

# SENATE BILL 593

R1

4r1690  
CF HB 135

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By: **Senator Waldstreicher**

Introduced and read first time: January 26, 2024

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Maryland Transportation Authority – Pedestrian and Bicycle**  
3 **Safety and Accessibility**

4 FOR the purpose of repealing a prohibition on pedestrians using a highway of the Maryland  
5 Transportation Authority; altering a prohibition on bicycles using an Authority  
6 highway; requiring the Authority to construct separated or buffered bicycle ways and  
7 pedestrian walkways in certain locations under certain circumstances; authorizing  
8 the Authority to seek a waiver from the Secretary of Transportation from certain  
9 requirements under this Act; requiring the Bicycle and Pedestrian Advisory  
10 Committee to review waiver requests under this Act and provide recommendations  
11 to the Secretary; and generally relating to the construction of bicycle ways and  
12 pedestrian walkways on Authority bridges and highways.

13 BY repealing and reenacting, with amendments,  
14 Article – Transportation  
15 Section 2–606  
16 Annotated Code of Maryland  
17 (2020 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article – Transportation  
20 Section 21–1401  
21 Annotated Code of Maryland  
22 (2020 Replacement Volume and 2023 Supplement)

23 BY repealing  
24 Article – Transportation  
25 Section 21–1405  
26 Annotated Code of Maryland  
27 (2020 Replacement Volume and 2023 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Transportation  
3 Section 21–1405  
4 Annotated Code of Maryland  
5 (2020 Replacement Volume and 2023 Supplement)

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

8 **Article – Transportation**

9 2–606.

10 (a) The Governor shall appoint a Bicycle and Pedestrian Advisory Committee to  
11 provide guidance to State agencies concerning:

- 12 (1) Funding of bicycle and pedestrian related programs;  
13 (2) Public education and awareness of bicycling and pedestrian related  
14 activities;  
15 (3) Public education and awareness of bicycling and pedestrian safety; and  
16 (4) Any other issue directly related to bicycling and pedestrians.

17 (b) The Committee shall consist of the following:

- 18 (1) One representative each from:  
19 (i) The Department of Transportation;  
20 (ii) The Department of Natural Resources;  
21 (iii) The State Department of Education;  
22 (iv) The Department of State Police;  
23 (v) The Department of Commerce;  
24 (vi) The Maryland Department of Health;  
25 (vii) The Department of Planning;  
26 (viii) The Department of Disabilities; and  
27 (ix) The Maryland–National Capital Park and Planning  
28 Commission;

1           (2)    One citizen member from each of the following areas:

2                   (i)    The Eastern Shore;

3                   (ii)   Western Maryland; and

4                   (iii)   Southern Maryland;

5           (3)    Two citizen members from each of the following areas:

6                   (i)    The Baltimore metropolitan area; and

7                   (ii)   The Washington metropolitan area; and

8           (4)    Up to six citizen members selected to represent the interests of  
9 bicyclists, pedestrians, and the disabled community to include:

10                   (i)    A representative of individuals who are visually impaired; and

11                   (ii)   A representative of individuals who are mobility impaired.

12           (c)    One of the citizen members selected under subsection (b) of this section shall  
13 have an expertise in bicycle and pedestrian safety.

14           (d)    The total membership of the Committee may not exceed 22 members.

15           (e)    The Governor shall select a chairman from among the citizen members.

16           (f)    (1)    The term of a member is 4 years.

17                   (2)    The terms of members are staggered as required by the terms provided  
18 for members of the Committee on October 1, 2001.

19                   (3)    At the end of a term, a member continues to serve until a successor is  
20 appointed and qualifies.

21                   (4)    A member who is appointed after a term has begun serves only for the  
22 rest of the term and until a successor is appointed and qualifies.

23           (g)    The Committee may adopt procedures necessary to ensure the orderly  
24 transaction of business.

25           (h)    The Committee shall hold regular meetings as it deems appropriate.

26           (i)    **THE COMMITTEE SHALL:**

1           **(1) REVIEW ANY WAIVER REQUEST FROM THE MARYLAND**  
2 **TRANSPORTATION AUTHORITY ON THE IDENTIFICATION OR CONSTRUCTION OF**  
3 **BICYCLE WAYS AND PEDESTRIAN WALKWAYS REQUIRED UNDER § 21-1405 OF THIS**  
4 **ARTICLE; AND**

5           **(2) PROVIDE A RECOMMENDATION TO THE SECRETARY ON WHETHER**  
6 **THE WAIVER SHOULD BE GRANTED.**

7           **[(i)] (J)** A member of the Committee may not receive compensation but shall be  
8 reimbursed for expenses under the Standard State Travel Regulations, as provided for in  
9 the State budget.

10           **[(j)] (K)** The Department shall provide staff, administrative support, and  
11 operating expenses for the Committee as provided in the State budget.

12 21-1401.

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

14           (b) “Approach” means any roadway, overhead structure, ramp, bridge, causeway,  
15 entrance, and exit provided as a means of access to or departure from an Authority  
16 highway.

17           (c) “Authority highway” means:

18                   (1) Each highway, tunnel, and bridge within the jurisdiction of the  
19 Maryland Transportation Authority; and

20                   (2) Each approach to these highways, tunnels, and bridges.

21           (d) “Bridge” means any bridge within the jurisdiction of the Maryland  
22 Transportation Authority.

23           (e) “Tunnel” means:

24                   (1) The Baltimore Harbor Tunnel; and

25                   (2) Any other tunnel within the jurisdiction of the Maryland  
26 Transportation Authority.

27 [21-1405.

28           (a) Unless authorized by the Chairman of the Maryland Transportation  
29 Authority, pedestrians may not use any Authority highway.

1 (b) Unless authorized by the Chairman of the Maryland Transportation  
2 Authority, bicycles may not use any Authority highway.]

3 **21-1405.**

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (2) "AUTHORITY" MEANS THE MARYLAND TRANSPORTATION  
7 AUTHORITY.

8 (3) "BICYCLE WAY" HAS THE MEANING STATED IN § 21-101 OF THIS  
9 TITLE.

10 (B) A PERSON MAY NOT USE A BICYCLE ON THE SHOULDER OF AN  
11 AUTHORITY HIGHWAY UNLESS:

12 (1) THE SHOULDER IS WIDE ENOUGH TO ALLOW A VEHICLE TO  
13 SAFELY STOP OR PARK OUT OF TRAFFIC LANES; AND

14 (2) THERE IS NO EXISTING PARALLEL SHARED-USE PATH OR ROAD  
15 WITH A BICYCLE WAY.

16 (C) (1) THE AUTHORITY SHALL CONSTRUCT SEPARATED OR BUFFERED  
17 BICYCLE WAYS AND PEDESTRIAN WALKWAYS ON BRIDGES AS PART OF ANY  
18 CONSTRUCTION, REPAIR, OR MAINTENANCE PROJECT ON AN AUTHORITY BRIDGE.

19 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE  
20 AUTHORITY, IN COLLABORATION WITH THE DEPARTMENT, THE STATE HIGHWAY  
21 ADMINISTRATION, AND LOCAL JURISDICTIONS, SHALL IDENTIFY APPROPRIATE  
22 LOCATIONS FOR CONSTRUCTING SEPARATED OR BUFFERED BICYCLE WAYS AND  
23 PEDESTRIAN WALKWAYS THAT:

24 (I) CROSS AUTHORITY HIGHWAYS; OR

25 (II) RUN PARALLEL TO AUTHORITY HIGHWAYS.

26 (3) IN IDENTIFYING APPROPRIATE LOCATIONS FOR BICYCLE WAYS  
27 AND PEDESTRIAN WALKWAYS, THE AUTHORITY SHALL PRIORITIZE:

28 (I) PROVIDING SAFE ACCESS TO:

29 1. TRANSIT STATIONS;

1   **2. CRITICAL NEED AREAS; AND**

2   **3. NEIGHBORHOODS SEPARATED BY AUTHORITY**  
3 **HIGHWAYS; AND**

4   **(II) PROVIDING WAYS TO TRAVERSE OR CROSS NATURAL**  
5 **PHYSICAL BARRIERS.**

6                   **(D) EXCEPT AS PROVIDED UNDER SUBSECTION (E) OF THIS SECTION, THE**  
7 **AUTHORITY SHALL CONSTRUCT SEPARATED OR BUFFERED BICYCLE WAYS AND**  
8 **PEDESTRIAN WALKWAYS AT THE LOCATIONS IDENTIFIED UNDER SUBSECTION (C) OF**  
9 **THIS SECTION.**

10                   **(E) (1) (I) THE AUTHORITY MAY REQUEST A WAIVER FROM A**  
11 **REQUIREMENT TO CONSTRUCT A SEPARATED OR BUFFERED BICYCLE WAY OR**  
12 **PEDESTRIAN WALKWAY UNDER THIS SECTION.**

13   **(II) THE AUTHORITY SHALL SUBMIT THE WAIVER REQUEST TO**  
14 **THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE AND THE SECRETARY.**

15   **(2) THE BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE SHALL**  
16 **REVIEW A WAIVER REQUEST SUBMITTED UNDER THIS SUBSECTION AND PROVIDE**  
17 **THE SECRETARY WITH A RECOMMENDATION ON WHETHER THE WAIVER SHOULD BE**  
18 **GRANTED.**

19   **(3) THE SECRETARY MAY GRANT THE AUTHORITY A WAIVER FROM**  
20 **THE REQUIREMENTS OF THIS SECTION IF IMPLEMENTING THE REQUIREMENTS:**

21   **(I) CONFLICTS WITH ANY STATUTE, LOCAL LAW, OR**  
22 **REGULATION;**

23   **(II) IS NOT FEASIBLE DUE TO INSUFFICIENT CONTRIBUTION**  
24 **FUNDS PROVIDED BY FEDERAL, STATE, OR LOCAL GOVERNMENT; OR**

25   **(III) IS INFEASIBLE OR UNJUSTIFIABLE BASED ON SAFETY OR**  
26 **COST CONSIDERATIONS.**

27                   **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
28 **October 1, 2024.**