

# SENATE BILL 116

R2

9lr1486  
CF HB 82

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By: **Senator McCray**

Introduced and read first time: January 16, 2019

Assigned to: Finance and Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2019

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

1 AN ACT concerning

2 **Transportation – Complete Streets – Access to Healthy Food and Necessities**

3 FOR the purpose of ~~requiring a complete streets policy adopted by certain modal~~  
4 ~~administrations of the Department of Transportation to create access to healthy food~~  
5 ~~for certain individuals living in food deserts; authorizing grants under the Complete~~  
6 ~~Streets Program to be used to encourage certain certified jurisdictions to develop~~  
7 ~~ranking systems for certain projects that prioritize designs that create access to~~  
8 ~~healthy food in food deserts; specifying that a goal of the Program is to create access~~  
9 ~~to healthy food for certain individuals living in food deserts; requiring the Governor,~~  
10 ~~each fiscal year, to appropriate a certain amount from the Transportation Trust~~  
11 ~~Fund for the Program; defining the term “food desert”; altering a certain definition~~  
12 altering the Complete Streets Program by adding access to retail stores that provide  
13 healthy food and other necessities, especially in certain areas, as a design feature of  
14 the complete streets policy and as a design feature and goal of the Program; making  
15 certain technical corrections; providing for the construction of this Act; defining a  
16 certain term; and generally relating to complete streets policies and the Complete  
17 Streets Program.

18 BY repealing and reenacting, without amendments,  
19 Article – Housing and Community Development  
20 Section 6–308(c)  
21 Annotated Code of Maryland  
22 (2006 Volume and 2018 Supplement)

23 BY repealing and reenacting, with amendments,

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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 Article – Transportation  
 2 Section 2–112, 8–901, ~~and 8–902~~ 8–903, and 8–905(b)(1)(ii)  
 3 Annotated Code of Maryland  
 4 (2015 Replacement Volume and 2018 Supplement)

5 ~~BY repealing~~  
 6 ~~Article – Transportation~~  
 7 ~~Section 8–904~~  
 8 ~~Annotated Code of Maryland~~  
 9 ~~(2015 Replacement Volume and 2018 Supplement)~~

10 ~~BY adding to~~  
 11 ~~Article – Transportation~~  
 12 ~~Section 8–904~~  
 13 ~~Annotated Code of Maryland~~  
 14 ~~(2015 Replacement Volume and 2018 Supplement)~~

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

17 **Article – Housing and Community Development**  
 18 **6–308.**

19 (c) The Secretary, on the recommendation of the Interagency Food Desert  
 20 Advisory Committee established under § 6–308.2 of this subtitle, may designate an area as  
 21 a food desert after considering the following factors:

22 (1) availability of fresh fruit, vegetables, and other healthy foods in the  
 23 area;

24 (2) income levels of local residents;

25 (3) transportation needs of local residents and the availability of public  
 26 transportation;

27 (4) comments from local governments; and

28 (5) any other factors that the Department considers relevant.

29 **Article – Transportation**

30 2–112.

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

1           (2)   (i)   “Complete streets design features” means design features that  
2 accommodate and facilitate safe and convenient access and mobility to facilities by all  
3 users, including bicyclists, motorists, pedestrians, and public transportation users.

4           (ii)   “Complete streets design features” includes:

- 5           1.    Paved shoulders suitable for use by bicyclists;
- 6           2.    Protected bicycle lanes;
- 7           3.    Share the road signage;
- 8           4.    Crosswalks;
- 9           5.    Pedestrian control signals;
- 10          6.    Bus access and safety measures;
- 11          7.    Sidewalks;
- 12          8.    Shared use pathways; [and]
- 13          9.    Green stormwater infrastructure; AND

14                           **10. ~~ROUTES THAT CREATE ACCESS TO HEALTHY FOOD IN~~**  
15 **~~FOOD DESERTS~~ ACCESS TO RETAIL STORES THAT PROVIDE HEALTHY FOOD AND**  
16 **OTHER NECESSITIES, ESPECIALLY IN FOOD DESERTS DESIGNATED UNDER §**  
17 **6-308(C) OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

18           (3)   “Complete streets policy” means a policy that provides information for  
19 the implementation of complete streets design features during the planning, design,  
20 construction, and reconstruction of a facility.

21           (4)   “Facility” means:

- 22           (i)    An airport facility, as defined in § 5-101 of this article, that is  
23 owned or operated by the State;
- 24           (ii)   A State highway, as defined in § 8-101 of this article; and
- 25           (iii)  A transit facility, as defined in § 7-101 of this article.

26                           **~~(5) “FOOD DESERT” MEANS A COMMUNITY THAT DOES NOT HAVE~~**  
27 **~~EASY ACCESS TO HEALTHY FOOD, INCLUDING FRESH FRUITS AND VEGETABLES,~~**  
28 **~~TYPICALLY IN THE FORM OF A SUPERMARKET, GROCERY STORE, OR FARMERS’~~**  
29 **~~MARKET.~~**

1           ~~[(5)] (6)~~ “Green stormwater infrastructure” means infrastructure  
 2 implemented using best management practices that reduce the volume of stormwater  
 3 runoff through infiltration, evapotranspiration, the beneficial reuse of water, or any other  
 4 effective method.

5           (b) This section applies to a facility in:

6                 (1) The Maryland Aviation Administration, as required under § 5–408.1 of  
 7 this article;

8                 (2) The Maryland Transit Administration, as required under § 7–310 of  
 9 this article; and

10                (3) The State Highway Administration, as required under § 8–204.1 of this  
 11 article.

12           (c) Except as provided in subsection (d) of this section, a complete streets policy  
 13 adopted in accordance with this section shall:

14                 (1) Be implemented with the objective of creating a comprehensive,  
 15 integrated, and connected transportation network that allows users to choose among  
 16 different modes of transportation;

17                 (2) Ensure that all users are considered during the planning, design,  
 18 construction, and reconstruction phases of a facility;

19                 (3) Benefit all users equitably to the extent feasible while taking into  
 20 consideration the needs of the most underinvested and underserved communities;

21                 (4) When practicable, require the accommodation of other modes of  
 22 transportation;

23                 (5) Recognize that all facilities are different and user needs should be  
 24 balanced to ensure community enhancement; ~~and~~

25                 (6) Incorporate best practices related to complete streets design features;  
 26 ~~AND~~

27                 ~~(7) CREATE ACCESS TO HEALTHY FOOD FOR INDIVIDUALS WITHOUT~~  
 28 ~~PERSONAL VEHICLES LIVING IN FOOD DESERTS.~~

29           (d) Exceptions to the requirements of this section may be adopted when  
 30 circumstances or laws exist that prohibit or limit the ability to provide favorable conditions  
 31 for all modes of transportation.

1 8–901.

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

3 (b) “Certified jurisdiction” means a local government that has been certified by  
4 the Department in accordance with § 8–905 of this subtitle.

5 (c) “Complete streets” means streets that provide accommodations for users of  
6 multiple modes of transportation.

7 (d) **“COMPLETE STREETS DESIGN FEATURES” HAS THE MEANING STATED IN**  
8 **§ 2–112 OF THIS ARTICLE.**

9 (E) “Complete streets policy” means a law, a bylaw, an ordinance, or an  
10 administrative policy adopted by a local government in accordance with § 8–905 of this  
11 subtitle.

12 ~~(e)~~ (F) “Eligible project” means a local government or State highway, street, or  
13 road retrofit project that includes the addition of or significant repair to facilities that  
14 provide access for users of multiple modes of transportation.

15 ~~(F) “FOOD DESERT” MEANS A COMMUNITY THAT DOES NOT HAVE EASY~~  
16 ~~ACCESS TO HEALTHY FOOD, INCLUDING FRESH FRUITS AND VEGETABLES,~~  
17 ~~TYPICALLY IN THE FORM OF A SUPERMARKET, GROCERY STORE, OR FARMERS’~~  
18 ~~MARKET.~~

19 [(f)] (G) “Green stormwater infrastructure” means infrastructure implemented  
20 using best management practices that reduce the volume of stormwater runoff through  
21 infiltration, evapotranspiration, the beneficial reuse of water, or any other effective method.

22 [(g)] (H) “Local government” means a county or municipality in the State.

23 [(h)] (I) “Program” means the Complete Streets Program established under this  
24 subtitle.

25 8–903.

26 (a) The purpose of the Program is to provide matching grants to certified  
27 jurisdictions to encourage:

28 (1) The regular and routine inclusion of complete streets design ~~elements~~  
29 **FEATURES** and infrastructure during the planning, design, construction, and  
30 reconstruction of new or existing locally funded roads;

31 (2) The adoption of urban retrofit street ordinances designed to provide  
32 safe access to users of multiple modes of transportation; ~~and~~

1 (3) The development of ranking systems for complete streets projects that  
 2 consider the needs of underinvested and underserved communities in specific geographic  
 3 regions of the State;~~AND~~

4 ~~(4) THE DEVELOPMENT OF RANKING SYSTEMS FOR COMPLETE~~  
 5 ~~STREETS PROJECTS THAT PRIORITIZE DESIGNS TO CREATE ACCESS TO HEALTHY~~  
 6 ~~FOOD IN FOOD DESERTS.~~

7 (b) The goals of the Program are to:

8 (1) Promote healthy communities by encouraging the use of multiple  
 9 modes of transportation other than single-occupancy motor vehicles;

10 (2) Improve safety by designing streets to include DESIGN features such  
 11 as:

12 (i) Wider sidewalks;

13 (ii) Dedicated bike facilities;

14 (iii) Medians;

15 (iv) Pedestrian streetscape DESIGN features; and

16 (v) Green stormwater infrastructure;

17 (3) Protect the environment and improve water quality by using green  
 18 stormwater infrastructure to reduce stormwater runoff from rights-of-way;

19 (4) Reduce congestion by providing safe alternatives to single-occupancy  
 20 motor vehicle driving;

21 (5) Preserve community character by ~~involving~~:

22 (I) INVOLVING local and diverse communities and stakeholders in  
 23 planning, prioritization, and design decisions; ~~and~~

24 (II) FACILITATING ACCESS TO RETAIL STORES THAT PROVIDE  
 25 HEALTHY FOODS AND OTHER NECESSITIES, ESPECIALLY IN FOOD DESERTS  
 26 DESIGNATED UNDER § 6-308(C) OF THE HOUSING AND COMMUNITY DEVELOPMENT  
 27 ARTICLE; AND

28 (6) Provide for the equitable distribution of complete streets funds that  
 29 takes into consideration the needs of underinvested and underserved communities in  
 30 specific geographic regions of the State;~~AND~~

1 ~~(7) CREATE ACCESS TO HEALTHY FOOD FOR INDIVIDUALS WITHOUT~~  
2 ~~PERSONAL VEHICLES LIVING IN FOOD DESERTS.~~

3 ~~§ 904.~~

4 ~~Funds for the Program shall be as provided by the Governor in the State budget.]~~

5 ~~§ 904.~~

6 ~~FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE~~  
7 ~~GOVERNOR SHALL APPROPRIATE AT LEAST \$1,000,000 FROM THE~~  
8 ~~TRANSPORTATION TRUST FUND FOR THE COMPLETE STREETS PROGRAM.~~

9 8-905.

10 (b) (1) A complete streets policy adopted by a local government shall:

11 (ii) Require the development of procedures to follow when  
12 conducting local road repairs, upgrades, or expansion projects to incorporate complete  
13 streets [elements] DESIGN FEATURES;

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed  
15 to require the Maryland Department of Transportation to provide staff or operating  
16 expenses for the administration of the Complete Streets Program until money is  
17 appropriated in the State budget for the Program.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
19 1, 2019.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.