2, SUBTITLE 6 OF THIS ARTICLE; AND

25 (II) THE PROGRESS MADE TOWARD ATTAINMENT OF THE BICYCLE
 26 AND PEDESTRIAN TRANSPORTATION GOALS IDENTIFIED FOR THE FISCAL YEAR
 27 UNDER TITLE 2, SUBTITLE 6 OF THIS ARTICLE.

28 ~~8-630.~~

29 (a) (1) ~~In this section the following words have the meanings indicated.~~

30 (2) ~~"Municipal corporation" has the meaning stated in Article 23A, § 9 of~~
 31 ~~the Code.~~

32 (3) ~~"Urban highway" means a highway, other than an expressway, that~~
 33 ~~is:~~

34 (i) ~~1. Constructed with a curb and gutter and an enclosed type~~
 35 ~~storm drainage system;~~

1 (i) Provide public notice and opportunities for community
2 involvement prior to the construction of a sidewalk or bicycle pathway project; and

3 (ii) Secure any necessary right of way that may be needed beyond
4 the right of way already owned by the State.

5 (5) (i) Except as provided in subparagraph (ii) of this paragraph, after
6 sidewalks and bicycle pathways are constructed under this section, they shall be
7 maintained and repaired by the political subdivision in which they are located.

8 (ii) Subject to approval and the availability of funds, the
9 Administration promptly shall reimburse a political subdivision for the preapproved
10 and documented costs incurred in reconstructing a segment of a sidewalk or bicycle
11 pathway that has deteriorated to the extent that repair is not practical or desirable
12 for public safety.

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

17 (e) The Administration shall develop guidelines jointly with local governments
18 to carry out the provisions of this section.

19 (f) The Administration shall maintain and repair all facilities for nighttime
20 illumination that:

21 (1) Are constructed by the Administration for the safe conduct of
22 vehicular traffic; and

23 (2) Exist adjacent to urban highways.

24 (G) (1) FOR EACH NEW HIGHWAY CONSTRUCTION OR RECONSTRUCTION
25 PROJECT UNDERTAKEN UNDER THIS TITLE, THE ADMINISTRATION SHALL DEVOTE
26 3% OF THE COST OF THE PROJECT TO FACILITIES FOR PEDESTRIANS AND BICYCLE
27 RIDERS.

28 (2) IF THE AMOUNT OF FUNDS SPECIFIED UNDER PARAGRAPH (1) OF
29 THIS SUBSECTION EXCEEDS THE AMOUNT REASONABLY DETERMINED TO BE
30 NECESSARY BASED ON EMPLOYMENT OF BEST ENGINEERING PRACTICES AND
31 STANDARDS FOR PEDESTRIAN AND BICYCLE RELATED PURPOSES, THE BALANCE OF
32 THE FUNDS SHALL BE CREDITED TO THE BICYCLE PEDESTRIAN PROGRAM ACCOUNT
33 IN THE TRANSPORTATION TRUST FUND.

34 (3) IN EACH FISCAL YEAR, FUNDS CREDITED TO THE
35 BICYCLE PEDESTRIAN PROGRAM ACCOUNT SHALL BE EXPENDED BY THE END OF
36 THE FISCAL YEAR FOR ONGOING IMPROVEMENTS TO TRANSPORTATION FACILITIES
37 FOR PEDESTRIANS AND BICYCLE RIDERS IN ACCORDANCE WITH THE STATEWIDE
38 BICYCLE PEDESTRIAN MASTER PLAN DEVELOPED UNDER § 2-604 OF THIS ARTICLE.

1 21-101.

2 (a) In this title and Title 25 of this article the following words have the
3 meanings indicated.

4 (k) "Public bicycle area" means any highway, bicycle path, or other facility or
5 area maintained by this State, a political subdivision of this State, or any of their
6 agencies for the use of bicycles.

7 (l) (1) "Bicycle way" means:

8 (i) Any trail, path, part of a highway, surfaced or smooth shoulder,
9 or sidewalk; or

10 (ii) Any other travelway specifically signed, marked, or otherwise
11 designated for bicycle travel.

12 (2) "Bicycle way" includes:

13 (i) Bicycle path; and

14 (ii) Bike lane.

15 (1-1) "Bicycle path" means any travelway designed and designated by signing or
16 signing and marking for bicycle use, located within its own right-of-way or in a
17 shared right-of-way, and physically separated from motor vehicle traffic by berm,
18 shoulder, curb, or other similar device.

19 (1-2) "Bike lane" means any portion of a roadway or shoulder designated for
20 single directional bicycle flow.

21 (t) "Sidewalk" means that part of a highway:

22 (1) That is intended for use by pedestrians; and

23 (2) That is between:

24 (i) The lateral curb lines or, in the absence of curbs, the lateral
25 boundary lines of a roadway; and

26 (ii) The adjacent property lines.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 ~~October~~ July 1, 2000.

