

HOUSE BILL 1147

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2000 Regular Session
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By: **Delegates Pitkin, R. Baker, Bobo, Bronrott, Carlson, Clagett, Conroy, D'Amato, Dembrow, Dewberry, Frush, Healey, Hixson, Howard, Hubbard, Kopp, Leopold, Marriott, Menes, Moe, Montague, Patterson, Ports, Proctor, Rosso, Stocksdale, Swain, ~~and Turner~~ Turner, Bozman, Cryor, C. Davis, Finifter, Heller, Bohanan, McKee, Phillips, Rzepkowski, and Shriver**

Introduced and read first time: February 11, 2000
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 16, 2000

CHAPTER _____

1 AN ACT concerning

2 **Bicycle and Pedestrian Access 2001**

3 FOR the purpose of altering certain requirements relating to the State's Consolidated
4 Transportation Program to require inclusion of certain information concerning
5 pedestrians; stating certain findings of the General Assembly and declaring
6 certain policies of the State regarding bicycle and pedestrian access to
7 transportation facilities; establishing the Office of Bicycle and Pedestrian Access
8 in the Department of Transportation; providing for the appointment, duties, and
9 salary of the Director of the Office; establishing the duties and powers of the
10 Office; requiring the Office to develop a Statewide Bicycle-Pedestrian Master
11 Plan that meets certain requirements; expanding the duties of the Bicycle
12 Advisory Committee to include matters relating to pedestrians; altering the
13 name of the Committee to be the Bicycle and Pedestrian Advisory Committee;
14 establishing the Bicycle-Pedestrian Program Account in the Transportation
15 Trust Fund; requiring the Department of Transportation, in each fiscal year, to
16 ~~use at least a certain percentage of funds in the Transportation Trust Fund for~~
17 credit to the Bicycle-Pedestrian Program Account an amount of funds sufficient
18 to fund projects and programs to achieve certain bicycle and pedestrian
19 transportation goals; requiring the Department to use the funds in the
20 Bicycle-Pedestrian Program Account for certain purposes, which may include
21 the construction and maintenance of certain facilities for the use of pedestrians
22 and bicycle riders; requiring that a certain percentage of the cost of each new
23 highway construction or reconstruction project be devoted to certain facilities for

1 the use of pedestrians and bicycle riders; requiring certain surplus funds to be
2 credited to the Bicycle Pedestrian Program Account to be used for certain
3 purposes; defining certain terms; making certain technical and conforming
4 changes; and generally relating to pedestrian and bicycle access to
5 transportation facilities in the State.

6 BY renumbering

7 Article - Transportation
8 Section 21-1213
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 1999 Supplement)
11 to be
12 Article - Transportation
13 Section 2-606
14 Annotated Code of Maryland
15 (1993 Replacement Volume and 1999 Supplement)

16 BY adding to

17 Article - Transportation
18 Section 2-601 through 2-605, inclusive, to be under the new subtitle "Subtitle 6.
19 Bicycle and Pedestrian Access"
20 Annotated Code of Maryland
21 (1993 Replacement Volume and 1999 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - Transportation
24 Section 2-606
25 Annotated Code of Maryland
26 (1993 Replacement Volume and 1999 Supplement)
27 (As enacted by Section 1 of this Act)

28 BY repealing and reenacting, with amendments,

29 Article - Transportation
30 Section 2-103.1(c)(2); and 3-216(c) and (d), ~~and 8-630~~
31 Annotated Code of Maryland
32 (1993 Replacement Volume and 1999 Supplement)

33 BY repealing and reenacting, without amendments,

34 Article - Transportation
35 Section 3-101(k) and (l)
36 Annotated Code of Maryland
37 (1993 Replacement Volume and 1999 Supplement)

38 BY repealing and reenacting, without amendments,

1 Article - Transportation
2 Section 21-101(a), (k), (l), (l-1), (l-2), and (t)
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 1999 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That Section(s) 21-1213 of Article - Transportation of the Annotated
7 Code of Maryland be renumbered to be Section(s) 2-606.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
9 read as follows:

10 **Article - Transportation**

11 2-103.1.

12 (c) (2) In addition to the items listed in paragraph (1) of this subsection, the
13 Consolidated Transportation Program shall include:

14 (i) A summary of current efforts and future plans, prepared after
15 consultation with the OFFICE OF BICYCLE AND PEDESTRIAN ACCESS IN THE
16 DEPARTMENT AND THE Bicycle AND PEDESTRIAN Advisory [Board] COMMITTEE
17 established under [§ 21-1213] § 2-606 of this [article] TITLE:

18 1. To develop and promote bicycle AND PEDESTRIAN
19 transportation; and

20 2. Working together with local jurisdictions, to accommodate
21 in a safe and effective manner pedestrians and bicycles within a reasonable distance
22 for walking and bicycling to rail stops, light rail stops, and subway stations;

23 (ii) A listing of all bicycle and pedestrian transportation projects
24 expected to use State or federal highway funds; and

25 (iii) Reflected under the Office of the Secretary, any
26 technology-related project to be funded from the account established under § 2-111 of
27 this article, along with a description and projected cost of each.

28 SUBTITLE 6. BICYCLE AND PEDESTRIAN ACCESS.

29 2-601.

30 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
31 INDICATED.

32 (B) "OFFICE" MEANS THE OFFICE OF BICYCLE AND PEDESTRIAN ACCESS.

33 (C) "TRANSIT FACILITY" HAS THE MEANING STATED IN § 3-101(K) OF THIS
34 ARTICLE.

1 (D) "TRANSPORTATION FACILITY" HAS THE MEANING STATED IN § 3-101(L) OF
2 THIS ARTICLE.

3 2-602.

4 THE GENERAL ASSEMBLY FINDS THAT IT IS IN THE PUBLIC INTEREST FOR THE
5 STATE TO INCLUDE ENHANCED TRANSPORTATION FACILITIES FOR PEDESTRIANS
6 AND BICYCLE RIDERS AS AN ESSENTIAL COMPONENT OF THE STATE'S
7 TRANSPORTATION SYSTEM, AND DECLARES THAT IT IS THE POLICY OF THE STATE
8 THAT:

9 (1) ACCESS TO AND USE OF TRANSPORTATION FACILITIES BY
10 PEDESTRIANS AND BICYCLE RIDERS SHALL BE CONSIDERED AND BEST
11 ENGINEERING PRACTICES REGARDING THE NEEDS OF BICYCLE RIDERS AND
12 PEDESTRIANS SHALL BE EMPLOYED IN ALL PHASES OF TRANSPORTATION
13 PLANNING, INCLUDING HIGHWAY DESIGN, CONSTRUCTION, RECONSTRUCTION, AND
14 REPAIR AS WELL AS EXPANSION AND IMPROVEMENT OF OTHER TRANSPORTATION
15 FACILITIES;

16 (2) THE MODAL ADMINISTRATIONS IN THE DEPARTMENT SHALL
17 ENSURE THAT THE STATE MAINTAINS AN INTEGRATED TRANSPORTATION SYSTEM
18 BY WORKING COOPERATIVELY TO REMOVE BARRIERS, INCLUDING RESTRICTIONS ON
19 BICYCLE ACCESS TO MASS TRANSIT, THAT IMPEDE THE FREE MOVEMENT OF
20 INDIVIDUALS FROM ONE MODE OF TRANSPORTATION TO ANOTHER; AND

21 (3) AS TO ANY NEW TRANSPORTATION PROJECT OR IMPROVEMENT TO
22 AN EXISTING TRANSPORTATION FACILITY, THE DEPARTMENT SHALL WORK TO
23 ENSURE THAT TRANSPORTATION OPTIONS FOR PEDESTRIANS AND BICYCLE RIDERS
24 WILL BE ENHANCED AND THAT PEDESTRIAN AND BICYCLE ACCESS TO
25 TRANSPORTATION FACILITIES WILL NOT BE NEGATIVELY IMPACTED BY THE
26 PROJECT OR IMPROVEMENT.

27 2-603.

28 (A) THERE IS AN OFFICE OF BICYCLE AND PEDESTRIAN ACCESS IN THE
29 DEPARTMENT.

30 (B) (1) THE HEAD OF THE OFFICE IS THE DIRECTOR, WHO SHALL BE
31 APPOINTED BY THE SECRETARY WITH THE APPROVAL OF THE GOVERNOR.

32 (2) THE DIRECTOR SHALL BE A PERSON WITH EXPERIENCE IN
33 TRANSPORTATION PLANNING WITH SPECIALIZED KNOWLEDGE IN MATTERS
34 RELATING TO BICYCLE AND PEDESTRIAN ACCESS TO TRANSPORTATION FACILITIES.

35 (C) (1) THE DIRECTOR SERVES AT THE PLEASURE OF THE SECRETARY AND
36 SHALL REPORT DIRECTLY TO THE SECRETARY.

37 (2) SUBJECT TO THE AUTHORITY OF THE SECRETARY, THE DIRECTOR IS
38 RESPONSIBLE FOR CARRYING OUT:

1 (I) THE POWERS AND DUTIES VESTED BY LAW IN THE OFFICE; AND

2 (II) THOSE POWERS AND DUTIES VESTED IN THE SECRETARY AND
3 DELEGATED TO THE DIRECTOR BY THE SECRETARY.

4 (D) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE STATE
5 BUDGET.

6 2-604.

7 (A) THE OFFICE SHALL DEVELOP AND COORDINATE POLICIES AND PLANS
8 FOR THE PROVISION, PRESERVATION, IMPROVEMENT, AND EXPANSION OF ACCESS
9 TO TRANSPORTATION FACILITIES IN THE STATE FOR PEDESTRIANS AND BICYCLE
10 RIDERS, INCLUDING DEVELOPMENT, BEFORE OCTOBER 1, 2002, OF A STATEWIDE
11 20-YEAR BICYCLE-PEDESTRIAN MASTER PLAN THAT:

12 (1) (I) IDENTIFIES SHORT-TERM AND LONG-RANGE GOALS THAT ARE
13 CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE; AND

14 (II) FOR EACH IDENTIFIED GOAL, INCLUDES:

15 1. REASONABLE COST ESTIMATES FOR ACHIEVING THE
16 GOAL; AND

17 2. FOR PURPOSES OF THE ANNUAL REPORT REQUIRED
18 UNDER § 3-216 OF THIS ARTICLE, OBJECTIVE PERFORMANCE CRITERIA AGAINST
19 WHICH PROGRESS IN ACHIEVING THE GOAL CAN BE MEASURED;

20 ~~(+)~~ (2) COMPLIES WITH APPLICABLE FEDERAL FUNDING REQUIREMENTS;

21 ~~(-)~~ (3) PROVIDES A MODEL TO GUIDE POLITICAL SUBDIVISIONS OF THE
22 STATE IN ENHANCING BICYCLE AND PEDESTRIAN ACCESS TO TRANSPORTATION
23 FACILITIES;

24 ~~(-)~~ (4) PROPOSES LONG-TERM STRATEGIES FOR IMPROVING THE STATE'S
25 HIGHWAYS TO ENSURE COMPLIANCE WITH THE MOST ADVANCED SAFETY
26 STANDARDS FOR PEDESTRIANS AND BICYCLE RIDERS; AND

27 ~~(+)~~ (5) AFTER CONSULTATION WITH POLITICAL SUBDIVISIONS IN THE
28 STATE, IDENTIFIES BICYCLE-PEDESTRIAN PRIORITY AREAS TO FACILITATE THE
29 TARGETING OF AVAILABLE FUNDS TO THOSE AREAS OF THE STATE MOST IN NEED.

30 (B) TO CARRY OUT THE PURPOSES OF THIS SUBTITLE, THE OFFICE SHALL:

31 (1) PARTICIPATE IN THE PLANNING OF NEW TRANSPORTATION
32 FACILITIES AND IMPROVEMENTS TO EXISTING TRANSPORTATION FACILITIES;

33 (2) ADVISE THE SECRETARY ON MATTERS CONCERNING BICYCLE AND
34 PEDESTRIAN ACCESS AND ANY OTHER MATTER AS REQUESTED BY THE SECRETARY;

1 (3) INITIATE A PROGRAM OF SYSTEMATIC IDENTIFICATION OF AND
2 PLANNING FOR PROJECTS RELATED TO BICYCLE AND PEDESTRIAN
3 TRANSPORTATION THAT QUALIFY FOR FUNDS UNDER FEDERAL HIGHWAY
4 ADMINISTRATION GUIDELINES;

5 (4) MONITOR STATE TRANSPORTATION PLANS, PROPOSALS, FACILITIES,
6 AND SERVICES TO ENSURE MAXIMUM BENEFITS FOR PEDESTRIANS AND BICYCLE
7 RIDERS IN THE STATE; AND

8 (5) CONSULT REGULARLY WITH THE BICYCLE AND PEDESTRIAN
9 ADVISORY COMMITTEE ESTABLISHED UNDER § 2-606 OF THIS SUBTITLE.

10 (C) THE EXERCISE OF THE POWERS AND DUTIES OF THE OFFICE IS SUBJECT
11 TO THE AUTHORITY OF THE SECRETARY.

12 2-605.

13 (A) SUBJECT TO THE LIMITATIONS IMPOSED BY THIS SUBTITLE, THE OFFICE
14 MAY EXERCISE ALL POWERS REASONABLY NECESSARY TO THE ACHIEVE THE
15 PURPOSES OF THIS SUBTITLE, INCLUDING THE AUTHORITY TO:

16 (1) ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS
17 SUBTITLE;

18 (2) APPLY FOR AND RECEIVE GRANTS, GIFTS, PAYMENTS, LOANS,
19 ADVANCES, APPROPRIATIONS, PROPERTY, AND SERVICES FROM THE FEDERAL
20 GOVERNMENT, THE STATE, ANY OF THEIR AGENCIES OR POLITICAL SUBDIVISIONS,
21 OR ANY OTHER PUBLIC OR PRIVATE PERSON;

22 (3) APPOINT AND REMOVE ALL EMPLOYEES OF THE OFFICE, SUBJECT
23 TO THE PROCEDURES AND STANDARDS THAT THE SECRETARY ADOPTS; AND

24 (4) ENTER INTO AGREEMENTS AND CONTRACT FOR:

25 (I) ANY STUDIES, PLANS, DEMONSTRATIONS, OR PROJECTS;

26 (II) PLANNING, ENGINEERING, AND TECHNICAL SERVICES; AND

27 (III) ANY PURPOSE NECESSARY FOR OR INCIDENTAL TO THE
28 PERFORMANCE OF ITS DUTIES AND THE EXERCISE OF ITS POWERS UNDER THIS
29 SUBTITLE.

30 2-606.

31 (a) The Governor shall appoint a Bicycle AND PEDESTRIAN Advisory
32 Committee to provide guidance to State agencies concerning:

33 (1) Funding of bicycle AND PEDESTRIAN related programs;

34 (2) Public education and awareness of bicycling AND PEDESTRIAN
35 RELATED activities;

- 1 (3) Public education and awareness of bicycling AND PEDESTRIAN safety;
2 and
- 3 (4) Any other issue directly related to bicycling AND PEDESTRIANS.
- 4 (b) The Committee shall consist of the following:
- 5 (1) 1 representative each from:
- 6 (i) The Department of Transportation;
- 7 (ii) The Department of Natural Resources;
- 8 (iii) The Department of Education;
- 9 (iv) The Department of State Police;
- 10 (v) The Department of Business and Economic Development; and
- 11 (vi) The Department of Health and Mental Hygiene;
- 12 (2) 1 citizen member from each of the following areas:
- 13 (i) The Eastern Shore;
- 14 (ii) Western Maryland; and
- 15 (iii) Southern Maryland; and
- 16 (3) 2 citizen members from each of the following areas:
- 17 (i) The Baltimore metropolitan area; and
- 18 (ii) The Washington metropolitan area.
- 19 (c) One of the citizen members selected under subsection (b) of this section
20 shall have an expertise in bicycle AND PEDESTRIAN safety.
- 21 (d) The Governor shall select a chairman from among the citizen members.
- 22 (e) The Committee shall meet at least quarterly with at least 1 meeting held
23 in Annapolis.
- 24 (f) The staff for the Committee shall be provided by the Executive Branch as
25 directed by the Governor.

26 3-101.

- 27 (k) "Transit facility" includes any one or more or combination of tracks,
28 rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals, ports,
29 parking areas, equipment, fixtures, buildings, structures, other real or personal
30 property, and services incidental to or useful or designed for use in connection with

1 the rendering of transit service by any means, including rail, bus, motor vehicle, or
2 other mode of transportation but does not include any railroad facility.

3 (l) "Transportation facility" includes any one or more or combination of:

- 4 (1) Airport facilities;
- 5 (2) Highway facilities;
- 6 (3) Port facilities;
- 7 (4) Railroad facilities; and
- 8 (5) Transit facilities.

9 3-216.

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

16 (2) (I) The Gasoline and Motor Vehicle Revenue Account, Driver
17 Education Account, [and] the Motorcycle Safety Program Account, AND THE
18 BICYCLE-PEDESTRIAN PROGRAM ACCOUNT shall be maintained in the
19 Transportation Trust Fund.

20 (II) IN EACH FISCAL YEAR, THE DEPARTMENT SHALL CREDIT TO
21 THE BICYCLE-PEDESTRIAN PROGRAM ACCOUNT, FROM FEDERAL FUNDS AVAILABLE
22 TO THE DEPARTMENT, OTHER FUNDS IN THE TRANSPORTATION TRUST FUND, AND
23 ANY OTHER FUNDS AVAILABLE TO THE DEPARTMENT, AN AMOUNT SUFFICIENT TO
24 FUND PROJECTS AND PROGRAMS DETERMINED BY THE SECRETARY TO BE
25 NECESSARY TO ACHIEVE THE BICYCLE AND PEDESTRIAN TRANSPORTATION GOALS
26 IDENTIFIED FOR THE FISCAL YEAR UNDER TITLE 2, SUBTITLE 6 OF THIS ARTICLE.

27 (d) (1) After meeting its debt service requirements, the Department may use
28 the funds in the Transportation Trust Fund for any lawful purpose related to the
29 exercise of its rights, powers, duties, and obligations.

30 (2) Expenditures under this subsection shall be made in accordance with
31 any appropriation provided for in any applicable budget bill or supplementary
32 appropriation bill. However, an appropriation proposed to be made to any unit in the
33 Department or proposed to be made for any designated transportation activity,
34 function, or undertaking that has been reduced by the General Assembly may not be
35 restored, for the same purpose as originally proposed, except in an emergency, by the
36 budget amendment procedure of § 7-209 of the State Finance and Procurement
37 Article, or otherwise if the General Assembly in striking or reducing the
38 appropriation, prohibited its restoration. However, except for emergency capital

1 projects, if the General Assembly explicitly reduces in the budget bill an
 2 appropriation proposed for a major capital project as defined in § 2-103.1(a)(4) of this
 3 article, the appropriation may not be restored for the same purpose as originally
 4 proposed by the budget amendment procedure of § 7-209 of the State Finance and
 5 Procurement Article or otherwise unless the General Assembly, in striking or
 6 reducing the appropriation, expressly authorized its restoration.

7 (3) (i) During the period of fiscal years 1988 through 1992 as included
 8 in the annual State report on transportation, the Department shall utilize all of its
 9 share of the revenues attributable to the 5 cent increase of the motor fuel tax under
 10 the provisions of Chapter 291 of the Acts of 1987 and credited to the Transportation
 11 Trust Fund under § 2-1104 of the Tax - General Article and the proceeds of any
 12 increased indebtedness based on that revenue and credited to the Transportation
 13 Trust Fund to fund Department projects for the construction, reconstruction, and
 14 rehabilitation of the State highway system.

15 (ii) During the period of fiscal year 1988 through fiscal year 1992
 16 the total level of State funds appropriated to the State Highway Administration for
 17 construction, reconstruction and rehabilitation of the State highway system,
 18 including the revenues referred to in subparagraph (i) above, shall be at least 70
 19 percent of the total appropriation of State funds in the consolidated transportation
 20 capital program.

21 (iii) The Secretary of the Department shall submit, subject to §
 22 2-1246 of the State Government Article, to the Legislative Policy Committee and the
 23 Department of Legislative Services a report:

24 1. Prior to the beginning of each session through the 1991
 25 session, detailing the intended use of the new revenues; and

26 2. Prior to the beginning of each session beginning with the
 27 1989 session and through the 1993 session, detailing the actual use of the new
 28 revenues in the prior fiscal year.

29 (4) Of the new revenues derived under the provisions of Chapter 291 of
 30 the Acts of 1987 and credited to the Department, \$31,000,000 shall be transferred to
 31 the Maryland Emergency Medical Service System Fund at such time as determined
 32 by the Secretary of Budget and Management.

33 (5) ~~FOR EACH FISCAL YEAR, AFTER MEETING ITS DEBT SERVICE~~
 34 ~~REQUIREMENTS, THE DEPARTMENT SHALL USE AT LEAST 3% OF THE FUNDS IN THE~~
 35 ~~BICYCLE-PEDESTRIAN PROGRAM ACCOUNT IN THE TRANSPORTATION TRUST FUND~~
 36 ~~TO CONSTRUCT AND MAINTAIN FOR THE PURPOSES SPECIFIED IN SUBSECTION~~
 37 ~~(C)(2)(II) OF THIS SECTION, WHICH MAY INCLUDE CONSTRUCTION AND~~
 38 ~~MAINTENANCE OF:~~

39 (I) PUBLIC BICYCLE AREAS AS DEFINED IN § 21-101(K) OF THIS
 40 ARTICLE;

1 (II) BICYCLE WAYS AS DEFINED IN § 21-101(L) OF THIS ARTICLE;
2 AND

3 (III) SIDEWALKS AS DEFINED IN § 21-101(T) OF THIS ARTICLE.

4 (6) EACH YEAR, BEFORE THE GENERAL ASSEMBLY CONSIDERS THE
5 PROPOSED MARYLAND TRANSPORTATION PLAN AND THE CONSOLIDATED
6 TRANSPORTATION PROGRAM, THE DEPARTMENT SHALL REPORT TO THE GENERAL
7 ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
8 ON:

9 (I) THE EXPENDITURES FROM THE BICYCLE-PEDESTRIAN
10 PROGRAM ACCOUNT DURING THE PRECEDING FISCAL YEAR; AND

11 (II) THE PROGRESS MADE TOWARD ATTAINMENT OF THE BICYCLE
12 AND PEDESTRIAN TRANSPORTATION GOALS IDENTIFIED FOR THE FISCAL YEAR
13 UNDER TITLE 2, SUBTITLE 6 OF THIS ARTICLE.

14 ~~8-630.~~

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

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

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

20 (i) 1. ~~Constructed with a curb and gutter and an enclosed type~~
21 ~~storm drainage system;~~

22 2. ~~Located in an urban area and on which is located a public~~
23 ~~facility that creates appreciable pedestrian traffic along the highway from adjacent~~
24 ~~areas;~~

25 3. ~~Located within urban boundaries as defined by the U.S.~~
26 ~~Census Bureau; or~~

27 4. ~~Located within the boundaries of a municipal corporation;~~
28 ~~and~~

29 (ii) ~~Part of the State highway system.~~

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

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

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

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

6 (e) (1) ~~If sidewalks or bicycle pathways are constructed or reconstructed as
7 part of a roadway construction or reconstruction project, the Administration shall
8 fund the sidewalk or bicycle pathway construction or reconstruction as a part of the
9 cost of the roadway project.~~

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

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

20 (4) If sidewalks or bicycle pathways are being constructed or
21 reconstructed in response to a request from a local government and the adjacent
22 roadway is not being concurrently constructed or reconstructed, the local government
23 shall:

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

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

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

31 (ii) ~~Subject to approval and the availability of funds, the
32 Administration promptly shall reimburse a political subdivision for the preapproved
33 and documented costs incurred in reconstructing a segment of a sidewalk or bicycle
34 pathway that has deteriorated to the extent that repair is not practical or desirable
35 for public safety.~~

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

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

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

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

7 (2) Exist adjacent to urban highways.

8 (G) (1) FOR EACH NEW HIGHWAY CONSTRUCTION OR RECONSTRUCTION
9 PROJECT UNDERTAKEN UNDER THIS TITLE, THE ADMINISTRATION SHALL DEVOTE
10 3% OF THE COST OF THE PROJECT TO FACILITIES FOR PEDESTRIANS AND BICYCLE
11 RIDERS.

12 (2) IF THE AMOUNT OF FUNDS SPECIFIED UNDER PARAGRAPH (1) OF
13 THIS SUBSECTION EXCEEDS THE AMOUNT REASONABLY DETERMINED TO BE
14 NECESSARY BASED ON EMPLOYMENT OF BEST ENGINEERING PRACTICES AND
15 STANDARDS FOR PEDESTRIAN AND BICYCLE RELATED PURPOSES, THE BALANCE OF
16 THE FUNDS SHALL BE CREDITED TO THE BICYCLE PEDESTRIAN PROGRAM ACCOUNT
17 IN THE TRANSPORTATION TRUST FUND.

18 (3) IN EACH FISCAL YEAR, FUNDS CREDITED TO THE
19 BICYCLE PEDESTRIAN PROGRAM ACCOUNT SHALL BE EXPENDED BY THE END OF
20 THE FISCAL YEAR FOR ONGOING IMPROVEMENTS TO TRANSPORTATION FACILITIES
21 FOR PEDESTRIANS AND BICYCLE RIDERS IN ACCORDANCE WITH THE STATEWIDE
22 BICYCLE PEDESTRIAN MASTER PLAN DEVELOPED UNDER § 2-604 OF THIS ARTICLE.

23 21-101.

24 (a) In this title and Title 25 of this article the following words have the
25 meanings indicated.

26 (k) "Public bicycle area" means any highway, bicycle path, or other facility or
27 area maintained by this State, a political subdivision of this State, or any of their
28 agencies for the use of bicycles.

29 (l) (1) "Bicycle way" means:

30 (i) Any trail, path, part of a highway, surfaced or smooth shoulder,
31 or sidewalk; or

32 (ii) Any other travelway specifically signed, marked, or otherwise
33 designated for bicycle travel.

34 (2) "Bicycle way" includes:

35 (i) Bicycle path; and

36 (ii) Bike lane.

1 (1-1) "Bicycle path" means any travelway designed and designated by signing or
2 signing and marking for bicycle use, located within its own right-of-way or in a
3 shared right-of-way, and physically separated from motor vehicle traffic by berm,
4 shoulder, curb, or other similar device.

5 (1-2) "Bike lane" means any portion of a roadway or shoulder designated for
6 single directional bicycle flow.

7 (t) "Sidewalk" means that part of a highway:

8 (1) That is intended for use by pedestrians; and

9 (2) That is between:

10 (i) The lateral curb lines or, in the absence of curbs, the lateral
11 boundary lines of a roadway; and

12 (ii) The adjacent property lines.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 ~~October~~ July 1, 2000.