
By: Chairman, Appropriations Committee (Departmental - Transportation)

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Assigned to: Appropriations

Reassigned: Ways and Means, February 6, 1996

Committee Report: Favorable

House action: Adopted

Read second time: March 20, 1996

CHAPTER ____

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

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

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

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

9 **Article - Transportation**

10 8-630.

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

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

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

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

19 (2) PART OF THE STATE HIGHWAY SYSTEM.

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

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

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

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

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

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

37 (3) IF SIDEWALKS WITHIN A DESIGNATED NEIGHBORHOOD AS DEFINED
38 IN ARTICLE 83B, §§ 2-1302 AND 2-1303 OF THE CODE ARE CONSTRUCTED OR

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1 RECONSTRUCTED IN RESPONSE TO A REQUEST FROM A LOCAL GOVERNMENT AND
2 THE ADJACENT ROADWAY IS NOT BEING CONCURRENTLY CONSTRUCTED OR
3 RECONSTRUCTED, THE COST TO CONSTRUCT OR RECONSTRUCT THE SIDEWALK
4 MAY BE FUNDED ENTIRELY BY THE STATE.

5 (4) IF SIDEWALKS ARE BEING CONSTRUCTED OR RECONSTRUCTED IN
6 RESPONSE TO A REQUEST FROM A LOCAL GOVERNMENT AND THE ADJACENT
7 ROADWAY IS NOT BEING CONCURRENTLY CONSTRUCTED OR RECONSTRUCTED,
8 THE LOCAL GOVERNMENT SHALL:

9 (I) PROVIDE PUBLIC NOTICE AND OPPORTUNITIES FOR
10 COMMUNITY INVOLVEMENT PRIOR TO THE CONSTRUCTION OF A SIDEWALK
11 PROJECT; AND

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

14 [(3)] (5) After sidewalks are constructed under this section, they shall be
15 maintained and repaired by the political subdivision in which they are located.

16 [(4)] (6) For Fiscal Years 1996, 1997, and 1998, the State's share of the cost
17 of sidewalk construction and reconstruction projects under this section may not exceed \$2
18 million per fiscal year.

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

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

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