

# HOUSE BILL 263

R1

4lr1471

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By: **Delegate Qi**

Introduced and read first time: January 12, 2024

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Sidewalks and Bicycle Pathways –**  
3 **Maintenance and Repair**

4 FOR the purpose of requiring the State Highway Administration to maintain and repair  
5 certain sidewalks and bicycle pathways rather than the political subdivisions in  
6 which the sidewalks and bicycle pathways are located; requiring the Administration  
7 to maintain and repair sidewalks adjacent to State highways; requiring the political  
8 subdivision in which certain sidewalks and bicycle pathways are located to remove  
9 snow and ice from those sidewalks and bicycle pathways; and generally relating to  
10 maintenance and repair of sidewalks and bicycle pathways.

11 BY repealing and reenacting, with amendments,  
12 Article – Transportation  
13 Section 8–629 and 8–630(c)  
14 Annotated Code of Maryland  
15 (2020 Replacement Volume and 2023 Supplement)

16 BY adding to  
17 Article – Transportation  
18 Section 8–631  
19 Annotated Code of Maryland  
20 (2020 Replacement Volume and 2023 Supplement)

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

23 **Article – Transportation**

24 8–629.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (2) The construction of these sidewalks shall meet the conditions specified  
5 in entrance permits and the standards adopted by the Administration or the local  
6 government.

7 (b) Sidewalks may not be required under this section if the Administration  
8 determines that:

9 (1) The establishment of sidewalks would be contrary to public safety;

10 (2) The cost of establishing the sidewalks would be too great considering  
11 the need for them or their probable use; or

12 (3) The sparsity of population, the existence of other available ways, or any  
13 other factor indicates that there is no need for the sidewalks.

14 (c) (1) [After] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
15 **SUBSECTION, THE ADMINISTRATION SHALL MAINTAIN AND REPAIR** sidewalks [are]  
16 constructed under this section[, they shall be maintained and repaired by the political  
17 subdivision in which they are located].

18 (2) **THE POLITICAL SUBDIVISION IN WHICH A SIDEWALK**  
19 **CONSTRUCTED UNDER THIS SECTION IS LOCATED SHALL BE RESPONSIBLE FOR**  
20 **REMOVING SNOW AND ICE FROM THE SIDEWALK.**

21 8-630.

22 (c) (1) If sidewalks or bicycle pathways are constructed or reconstructed as  
23 part of a roadway construction or reconstruction project, the Administration shall fund the  
24 sidewalk or bicycle pathway construction or reconstruction as a part of the cost of the  
25 roadway project.

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

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

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

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

12                           1. 75 percent of the cost shall be funded by the State; and

13                           2. 25 percent of the cost shall be funded by the local  
14 government.

15           (iii) If sidewalks or bicycle pathways within an area designated as a  
16 priority funding area under § 5–7B–02 of the State Finance and Procurement Article are  
17 constructed or reconstructed based on a determination by the Administration that a  
18 substantial public safety risk or significant impediment to pedestrian access exists and the  
19 adjacent roadway is not being concurrently constructed or reconstructed, then:

20                           1. The Administration shall categorize the sidewalk or  
21 bicycle pathway construction project as “system preservation” and give corresponding  
22 funding priority to the project; and

23                           2. The cost to construct or reconstruct the sidewalk or bicycle  
24 pathway may be funded entirely by the State.

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

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

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

32           (6) (i) Except as provided in subparagraph (ii) of this paragraph, [after]  
33 **THE ADMINISTRATION SHALL MAINTAIN AND REPAIR** sidewalks and bicycle pathways  
34 [are] constructed under this section[, they shall be maintained and repaired by the political  
35 subdivision in which they are located].

1                   (ii) [Subject to approval and the availability of funds, the  
2 Administration promptly shall reimburse a political subdivision for the preapproved and  
3 documented costs incurred in reconstructing a segment of a sidewalk or bicycle pathway  
4 that has deteriorated to the extent that repair is not practical or desirable for public safety]  
5 **THE POLITICAL SUBDIVISION IN WHICH A SIDEWALK OR BICYCLE PATHWAY**  
6 **CONSTRUCTED UNDER THIS SECTION IS LOCATED SHALL BE RESPONSIBLE FOR**  
7 **REMOVING SNOW AND ICE FROM THE SIDEWALK OR BICYCLE PATHWAY.**

8 **8-631.**

9                   (A) **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**  
10 **ADMINISTRATION SHALL MAINTAIN AND REPAIR SIDEWALKS THAT ARE ADJACENT**  
11 **TO STATE HIGHWAYS.**

12                   (B) **THE POLITICAL SUBDIVISION IN WHICH A SIDEWALK ADJACENT TO A**  
13 **STATE HIGHWAY IS LOCATED SHALL BE RESPONSIBLE FOR REMOVING SNOW AND**  
14 **ICE FROM THE SIDEWALK.**

15                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2024.