
By: Chairman, Appropriations Committee (Departmental - Transportation)

Introduced and read first time: February 2, 1996

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Highways - Sidewalks - Funding to Local Governments**

3 FOR the purpose of clarifying the definition of "urban highway" for the purposes of
4 sidewalk construction; authorizing State funding of certain sidewalk projects in
5 certain designated areas without a matching contribution from a local government;
6 requiring local governments to provide for certain rights-of-way, public notice, and
7 opportunities for community involvement when requesting certain projects; and
8 generally relating to the construction of sidewalks in response to a request from a
9 local government.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 8-630
13 Annotated Code of Maryland
14 (1993 Replacement Volume and 1995 Supplement)

15 Preamble

16 WHEREAS, Legislation entitled "Bicycle and Pedestrian Access 2000" was
17 enacted in 1995 and states a goal of significantly increasing the percentage of total trips
18 performed by walking or bicycling by Fiscal Year 2000; and

19 WHEREAS, Legislation entitled "The Neighborhood Business Development
20 Program and Fund" was also enacted in 1995 in order to increase investment and
21 stimulate development in certain designated neighborhoods in order to revitalize those
22 neighborhoods; and

23 WHEREAS, Certain matching requirements for certain sidewalk projects limit the
24 State's flexibility in responding to the needs of revitalization areas and other areas with
25 high bicycle and pedestrian demand; and

26 WHEREAS, It is the intent of the General Assembly to have its various
27 revitalization programs and policies work together to achieve complimentary goals by
28 targeting investments in designated neighborhoods; now, therefore,

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

2

1 **Article - Transportation**

2 8-630.

3 (a) In this section, "urban highway" means a highway, other than an expressway,
4 that is:

5 (1) (I) Constructed with a curb and gutter and an enclosed type storm
6 drainage system;

7 [(2)] (II) Located in an urban area and on which is located a public facility
8 that creates appreciable pedestrian traffic along the highway from adjacent areas; or

9 [(3)] (III) Located within urban boundaries as defined by the U.S. Census
10 Bureau; AND

11 (2) PART OF THE STATE HIGHWAY SYSTEM.

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

15 (i) The Administration determines that the cost or impact of
16 constructing the sidewalks would be too great in relation to the need for them or their
17 probable use; or

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

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

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

24 (2) [If] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
25 IF sidewalks are constructed or reconstructed in response to a request from a local
26 government and the adjacent roadway is not being concurrently constructed or
27 reconstructed, the cost to construct or reconstruct the sidewalk shall be shared equally
28 between the State and local governments.

29 (3) IF SIDEWALKS WITHIN A DESIGNATED NEIGHBORHOOD AS DEFINED
30 IN ARTICLE 83B, §§ 2-1302 AND 2-1303 OF THE CODE ARE CONSTRUCTED OR
31 RECONSTRUCTED IN RESPONSE TO A REQUEST FROM A LOCAL GOVERNMENT AND
32 THE ADJACENT ROADWAY IS NOT BEING CONCURRENTLY CONSTRUCTED OR
33 RECONSTRUCTED, THE COST TO CONSTRUCT OR RECONSTRUCT THE SIDEWALK
34 MAY BE FUNDED ENTIRELY BY THE STATE.

35 (4) IF SIDEWALKS ARE BEING CONSTRUCTED OR RECONSTRUCTED IN
36 RESPONSE TO A REQUEST FROM A LOCAL GOVERNMENT AND THE ADJACENT
37 ROADWAY IS NOT BEING CONCURRENTLY CONSTRUCTED OR RECONSTRUCTED,
38 THE LOCAL GOVERNMENT SHALL:

3

1 (I) PROVIDE PUBLIC NOTICE AND OPPORTUNITIES FOR
2 COMMUNITY INVOLVEMENT PRIOR TO THE CONSTRUCTION OF A SIDEWALK
3 PROJECT; AND

4 (II) SECURE ANY NECESSARY RIGHT-OF-WAY THAT MAY BE
5 NEEDED BEYOND THE RIGHT-OF-WAY ALREADY OWNED BY THE STATE.

6 [(3)] (5) After sidewalks are constructed under this section, they shall be
7 maintained and repaired by the political subdivision in which they are located.

8 [(4)] (6) For Fiscal Years 1996, 1997, and 1998, the State's share of the cost
9 of sidewalk construction and reconstruction projects under this section may not exceed \$2
10 million per fiscal year.

11 (d) The Administration may not construct any project that will result in the
12 severance or destruction of an existing major route for pedestrian transportation traffic,
13 unless the project provides for construction of a reasonable alternative route or such a
14 route already exists.

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 1996.