

HOUSE BILL 10

R1

9lr0614

(PRE-FILED)

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

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

4 FOR the purpose of requiring the State Highway Administration to repair and maintain
5 certain sidewalks that are located within an area designated as a priority funding
6 area; making conforming changes; and generally relating to repair and maintenance
7 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:

Article – Transportation

20
21 8–629.

22 (a) (1) With the concurrence of the local government, the Administration may
23 require any developer of an industrial, commercial, or apartment area along a highway
24 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.



1 (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.

21 (3) If sidewalks or bicycle pathways within a sustainable community as
22 defined in § 6–301 of the Housing and Community Development Article are constructed or
23 reconstructed in response to a request from a local government and the adjacent roadway
24 is not being concurrently constructed or reconstructed, the cost to construct or reconstruct
25 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.

29 (ii) If sidewalks or bicycle pathways within an area designated as a
30 priority funding area under § 5–7B–02 of the State Finance and Procurement Article are
31 constructed or reconstructed in response to a request from a local government and the
32 adjacent 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
35 reconstruct the sidewalk or bicycle pathway shall be shared between the State and local
36 government as follows:

37 1. 75 percent of the cost shall be funded by the State; and

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

7 (2) Exist adjacent to urban highways.

8 **8-631.**

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 FUNDING**
12 **AREA 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.