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(PRE-FILED)

9lr0614

By: **Delegate Carr** Requested: October 17, 2018 Introduced and read first time: January 9, 2019 Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

State Highway Administration – Sidewalks Within Priority Funding Areas – Repair and Maintenance

- FOR the purpose of requiring the State Highway Administration to repair and maintain
 certain sidewalks that are located within an area designated as a priority funding
 area; making conforming changes; and generally relating to repair and maintenance
 of sidewalks located within priority funding areas.
- 8 BY repealing and reenacting, with amendments,
- 9 Article Transportation
- 10 Section 8–629 and 8–630
- 11 Annotated Code of Maryland
- 12 (2015 Replacement Volume and 2018 Supplement)
- 13 BY adding to
- 14 Article Transportation
- 15 Section 8–631
- 16 Annotated Code of Maryland
- 17 (2015 Replacement Volume and 2018 Supplement)
- 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 19 That the Laws of Maryland read as follows:
- 20

Article – Transportation

21 8-629.

(a) (1) With the concurrence of the local government, the Administration may
 require any developer of an industrial, commercial, or apartment area along a highway
 maintained by the Administration to construct sidewalks parallel to the highway.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



The construction of these sidewalks shall meet the conditions specified 1 (2) $\mathbf{2}$ in entrance permits and the standards adopted by the Administration or the local 3 government. (b) 4 Sidewalks may not be required under this section if the Administration determines that: $\mathbf{5}$ 6 (1)The establishment of sidewalks would be contrary to public safety; 7 (2)The cost of establishing the sidewalks would be too great considering the need for them or their probable use; or 8 9 (3)The sparsity of population, the existence of other available ways, or any other factor indicates that there is no need for the sidewalks. 10 11 (c) After sidewalks are constructed under this section, they shall be maintained and repaired by [the]: 1213(1) THE political subdivision in which they are located; OR 14(2) THE ADMINISTRATION, IF THE SIDEWALK IS LOCATED WITHIN AN AREA DESIGNATED AS A PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE 15FINANCE AND PROCUREMENT ARTICLE. 16 178-630. 18 In this section the following words have the meanings indicated. (a) (1)19(2)"Municipal corporation" means a municipality as defined in § 1–101 of the Local Government Article. 20"Urban highway" means a highway, other than an expressway, that is: 21(3)22(i) 1. Constructed with a curb and gutter and an enclosed type 23storm drainage system; 242. Located in an urban area and on which is located a public 25facility that creates appreciable pedestrian traffic along the highway from adjacent areas; 263. Located within urban boundaries as defined by the U.S. 27Census Bureau; or 28Located within the boundaries of a municipal corporation; 4. 29and

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(ii) Part of the State highway system.

2 (b) (1) Sidewalks shall be constructed at the time of construction or 3 reconstruction of an urban highway, or in response to the request of a local government 4 unless:

5 (i) The Administration determines that the cost or impacts of 6 constructing the sidewalks would be too great in relation to the need for them or their 7 probable use; or

8 (ii) The local government indicates that there is no need for 9 sidewalks.

10 (2) Sidewalks constructed under this section shall be consistent with area 11 master plans and transportation plans adopted by the local planning commission.

- 12 (c) (1) If sidewalks or bicycle pathways are constructed or reconstructed as 13 part of a roadway construction or reconstruction project, the Administration shall fund the 14 sidewalk or bicycle pathway construction or reconstruction as a part of the cost of the 15 roadway project.
- 16 (2) Except as provided in paragraphs (3) and (4) of this subsection, if 17 sidewalks or bicycle pathways are constructed or reconstructed in response to a request 18 from a local government and the adjacent roadway is not being concurrently constructed or 19 reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway shall be 20 shared equally between the State and local governments.

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

26 (4) (i) This paragraph does not apply to a priority funding area that is 27 a sustainable community as defined in § 6–301 of the Housing and Community 28 Development Article.

29If sidewalks or bicycle pathways within an area designated as a (ii) priority funding area under § 5–7B–02 of the State Finance and Procurement Article are 30 31 constructed or reconstructed in response to a request from a local government and the 32adjacent roadway is not being concurrently constructed or reconstructed, and if the 33 Administration determines that construction would not occur under this section due to 34 insufficient contribution of funds by the local government, the cost to construct or 35reconstruct the sidewalk or bicycle pathway shall be shared between the State and local 36 government as follows:

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1. 75 percent of the cost shall be funded by the State; and

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$\frac{1}{2}$	2. 25 percent of the cost shall be funded by the local government.
${3 \atop {4} \atop {5} \atop {6} \atop {7}}$	(iii) If sidewalks or bicycle pathways within an area designated as a priority funding area under § $5-7B-02$ of the State Finance and Procurement Article are constructed or reconstructed based on a determination by the Administration that a substantial public safety risk or significant impediment to pedestrian access exists and the adjacent roadway is not being concurrently constructed or reconstructed, then:
8 9 10	1. The Administration shall categorize the sidewalk or bicycle pathway construction project as "system preservation" and give corresponding funding priority to the project; and
$\begin{array}{c} 11 \\ 12 \end{array}$	2. The cost to construct or reconstruct the sidewalk or bicycle pathway may be funded entirely by the State.
$13 \\ 14 \\ 15$	(5) If sidewalks or bicycle pathways are being constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the local government shall:
$\begin{array}{c} 16 \\ 17 \end{array}$	(i) Provide public notice and opportunities for community involvement prior to the construction of a sidewalk or bicycle pathway project; and
18 19	(ii) Secure any necessary right-of-way that may be needed beyond the right-of-way already owned by the State.
20 21 22 23	(6) (i) Except as provided in [subparagraph (ii)] SUBPARAGRAPHS (II) AND (III) of this paragraph, after sidewalks and bicycle pathways are constructed under this section, they shall be maintained and repaired by the political subdivision in which they are located.
24 25 26 27	(ii) Subject to approval and the availability of funds, the Administration promptly shall reimburse a political subdivision for the preapproved and documented costs incurred in reconstructing a segment of a sidewalk or bicycle pathway that has deteriorated to the extent that repair is not practical or desirable for public safety.
28 29 30 31	(III) THE ADMINISTRATION SHALL MAINTAIN AND REPAIR SIDEWALKS CONSTRUCTED UNDER THIS SECTION THAT ARE LOCATED WITHIN AN AREA DESIGNATED AS A PRIORITY FUNDING AREA UNDER § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.
32	(d) The Administration may not construct any project that will result in the

severance or destruction of an existing major route for pedestrian transportation traffic,
unless the project provides for construction of a reasonable alternative route or such a route
already exists.

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1 (e) The Administration shall develop guidelines jointly with local governments to 2 carry out the provisions of this section.

3 (f) The Administration shall maintain and repair all facilities for nighttime 4 illumination that:

5 (1) Are constructed by the Administration for the safe conduct of vehicular 6 traffic; and

- (2) Exist adjacent to urban highways.
- 8 **8–631.**

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9 THE ADMINISTRATION SHALL REPAIR AND MAINTAIN SIDEWALKS THAT ARE:

10 (1) ADJACENT TO STATE HIGHWAYS; AND

11(2)LOCATED WITHIN AN AREA DESIGNATED AS A PRIORITY FUNDING12AREA UNDER § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 14 October 1, 2019.