

# HOUSE BILL 786

R1

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By: Delegates Healey, Beidle, Bobo, Carr, Frush, Gaines, Glenn, Ivey, Lafferty, Niemann, Ross, ~~and Sossi~~ Sossi, McIntosh, Cane, V. Clagett, Holmes, Hucker, Malone, O'Donnell, Serafini, Shewell, Stein, Stull, and Weir

Introduced and read first time: February 9, 2010

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Highway Administration – Sidewalk or Bicycle Pathway Construction**  
3 **in Priority Funding Areas**

4 FOR the purpose of requiring the State Highway Administration to categorize in a  
5 certain manner and give certain funding priority to sidewalk or bicycle pathway  
6 construction projects ~~along urban highways~~ in priority funding areas under  
7 certain circumstances; authorizing the State to fund the entire cost of certain  
8 sidewalk or bicycle pathway construction projects; altering a certain funding  
9 formula that applies to sidewalk or bicycle pathway construction projects in  
10 priority funding areas under certain circumstances; and generally relating to  
11 sidewalk or bicycle pathway construction in priority funding areas.

12 BY repealing and reenacting, with amendments,  
13 Article – Transportation  
14 Section 8–630  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2009 Supplement)

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

19 **Article – Transportation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 8-630.

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

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

5 (3) "Urban highway" means a highway, other than an expressway,  
6 that is:

7 (i) 1. Constructed with a curb and gutter and an enclosed  
8 type storm drainage system;

9 2. Located in an urban area and on which is located a  
10 public facility that creates appreciable pedestrian traffic along the highway from  
11 adjacent areas;

12 3. Located within urban boundaries as defined by the  
13 U.S. Census Bureau; or

14 4. Located within the boundaries of a municipal  
15 corporation; and

16 (ii) Part of the State highway system.

17 (b) (1) Sidewalks shall be constructed at the time of construction or  
18 reconstruction of an urban highway, or in response to the request of a local  
19 government unless:

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

23 (ii) The local government indicates that there is no need for  
24 sidewalks.

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

27 ~~(3) IF A LOCAL GOVERNMENT REQUESTS CONSTRUCTION OF~~  
28 ~~SIDEWALKS ALONG AN URBAN HIGHWAY WITHIN AN AREA DESIGNATED AS A~~  
29 ~~PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE FINANCE AND~~  
30 ~~PROCUREMENT ARTICLE AND THE ADJACENT ROADWAY IS NOT BEING~~  
31 ~~CONCURRENTLY CONSTRUCTED OR RECONSTRUCTED, AND IF THE~~  
32 ~~ADMINISTRATION DETERMINES THAT A SUBSTANTIAL PUBLIC SAFETY RISK~~  
33 ~~EXISTS, THE ADMINISTRATION SHALL CATEGORIZE THE SIDEWALK~~

~~1 CONSTRUCTION PROJECT AS "SYSTEM PRESERVATION" AND GIVE  
2 CORRESPONDING FUNDING PRIORITY TO THE SIDEWALK CONSTRUCTION  
3 PROJECT.~~

4 (c) (1) If sidewalks or bicycle pathways are constructed or reconstructed  
5 as part of a roadway construction or reconstruction project, the Administration shall  
6 fund the sidewalk or bicycle pathway construction or reconstruction as a part of the  
7 cost of the roadway project.

8 (2) Except as provided in paragraphs (3) and (4) of this subsection, if  
9 sidewalks or bicycle pathways are constructed or reconstructed in response to a  
10 request from a local government and the adjacent roadway is not being concurrently  
11 constructed or reconstructed, the cost to construct or reconstruct the sidewalk or  
12 bicycle pathway shall be shared equally between the State and local governments.

13 (3) If sidewalks or bicycle pathways within a designated neighborhood  
14 as defined in § 6-301 of the Housing and Community Development Article are  
15 constructed or reconstructed in response to a request from a local government and the  
16 adjacent roadway is not being concurrently constructed or reconstructed, the cost to  
17 construct or reconstruct the sidewalk or bicycle pathway may be funded entirely by the  
18 State.

19 (4) (i) This paragraph does not apply to a priority funding area  
20 that is a designated neighborhood as defined in § 6-301 of the Housing and  
21 Community Development Article.

22 (ii) If sidewalks or bicycle pathways within an area designated  
23 as a priority funding area under § 5-7B-02 of the State Finance and Procurement  
24 Article are constructed or reconstructed in response to a request from a local  
25 government and the adjacent roadway is not being concurrently constructed or  
26 reconstructed, and if the Administration determines ~~that a substantial public safety~~  
27 ~~risk exists and~~ that construction would not occur under this section due to insufficient  
28 contribution of funds by the local government, the cost to construct or reconstruct the  
29 sidewalk or bicycle pathway shall be shared between the State and local government  
30 as follows:

- 31 1. 75 percent of the cost shall be funded by the State;  
32 and  
33 2. 25 percent of the cost shall be funded by the local  
34 government.

35 **(iii) IF SIDEWALKS OR BICYCLE PATHWAYS WITHIN AN AREA**  
36 **DESIGNATED AS A PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE**  
37 **FINANCE AND PROCUREMENT ARTICLE ARE CONSTRUCTED OR**  
38 **RECONSTRUCTED BASED ON A DETERMINATION BY THE ADMINISTRATION THAT**  
39 **A SUBSTANTIAL PUBLIC SAFETY RISK OR SIGNIFICANT IMPEDIMENT TO**

1 PEDESTRIAN ACCESS EXISTS AND THE ADJACENT ROADWAY IS NOT BEING  
2 CONCURRENTLY CONSTRUCTED OR RECONSTRUCTED, THEN:

3 1. THE ADMINISTRATION SHALL CATEGORIZE THE  
4 SIDEWALK OR BICYCLE PATHWAY CONSTRUCTION PROJECT AS “SYSTEM  
5 PRESERVATION” AND GIVE CORRESPONDING FUNDING PRIORITY TO THE  
6 PROJECT; AND

7 2. THE COST TO CONSTRUCT OR RECONSTRUCT THE  
8 SIDEWALK OR BICYCLE PATHWAY MAY BE FUNDED ENTIRELY BY THE STATE.

9 (5) If sidewalks or bicycle pathways are being constructed or  
10 reconstructed in response to a request from a local government and the adjacent  
11 roadway is not being concurrently constructed or reconstructed, the local government  
12 shall:

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

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

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

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

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

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

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

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

35 (2) Exist adjacent to urban highways.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.