
By: **Delegate Pitkin**

Introduced and read first time: February 13, 1998

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Bicycle-Pedestrian Full Access 2001**

3 FOR the purpose of requiring the State Highway Administration, in cooperation with
4 county highway agencies, to provide paved shoulders on certain highways;
5 prohibiting the Administration and county governments from eliminating paved
6 shoulders when a highway is reconstructed; prohibiting the Department of
7 Transportation and county governments from distributing funds for a highway
8 construction project that fails to meet certain requirements for paved shoulders;
9 prohibiting the Administration and county governments from designating a
10 sidewalk as a bicycle pathway; creating a Bicycle-Pedestrian Safety Program
11 Account in the Transportation Trust Fund; establishing a Bicycle-Pedestrian
12 Safety Program for certain purposes; providing that the costs of the Program
13 shall be paid with funds from the Bicycle-Pedestrian Safety Program Account;
14 authorizing the Department and the Motor Vehicle Administration to implement
15 and administer the Program; requiring the Administration to adopt certain
16 regulations; requiring a court to impose a certain surcharge in addition to any
17 fine a court imposes for certain violations; requiring the court to credit the
18 surcharges to the Bicycle-Pedestrian Safety Program Account; repealing certain
19 provisions requiring operation of a bicycle on the shoulder of a highway under
20 certain circumstances; requiring the Bicycle Advisory Committee to work to
21 ensure that the State provide the widest possible access for bicycles to rail
22 facilities; defining certain terms; and generally relating to the implementation
23 and operation of a Bicycle-Pedestrian Safety Program.

24 BY repealing and reenacting, with amendments,
25 Article - Transportation
26 Section 3-216(c), 8-601, and 8-630
27 Annotated Code of Maryland
28 (1993 Replacement Volume and 1997 Supplement)

29 BY adding to
30 Article - Transportation
31 Section 16-901 through 16-906, inclusive, to be under the new subtitle "Subtitle
32 9. Bicycle-Pedestrian Safety Program"; and 27-106(d)

1 Annotated Code of Maryland
2 (1992 Replacement Volume and 1997 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - Transportation
5 Section 21-1205.1
6 Annotated Code of Maryland
7 (1992 Replacement Volume and 1997 Supplement)

8 Preamble

9 WHEREAS, It is the goal of the General Assembly to double the percentage of
10 trips for personal transportation by bicycling or walking by 2001; and

11 WHEREAS, It is the intent of the General Assembly to encourage bicycling and
12 walking as energy efficient modes of transportation; and

13 WHEREAS, It is the intent of the General Assembly that State officials provide
14 bicyclists and pedestrians with safe access to State transportation facilities; and

15 WHEREAS, Wide paved shoulders aid all road users by providing a breakdown
16 lane and enabling police to stop aggressive and drunk drivers; now, therefore,

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 3-216.

21 (c) (1) There shall be maintained in the Transportation Trust Fund one or
22 more sinking fund accounts to which shall be credited and from which shall be paid,
23 from the proceeds of the taxes levied and imposed for that purpose or from any other
24 funds of the Department, amounts sufficient at all times to meet the debt service on
25 all bonds of prior issues and consolidated transportation bonds from time to time
26 outstanding and unpaid.

27 (2) The Gasoline and Motor Vehicle Revenue Account, Driver Education
28 Account, [and] the Motorcycle Safety Program Account, AND THE
29 BICYCLE-PEDESTRIAN SAFETY PROGRAM ACCOUNT shall be maintained in the
30 Transportation Trust Fund.

31 8-601.

32 (a) The Administration shall construct, reconstruct, and repair State
33 highways as necessary and shall maintain them in good condition.

34 (b) The Department may not spend any further funds for the construction of
35 I-95 through Prince George's County that will involve a new or reconstructed

1 segment connecting it to any other highway in Prince George's County. The
 2 Department may not spend any further funds for the construction of a new highway,
 3 arterial, freeway, or expressway in the right-of-way described in the 1980 highway
 4 needs inventory as the right-of-way reserved for the project designated as the
 5 Rockville Facility in Montgomery County.

6 (c) This prohibition does not preclude the construction of improvements at
 7 grade intersections and railroad crossings in the right-of-way designated as the
 8 Rockville Facility to facilitate traffic flow and highway safety.

9 (D) (1) THE ADMINISTRATION AND COUNTY HIGHWAY AGENCIES SHALL
 10 PROVIDE PAVED SHOULDERS, AT LEAST 4 FEET IN WIDTH, ON ALL HIGHWAYS UNDER
 11 THEIR RESPECTIVE JURISDICTIONS WITH TRAFFIC VOLUMES GREATER THAN 2,000
 12 VEHICLES PER DAY.

13 (2) THE ADMINISTRATION AND COUNTY HIGHWAY AGENCIES MAY NOT
 14 ELIMINATE PAVED SHOULDERS WHEN A HIGHWAY IS RECONSTRUCTED.

15 (3) THE DEPARTMENT OR A COUNTY GOVERNMENT MAY NOT
 16 DISTRIBUTE FUNDS FOR A HIGHWAY CONSTRUCTION PROJECT THAT FAILS TO MEET
 17 OR EXCEED THE REQUIREMENTS FOR PAVED SHOULDERS PROVIDED FOR IN THIS
 18 SUBSECTION, UNLESS THE DEPARTMENT OR THE COUNTY GOVERNMENT
 19 CONSTRUCTS A BICYCLE LANE PARALLEL TO THE HIGHWAY AS AN ALTERNATIVE.

20 8-630.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) "Municipal corporation" has the meaning stated in Article 23A, § 9 of
 23 the Code.

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

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

28 2. Located in an urban area and on which is located a public
 29 facility that creates appreciable pedestrian traffic along the highway from adjacent
 30 areas;

31 3. Located within urban boundaries as defined by the U.S.
 32 Census Bureau; or

33 4. Located within the boundaries of a municipal corporation;
 34 and

35 (ii) Part of the State highway system.

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

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

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

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

12 (c) (1) If sidewalks or bicycle pathways are constructed or reconstructed as
13 part of a roadway construction or reconstruction project, the Administration shall
14 fund the sidewalk or bicycle pathway construction or reconstruction as a part of the
15 cost of the roadway project.

16 (2) Except as provided in paragraph (3) of this subsection, if sidewalks or
17 bicycle pathways are constructed or reconstructed in response to a request from a
18 local government and the adjacent roadway is not being concurrently constructed or
19 reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway
20 shall be shared equally between the State and local governments.

21 (3) If sidewalks or bicycle pathways within a designated neighborhood as
22 defined in Article 83B, §§ 4-202 and 4-203 of the Code are constructed or
23 reconstructed in response to a request from a local government and the adjacent
24 roadway is not being concurrently constructed or reconstructed, the cost to construct
25 or reconstruct the sidewalk or bicycle pathway may be funded entirely by the State.

26 (4) If sidewalks or bicycle pathways are being constructed or
27 reconstructed in response to a request from a local government and the adjacent
28 roadway is not being concurrently constructed or reconstructed, the local government
29 shall:

30 (i) Provide public notice and opportunities for community
31 involvement prior to the construction of a sidewalk or bicycle pathway project; and

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

34 (5) (i) Except as provided in subparagraph (ii) of this paragraph, after
35 sidewalks and bicycle pathways are constructed under this section, they shall be
36 maintained and repaired by the political subdivision in which they are located.

37 (ii) Subject to approval and the availability of funds, the
38 Administration promptly shall reimburse a political subdivision for the preapproved
39 and documented costs incurred in reconstructing a segment of a sidewalk or bicycle

1 16-902.

2 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE ADMINISTRATION:

3 (1) PROMOTE BICYCLE SAFETY;

4 (2) PROVIDE ACCESS TO BICYCLE SAFETY COURSES; AND

5 (3) MAINTAIN A STAFF THAT IS SUFFICIENT FOR THE IMPLEMENTATION
6 AND ADMINISTRATION OF THE BICYCLE-PEDESTRIAN SAFETY PROGRAM
7 ESTABLISHED UNDER THIS SUBTITLE.

8 16-903.

9 (A) THERE IS A BICYCLE-PEDESTRIAN SAFETY PROGRAM AS A PART OF THE
10 HIGHWAY SAFETY PROGRAM OF THIS STATE.

11 (B) THE PURPOSE OF THE BICYCLE-PEDESTRIAN SAFETY PROGRAM IS TO:

12 (1) IMPROVE THE SAFETY OF BICYCLISTS THROUGH BICYCLE SAFETY
13 PROGRAMS;

14 (2) IMPROVE RIDER SKILLS; AND

15 (3) ENHANCE PUBLIC AWARENESS OF BICYCLE SAFETY THAT WILL
16 BENEFIT ALL HIGHWAY USERS.

17 (C) THE BICYCLE-PEDESTRIAN SAFETY PROGRAM SHALL BE FUNDED FROM
18 THE FEE COLLECTED BY THE ADMINISTRATION UNDER THIS SUBTITLE AND WITH
19 MONEY IN THE BICYCLE-PEDESTRIAN SAFETY PROGRAM ACCOUNT IN THE
20 TRANSPORTATION TRUST FUND.

21 16-904.

22 (A) THE DEPARTMENT AND THE ADMINISTRATION SHALL ADMINISTER THE
23 BICYCLE-PEDESTRIAN SAFETY PROGRAM.

24 (B) THE ADMINISTRATION, A STATE OR COMMUNITY COLLEGE, A STATE
25 UNIVERSITY, AN AGENCY OF A POLITICAL SUBDIVISION, OR ANY OTHER PERSON
26 APPROVED BY THE ADMINISTRATION MAY OPERATE A BICYCLE SAFETY TRAINING
27 CENTER AND MAY OFFER BICYCLE SAFETY COURSES AT THOSE BICYCLE SAFETY
28 TRAINING CENTERS THAT IT OPERATES.

29 (C) THE ADMINISTRATION MAY OPERATE A MOBILE TRAINING CENTER TO
30 PROVIDE COURSES AT VARIOUS LOCATIONS IN THE STATE.

31 (D) FOR A COURSE OFFERED AT A BICYCLE SAFETY TRAINING CENTER
32 OPERATED OR APPROVED BY THE ADMINISTRATION, THE ADMINISTRATION MAY
33 COLLECT A REASONABLE COURSE REGISTRATION FEE ESTABLISHED BY THE
34 ADMINISTRATION.

1 (E) THE COURSES MAY BE OFFERED THROUGHOUT THE CALENDAR YEAR.

2 (F) (1) THE DEPARTMENT SHALL PROVIDE A PROGRAM COORDINATOR TO
3 ORGANIZE AND ADMINISTER ALL TASKS RELATED TO THE ACHIEVEMENT OF THE
4 PURPOSE OF THE BICYCLE-PEDESTRIAN SAFETY PROGRAM AS PROVIDED UNDER
5 THIS SUBTITLE.

6 (2) THE PROGRAM COORDINATOR SHALL BE EXPERIENCED IN THE
7 BICYCLE SAFETY FIELD AND SHALL POSSESS THOSE QUALIFICATIONS AS MAY BE
8 SPECIFIED BY THE SECRETARY.

9 16-905.

10 (A) THE ADMINISTRATION SHALL ADOPT AND ENFORCE REGULATIONS
11 CONSISTENT WITH THIS SUBTITLE TO IMPLEMENT THE BICYCLE SAFETY COURSES
12 IN BICYCLE SAFETY TRAINING CENTERS THROUGHOUT THE STATE.

13 (B) REGULATIONS ADOPTED UNDER THIS SECTION SHALL INCLUDE:

14 (1) CURRICULUM, EQUIPMENT, AND FACILITY STANDARDS FOR BOTH
15 CLASSROOM AND LABORATORY PHASES;

16 (2) MINIMUM STUDENT PERFORMANCE STANDARDS FOR SUCCESSFUL
17 COMPLETION OF THE COURSES;

18 (3) STANDARDS FOR THE CERTIFICATION OF BICYCLE SAFETY
19 TRAINING CENTERS, CLASSROOM INSTRUCTORS, AND LABORATORY INSTRUCTORS;

20 (4) STANDARDS FOR DETERMINING THE ELIGIBILITY OF INDIVIDUALS
21 TO ENROLL IN THE COURSES; AND

22 (5) GUIDELINES FOR THE PROVISION OF FUNDS, EQUIPMENT, AND
23 MATERIALS BY THE ADMINISTRATION TO THE BICYCLE SAFETY TRAINING CENTERS.
24 16-906.

25 THIS SUBTITLE MAY BE CITED AS THE BICYCLE-PEDESTRIAN SAFETY
26 PROGRAM ACT.

27 21-1205.1.

28 (a) Notwithstanding any other provision of this title, a person may not ride a
29 bicycle:

30 (1) On any roadway where the posted maximum speed limit is more than
31 50 miles an hour; or

32 (2) On any expressway, except on an adjacent bicycle path or way
33 approved by the State Highway Administration; or on any other controlled access
34 highway signed in accordance with § 21-313.

1 (b) (1) Where there is a bike lane paved to a smooth surface [or a shoulder
2 paved to a smooth surface], a person operating a bicycle shall use the bike lane [or
3 shoulder] and may not ride on the roadway, except in the following situations:

4 (i) When overtaking and passing another bicycle, pedestrian, or
5 other vehicle within the bike lane [or shoulder] if the overtaking and passing cannot
6 be done safely within the bike lane [or shoulder];

7 (ii) When preparing for a left turn at an intersection or into an
8 alley, private road, or driveway;

9 (iii) When reasonably necessary to leave the bike lane [or shoulder]
10 to avoid debris or other hazardous condition; or

11 (iv) When reasonably necessary to leave the bike lane [or shoulder]
12 because the bike lane [or shoulder] is overlaid with a right turn lane, merge lane, or
13 other marking that breaks the continuity of the bike lane[or shoulder].

14 (2) A person operating a bicycle may not leave a bike lane [or shoulder]
15 until the movement can be made with reasonable safety and then only after giving an
16 appropriate signal.

17 (3) The Department shall promulgate rules and regulations pertaining
18 to this subsection which will include, but not be limited to, a definition of "smooth
19 surface".

20 27-106.

21 (D) IN ADDITION TO ANY FINE IMPOSED FOR A VIOLATION OF SUBTITLE 9 OF
22 THIS ARTICLE, A COURT SHALL ASSESS A 20% SURCHARGE ON ANY PERSON
23 CONVICTED OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, A VIOLATION OF
24 SUBTITLE 9 OF THIS ARTICLE TO BE CREDITED TO THE BICYCLE-PEDESTRIAN
25 SAFETY PROGRAM ACCOUNT IN THE TRANSPORTATION TRUST FUND.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Bicycle Advisory
27 Committee established under § 21-1213 of the Transportation Article shall work to
28 ensure that the State provide the widest possible access for bicycles to rail transit
29 facilities.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1998.