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1997 Regular Session  
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CF 7r1650

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**By: Senators Currie, Trotter, Dorman, ~~and Green~~ Green, and Ferguson**

Introduced and read first time: January 23, 1997

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 26, 1997

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CHAPTER \_\_\_\_

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; providing a certain exception related~~  
9 ~~to funding by the State Highway Administration of the reconstruction of certain~~  
10 ~~sidewalks and bicycle pathways under certain circumstances; extending the period~~  
11 ~~during which the State's share of the cost of certain sidewalk construction and~~  
12 ~~reconstruction projects is limited to a certain amount; requiring providing for the~~  
13 ~~construction of a certain provision of this Act; requiring the Administration to~~  
14 maintain and repair certain facilities for nighttime illumination ~~that exist adjacent~~  
15 ~~to urban highways~~; and generally relating to urban highways, lighting, sidewalks, and  
16 bicycle pathways.

17 BY repealing and reenacting, with amendments,

18 Article - Transportation

19 Section 8-630

20 Annotated Code of Maryland

21 (1993 Replacement Volume and 1996 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

23 MARYLAND, That the Laws of Maryland read as follows:

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1                   **Article - Transportation**

2 8-630.

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

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

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

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

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

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

15                   4. LOCATED WITHIN THE BOUNDARIES OF A MUNICIPAL  
16 CORPORATION; and

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

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

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

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

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

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

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

36                   (3) If sidewalks OR BICYCLE PATHWAYS within a designated neighborhood  
37 as defined in Article 83B, §§ 4-202 and 4-203 of the Code are constructed or  
38 reconstructed in response to a request from a local government and the adjacent roadway

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1 is not being concurrently constructed or reconstructed, the cost to construct or  
2 reconstruct the sidewalk OR BICYCLE PATHWAY may be funded entirely by the State.

3 (4) If sidewalks OR BICYCLE PATHWAYS are being constructed or  
4 reconstructed in response to a request from a local government and the adjacent roadway  
5 is not being concurrently constructed or reconstructed, the local government shall:

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

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

10 (5) ~~After (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~  
11 ~~PARAGRAPH, AFTER~~ sidewalks AND BICYCLE PATHWAYS are constructed under this  
12 section, they shall be maintained and repaired by ~~the~~ political subdivision in which they  
13 are located; ~~THE STATE HIGHWAY ADMINISTRATION.~~

14 (II) SUBJECT TO APPROVAL AND THE AVAILABILITY OF FUNDS,  
15 THE STATE HIGHWAY ADMINISTRATION PROMPTLY SHALL REIMBURSE A POLITICAL  
16 SUBDIVISION FOR THE PREAPPROVED AND DOCUMENTED COSTS INCURRED IN  
17 RECONSTRUCTING A SEGMENT OF A SIDEWALK OR BICYCLE PATHWAY THAT HAS  
18 DETERIORATED TO THE EXTENT THAT REPAIR IS NOT PRACTICAL OR DESIRABLE  
19 FOR PUBLIC SAFETY.

20 (6) ~~(I) For Fiscal Years 1996, 1997, and 1998~~ THROUGH 2001, the State's  
21 share of the cost of sidewalk construction and reconstruction projects under this section  
22 may not exceed \$2 million per fiscal year.

23 (II) FOR PURPOSES OF THIS PARAGRAPH, "STATE'S SHARE" MEANS  
24 SPECIAL FUNDS FROM THE TRANSPORTATION TRUST FUND.

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

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

31 ~~(F) THE STATE HIGHWAY ADMINISTRATION SHALL MAINTAIN AND REPAIR~~  
32 ~~ALL FACILITIES FOR NIGHTTIME ILLUMINATION THAT;~~

33 (1) ARE CONSTRUCTED BY THE ADMINISTRATION FOR THE SAFE  
34 CONDUCT OF VEHICULAR TRAFFIC; AND

35 (2) EXIST ADJACENT TO URBAN HIGHWAYS.

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

