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By: **Delegates Healey, Howard, Proctor, Hurson, Cadden, Hixson, Heller,  
Conroy, Pitkin, Shriver, R. Baker, Bronrott, Patterson, Palumbo,  
Franchot, Kopp, Kagan, and Dewberry** Dewberry, Carlson, and Rosso

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 17, 1999

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Sidewalk Construction Projects - State's Share of Costs - Repeal of**  
3 **Limitation**

4 FOR the purpose of repealing a limitation on the State's share of the costs of certain  
5 sidewalk construction and reconstruction projects that may be paid during  
6 certain fiscal years from special funds from the Transportation Trust Fund;  
7 providing for the effective date of this Act; and generally relating to the State's  
8 share of the costs of sidewalk construction projects.

9 BY repealing and reenacting, with amendments,  
10 Article - Transportation  
11 Section 8-630  
12 Annotated Code of Maryland  
13 (1993 Replacement Volume and 1998 Supplement)

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

16 **Article - Transportation**

17 8-630.

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

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

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

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

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

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

12 4. Located within the boundaries of a municipal corporation;  
13 and

14 (ii) Part of the State highway system.

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

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

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

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

26 (c) (1) If sidewalks or bicycle pathways are constructed or reconstructed as  
27 part of a roadway construction or reconstruction project, the Administration shall  
28 fund the sidewalk or bicycle pathway construction or reconstruction as a part of the  
29 cost of the roadway project.

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

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

1 roadway is not being concurrently constructed or reconstructed, the cost to construct  
2 or 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  
5 roadway is not being concurrently constructed or reconstructed, the local government  
6 shall:

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

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

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

14 (ii) Subject to approval and the availability of funds, the  
15 Administration promptly shall reimburse a political subdivision for the preapproved  
16 and documented costs incurred in reconstructing a segment of a sidewalk or bicycle  
17 pathway that has deteriorated to the extent that repair is not practical or desirable  
18 for public safety.

19 [(6) (i) For Fiscal Years 1996 through 2001, the State's share of the cost  
20 of sidewalk construction and reconstruction projects under this section may not  
21 exceed \$2 million per fiscal year.

22 (ii) For purposes of this paragraph, "State's share" means special  
23 funds from the Transportation Trust Fund.]

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

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

30 (f) The Administration shall maintain and repair all facilities for nighttime  
31 illumination that:

32 (1) Are constructed by the Administration for the safe conduct of  
33 vehicular traffic; and

34 (2) Exist adjacent to urban highways.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 June 1, 1999.

