
By: Delegates Howard, Exum, Healey, McKee, Harkins, Hubbard, D. Davis, C. Davis, Frush, Menes, Pitkin, Grosfeld, Kirk, Harrison, Hixson, Watson, C. Mitchell, Muse, Conroy, Bonsack, Branch, and Rosapepe

Introduced and read first time: January 23, 1997

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Urban Highways - Sidewalks and Bicycle Pathways - Lighting**

3 FOR the purpose of expanding certain provisions that apply to urban highways to make
4 them applicable to certain highways that are located within the boundaries of a
5 municipal corporation; expanding certain provisions relating to the construction,
6 reconstruction, and funding of sidewalks to make them applicable to bicycle
7 pathways; requiring certain sidewalks and bicycle pathways to be maintained and
8 repaired by the State Highway Administration; requiring the Administration to
9 maintain and repair facilities for nighttime illumination that exist adjacent to urban
10 highways; and generally relating to urban highways, lighting, sidewalks, and bicycle
11 pathways.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 8-630
15 Annotated Code of Maryland
16 (1993 Replacement Volume and 1996 Supplement)

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

19 **Article - Transportation**

20 8-630.

21 (a) (1) In this section[, "urban highway"] THE FOLLOWING WORDS HAVE
22 THE MEANINGS INDICATED.

23 (2) "MUNICIPAL CORPORATION" HAS THE MEANING STATED IN
24 ARTICLE 23A, § 9 OF THE CODE.

25 (3) "URBAN HIGHWAY" means a highway, other than an expressway, that is:

26 [(1) (i)] (I) 1. Constructed with a curb and gutter and an enclosed type
27 storm drainage system;

2

1 [(ii) Located] 2. LOCATED in an urban area and on which is located a
2 public facility that creates appreciable pedestrian traffic along the highway from adjacent
3 areas; [or]

4 [(iii) Located] 3. LOCATED within urban boundaries as defined by the
5 U.S. Census Bureau; OR

6 4. LOCATED WITHIN THE BOUNDARIES OF A MUNICIPAL
7 CORPORATION; and

8 [(2)] (II) Part of the State highway system.

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

12 (i) The Administration determines that the cost or impacts of
13 constructing the sidewalks would be too great in relation to the need for them or their
14 probable use; or

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

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

18 (c) (1) If sidewalks OR BICYCLE PATHWAYS are constructed or reconstructed
19 as part of a roadway construction or reconstruction project, the Administration shall fund
20 the sidewalk OR BICYCLE PATHWAY construction or reconstruction as a part of the cost
21 of the roadway project.

22 (2) Except as provided in paragraph (3) of this subsection, if sidewalks OR
23 BICYCLE PATHWAYS are constructed or reconstructed in response to a request from a
24 local government and the adjacent roadway is not being concurrently constructed or
25 reconstructed, the cost to construct or reconstruct the sidewalk OR BICYCLE PATHWAY
26 shall be shared equally between the State and local governments.

27 (3) If sidewalks OR BICYCLE PATHWAYS within a designated neighborhood
28 as defined in Article 83B, §§ 4-202 and 4-203 of the Code are constructed or
29 reconstructed in response to a request from a local government and the adjacent roadway
30 is not being concurrently constructed or reconstructed, the cost to construct or
31 reconstruct the sidewalk OR BICYCLE PATHWAY may be funded entirely by the State.

32 (4) If sidewalks OR BICYCLE PATHWAYS are being 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 local government shall:

35 (i) Provide public notice and opportunities for community
36 involvement prior to the construction of a sidewalk OR BICYCLE PATHWAY project; and

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

3

1 (5) After sidewalks AND BICYCLE PATHWAYS are constructed under this
2 section, they shall be maintained and repaired by [the political subdivision in which they
3 are located] THE STATE HIGHWAY ADMINISTRATION.

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

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

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

13 (F) THE STATE HIGHWAY ADMINISTRATION SHALL MAINTAIN AND REPAIR
14 ALL FACILITIES FOR NIGHTTIME ILLUMINATION THAT EXIST ADJACENT TO URBAN
15 HIGHWAYS.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1997.