

HOUSE BILL 797

R2

3lr1788

By: **Delegates McIntosh, Frush, and S. Robinson**

Introduced and read first time: February 6, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation Projects – Bridges – Water Access**

3 FOR the purpose of requiring the Department of Transportation and local
4 governments, in developing a construction or improvement project involving a
5 bridge that crosses a waterway, to incorporate, to the extent feasible, measures
6 to provide or improve certain water access for certain activities; requiring the
7 Department and local governments, in consultation with certain entities, to
8 establish certain inventories of certain bridges and approaches to bridges;
9 requiring the Department and local governments to review certain bridge
10 construction and improvement projects to determine which of the projects can
11 safely and reasonably incorporate the provision of or improvements to water
12 access for certain activities; and generally relating to the incorporation of water
13 access considerations into construction or improvement projects involving a
14 bridge.

15 BY adding to

16 Article 24 – Political Subdivisions – Miscellaneous Provisions
17 Section 25–101 to be under the new title “Title 25. Transportation Planning”
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2012 Supplement)

20 BY repealing and reenacting, without amendments,

21 Article – Transportation
22 Section 2–103.1(c)(1)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2012 Supplement)

25 BY adding to

26 Article – Transportation
27 Section 2–103.1(c)(7)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2008 Replacement Volume and 2012 Supplement)

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

Article 24 – Political Subdivisions – Miscellaneous Provisions

TITLE 25. TRANSPORTATION PLANNING.

25–101.

(A) A COUNTY OR MUNICIPALITY, IN DEVELOPING A CONSTRUCTION OR IMPROVEMENT PROJECT INVOLVING A BRIDGE THAT CROSSES A WATERWAY, SHALL INCORPORATE, TO THE EXTENT FEASIBLE, MEASURES TO PROVIDE OR IMPROVE IN THE VICINITY OF THE BRIDGE WATER ACCESS FOR FISHING, CANOEING, KAYAKING, OR ANY OTHER APPROPRIATE WATER DEPENDENT RECREATIONAL ACTIVITY.

(B) A COUNTY OR MUNICIPALITY, IN CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES AND INTERESTED STAKEHOLDERS, SHALL ESTABLISH AN INVENTORY OF BRIDGES AND APPROACH HIGHWAYS TO BRIDGES UNDER THE JURISDICTION OF THE COUNTY OR MUNICIPALITY THAT CROSS NAVIGABLE WATERWAYS OR WATERWAYS AMENABLE TO FISHING ACTIVITY AT WHICH WATERWAY ACCESS MAY BE PROVIDED OR IMPROVED REASONABLY AND SAFELY.

Article – Transportation

2–103.1.

(c) (1) The Consolidated Transportation Program shall:

(i) Be revised annually; and

(ii) Include:

1. A list of:

A. The current State transportation goals;

B. Program priorities; and

C. For projects in the construction phase, the criteria used to select major capital projects for inclusion in the capital program, as determined by the Department;

- 1 2. A statement of the Department's projected annual
2 operating costs, set forth separately for the Office of the Secretary and for each modal
3 administration;
- 4 3. Expanded descriptions of major capital projects;
- 5 4. A list of major capital projects for the current year,
6 the budget request year, and the 4 successive planning years;
- 7 5. A list of anticipated minor capital projects, including a
8 specific list of anticipated special projects for the current year and the budget request
9 year and an estimate of the Program level for each of the 4 successive planning years;
- 10 6. A list of major bridge work projects;
- 11 7. A summary of the capital and operating programs, as
12 defined by the Secretary, for the Maryland Transportation Authority;
- 13 8. For each listed major capital project, an indication
14 whether the revenue source anticipated to support that project consists of federal,
15 special, general, or other funds;
- 16 9. The Department's estimates of the levels and sources
17 of revenues to be used to fund the projects in the Program;
- 18 10. A glossary of terms; and
- 19 11. A cross-reference table for the information contained
20 in the various parts of the State Report on Transportation.

21 **(7) (i) THE DEPARTMENT, IN DEVELOPING A CONSTRUCTION**
22 **OR IMPROVEMENT PROJECT INVOLVING A BRIDGE THAT CROSSES A WATERWAY**
23 **FOR INCLUSION IN THE CONSOLIDATED TRANSPORTATION PROGRAM, SHALL**
24 **INCORPORATE, TO THE EXTENT FEASIBLE, MEASURES TO PROVIDE OR IMPROVE**
25 **IN THE VICINITY OF THE BRIDGE WATER ACCESS FOR FISHING, CANOEING,**
26 **KAYAKING, OR ANY OTHER APPROPRIATE WATER DEPENDENT RECREATIONAL**
27 **ACTIVITY.**

28 **(ii) THE DEPARTMENT, IN CONSULTATION WITH THE**
29 **DEPARTMENT OF NATURAL RESOURCES AND INTERESTED STAKEHOLDERS,**
30 **SHALL ESTABLISH AN INVENTORY OF BRIDGES AND APPROACH HIGHWAYS TO**
31 **BRIDGES UNDER THE JURISDICTION OF THE DEPARTMENT THAT CROSS**
32 **NAVIGABLE WATERWAYS OR WATERWAYS AMENABLE TO FISHING ACTIVITY AT**
33 **WHICH WATERWAY ACCESS MAY BE PROVIDED OR IMPROVED REASONABLY AND**
34 **SAFELY.**

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1 SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland
2 Department of Transportation and each county and municipality shall review all
3 bridge construction and improvement projects that are in the planning or design phase
4 on the effective date of this Act to determine which of these projects can safely and
5 reasonably incorporate the provision of or improvements to waterway access for
6 fishing, canoeing, kayaking, or any other appropriate water dependent recreational
7 activity.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2013.