

HOUSE BILL 717

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2001 Regular Session  
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By: **Delegates Bronrott, Franchot, Hurson, Kopp, Mandel, Barkley, Barve,  
Carlson, Clagett, Cryor, D'Amato, Dembrow, Goldwater, Grosfeld,  
Heller, Howard, Hubers, Kagan, Love, Pitkin, Rosso, Shriver, Stern, and  
~~Turner~~ Turner, and Pitkin**

Introduced and read first time: February 8, 2001  
Assigned to: Commerce and Government Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 20, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Transportation - ~~Maryland~~ Bicycle and Pedestrian Safety Fund**

3 FOR the purpose of requiring the Secretary of Transportation to designate a district  
4 coordinator in all State highway engineering districts in the State to assist in  
5 carrying out certain provisions of law relating to bicycle and pedestrian safety  
6 and access to transportation facilities; establishing the duties of a district  
7 coordinator; requiring the Director of Bicycle and Pedestrian Access to consult  
8 with the district coordinators in carrying out the Director's duties; requiring the  
9 Department of Transportation to provide staff, administrative support, and  
10 operating expenses for the Bicycle and Pedestrian Advisory Committee;  
11 increasing the membership of the Bicycle and Pedestrian Advisory Committee;  
12 specifying the terms of the members; authorizing the Committee to adopt  
13 certain procedures; providing that members may be reimbursed for certain  
14 expenses; establishing the Maryland Pedestrian Safety ~~Fund~~ Program;  
15 providing for the funding of the Program; requiring the Secretary of  
16 Transportation to award grants ~~from under the Fund Program~~ to counties,  
17 municipalities, and nonprofit organizations; requiring the Secretary to establish  
18 certain grant application procedures; authorizing counties, municipalities, and  
19 nonprofit organizations to apply for grants ~~from under the Fund Program~~ to be  
20 used for certain purposes relating to pedestrian safety; establishing an  
21 Oversight Committee and Pilot Project on Child Pedestrian Safety; specifying  
22 the membership of the Oversight Committee; requiring the Governor to  
23 designate a chairman; requiring the Departments of Transportation, Planning,  
24 Health and Mental Hygiene, and Education to provide staff and administrative  
25 support for the Oversight Committee; requiring the Oversight Committee to

initiate a pilot project consisting of the development of an action plan, implementation of the action plan, and evaluation of the benefits achieved through implementation of the action plan; requiring the Oversight Committee to develop an action plan and present the action plan to the Governor and the General Assembly on or before a certain date; requiring the Departments of Transportation, Planning, Health and Mental Hygiene, and Education to implement the action plan; requiring the Oversight Committee to make a certain evaluation; requiring the Oversight Committee to report to the Governor and the General Assembly on or before a certain date; and generally relating to the Maryland Pedestrian Safety Fund bicycle and pedestrian safety.

BY adding to

Article - Transportation

Section 2-603.1 and 2-607

Annotated Code of Maryland

(1993 Replacement Volume and 2000 Supplement)

BY repealing and reenacting, with amendments,

Article - Transportation

Section 2-604 and 2-606

Annotated Code of Maryland

(1993 Replacement Volume and 2000 Supplement)

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

#### **Article - Transportation**

2-603.1.

(A) THE SECRETARY SHALL DESIGNATE A DISTRICT COORDINATOR FOR EACH STATE HIGHWAY ENGINEERING DISTRICT.

(B) EACH DISTRICT COORDINATOR SHALL:

(1) CONSULT REGULARLY WITH PUBLIC OFFICIALS AND CITIZEN GROUPS IN THE DISTRICT ON MATTERS RELATING TO THE NEEDS OF BICYCLE RIDERS AND PEDESTRIANS AND SHALL COMMUNICATE THE CONCERNS, COMPLAINTS, AND PROPOSALS OF THOSE PUBLIC OFFICIALS AND CITIZENS TO THE DISTRICT ENGINEER AND THE DIRECTOR;

(2) MONITOR THE ACTIONS OF THE DEPARTMENT WITH RESPECT TO COMPLIANCE WITH THIS SUBTITLE AND THE IMPACT OF DEPARTMENTAL ACTIONS ON BICYCLE RIDERS AND PEDESTRIANS IN THE DISTRICT;

(3) ATTEND TRAINING PROGRAMS AS DIRECTED BY THE SECRETARY IN CONSULTATION WITH THE DIRECTOR TO ENHANCE THE COORDINATOR'S KNOWLEDGE OF TRANSPORTATION PLANNING WITH PARTICULAR EMPHASIS ON

1 MATTERS RELATING TO SAFE BICYCLING AND ACCESS OF BICYCLISTS AND  
2 PEDESTRIANS TO TRANSPORTATION FACILITIES IN THE STATE; AND

3 (4) ATTEND AND PARTICIPATE IN MEETINGS OF THE BICYCLE AND  
4 PEDESTRIAN ADVISORY COMMITTEE ESTABLISHED UNDER § 2-606 OF THIS  
5 SUBTITLE.

6 2-604.

7 (a) The Director shall develop and coordinate policies and plans for the  
8 provision, preservation, improvement, and expansion of access to transportation  
9 facilities in the State for pedestrians and bicycle riders, including development, before  
10 October 1, 2002, of a Statewide 20-Year Bicycle-Pedestrian Master Plan that:

11 (1) (i) Identifies short-term and long-range goals that are consistent  
12 with the purposes of this subtitle; and

13 (ii) For each identified goal, includes:

14 1. Reasonable cost estimates for achieving the goal; and

15 2. For purposes of the annual report required under § 3-216  
16 of this article, objective performance criteria against which progress in achieving the  
17 goal can be measured;

18 (2) Complies with applicable federal funding requirements;

19 (3) Provides a model to guide political subdivisions of the State in  
20 enhancing bicycle and pedestrian access to transportation facilities;

21 (4) Proposes long-term strategies for improving the State's highways to  
22 ensure compliance with the most advanced safety standards for pedestrians and  
23 bicycle riders; and

24 (5) After consultation with political subdivisions in the State AND WITH  
25 THE DISTRICT COORDINATORS AND THE DISTRICT ENGINEERS, identifies  
26 bicycle-pedestrian priority areas to facilitate the targeting of available funds to those  
27 areas of the State most in need.

28 (b) To carry out the purposes of this subtitle, the Director shall:

29 (1) Participate in the planning of new transportation facilities and  
30 improvements to existing transportation facilities;

31 (2) Advise the Secretary on matters concerning bicycle and pedestrian  
32 access and any other matter as requested by the Secretary;

33 (3) Initiate a program of systematic identification of and planning for  
34 projects related to bicycle and pedestrian transportation that qualify for funds under  
35 Federal Highway Administration guidelines;

1           (4)     Monitor State transportation plans, proposals, facilities, and services  
2 to ensure maximum benefits for pedestrians and bicycle riders in the State; and

3           (5)     Consult regularly with the Bicycle and Pedestrian Advisory  
4 Committee established under § 2-606 of this subtitle AND WITH THE DISTRICT  
5 COORDINATORS AND THE DISTRICT ENGINEERS.

6       (c)     The exercise of the powers and duties of the Director is subject to the  
7 authority of the Secretary.

8 2-606.

9       (a)     The Governor shall appoint a Bicycle and Pedestrian Advisory Committee  
10 to provide guidance to State agencies concerning:

11           (1)     Funding of bicycle and pedestrian related programs;

12           (2)     Public education and awareness of bicycling and pedestrian related  
13 activities;

14           (3)     Public education and awareness of bicycling and pedestrian safety;  
15 and

16           (4)     Any other issue directly related to bicycling and pedestrians.

17       (b)     The Committee shall consist of the following:

18           (1)     1 representative each from:

19                   (i)     The Department of Transportation;

20                   (ii)    The Department of Natural Resources;

21                   (iii)   The Department of Education;

22                   (iv)    The Department of State Police;

23                   (v)     The Department of Business and Economic Development;

24 [and]

25                   (vi)    The Department of Health and Mental Hygiene;

26                   (VII)   THE DEPARTMENT OF PLANNING; AND

27                   (VIII)  THE GOVERNOR'S OFFICE FOR INDIVIDUALS WITH  
28 DISABILITIES;

29           (2)     1 citizen member from each of the following areas:

30                   (i)     The Eastern Shore;

1 (ii) Western Maryland; and

2 (iii) Southern Maryland; [and]

3 (3) 2 citizen members from each of the following areas:

4 (i) The Baltimore metropolitan area; and

5 (ii) The Washington metropolitan area; AND

6 (4) UP TO 6 CITIZEN MEMBERS SELECTED TO REPRESENT THE  
7 INTERESTS OF BICYCLISTS, PEDESTRIANS, AND THE DISABLED COMMUNITY.

8 (c) One of the citizen members selected under subsection (b) of this section  
9 shall have an expertise in bicycle and pedestrian safety.

10 (D) THE TOTAL MEMBERSHIP OF THE COMMITTEE MAY NOT EXCEED 21  
11 MEMBERS.

12 [(d)] (E) The Governor shall select a chairman from among the citizen  
13 members.

14 (F) (1) THE TERM OF A MEMBER IS 4 YEARS.

15 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE  
16 TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2001.

17 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
18 SUCCESSOR IS APPOINTED AND QUALIFIES.

19 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
20 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
21 QUALIFIES.

22 (G) THE COMMITTEE MAY ADOPT PROCEDURES NECESSARY TO ENSURE THE  
23 ORDERLY TRANSACTION OF BUSINESS.

24 [(e)] (H) The Committee shall meet at least quarterly with at least 1 meeting  
25 held in Annapolis.

26 (I) A MEMBER OF THE COMMITTEE MAY NOT RECEIVE COMPENSATION BUT  
27 SHALL BE REIMBURSED FOR EXPENSES UNDER THE STANDARD STATE TRAVEL  
28 REGULATIONS, AS PROVIDED FOR IN THE STATE BUDGET.

29 [(f)] (J) The DEPARTMENT SHALL PROVIDE staff, ADMINISTRATIVE SUPPORT,  
30 AND OPERATING EXPENSES for the Committee [shall be provided by the Executive  
31 Branch as directed by the Governor] AS PROVIDED IN THE STATE BUDGET.

1 2-607.

2 (A) IN THIS SECTION, "~~FUND~~" "PROGRAM" MEANS THE MARYLAND  
3 PEDESTRIAN SAFETY ~~FUND~~ PROGRAM.

4 (B) THERE IS A PEDESTRIAN SAFETY ~~FUND~~ PROGRAM WITHIN THE  
5 DEPARTMENT.

6 (C) ~~(1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT~~  
7 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

8 ~~(2) THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER~~  
9 ~~SHALL ACCOUNT FOR THE FUND.~~

10 ~~(3) THE TREASURER SHALL INVEST THE FUND IN THE SAME MANNER AS~~  
11 ~~OTHER STATE FUNDS AND CREDIT ANY INVESTMENT EARNINGS TO THE FUND.~~

12 ~~(D) THE FUND CONSISTS OF:~~

13 ~~(1) MONEYS APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~

14 ~~(2) EARNINGS FROM THE INVESTMENT OF MONEYS IN THE FUND; AND~~

15 ~~(3) THE PROGRAM IS FUNDED BY:~~

16 ~~(1) THE HIGHWAY SAFETY OPERATING PROGRAM OF THE STATE~~  
17 ~~HIGHWAY ADMINISTRATION; AND~~

18 ~~(2) ANY OTHER MONEYS ACCEPTED FOR THE BENEFIT OF THE FUND~~  
19 ~~PROGRAM FROM ANY GOVERNMENTAL OR PRIVATE SOURCE.~~

20 ~~(E) (D)~~ (1) THE SECRETARY SHALL AWARD GRANTS ~~FROM~~ UNDER THE  
21 ~~FUND PROGRAM~~ TO COUNTIES, MUNICIPALITIES, AND NONPROFIT ORGANIZATIONS  
22 TO CARRY OUT THE PROVISIONS OF THIS SECTION.

23 (2) WHEN AWARDING GRANTS ~~FROM~~ UNDER THE ~~FUND PROGRAM~~, THE  
24 SECRETARY SHALL CONSIDER ANY MATCHING FUND AN APPLICANT PROPOSES TO  
25 PROVIDE.

26 ~~(F) (E)~~ COUNTIES, MUNICIPALITIES, AND NONPROFIT ORGANIZATIONS MAY  
27 APPLY FOR GRANTS ~~FROM~~ UNDER THE ~~FUND~~ PROGRAM FOR THE FOLLOWING  
28 PURPOSES:

29 (1) TO EDUCATE AUTOMOBILE DRIVERS AND PEDESTRIANS ABOUT  
30 METHODS TO INCREASE PEDESTRIAN SAFETY;

31 (2) TO ENHANCE EFFORTS TO ENFORCE STATE AND LOCAL MOTOR  
32 VEHICLE LAWS THAT PROTECT THE SAFETY OF PEDESTRIANS; ~~AND~~

33 (3) TO DESIGN OR REDESIGN INTERSECTIONS TO INCREASE  
34 PEDESTRIAN SAFETY AND ACCESS; AND

1           (4)     TO ENHANCE SAFE PEDESTRIAN ACCESS TO TRANSIT FACILITIES AS  
2 DEFINED IN § 3-101 OF THIS ARTICLE.

3     ~~(G)~~   (F)     THE SECRETARY SHALL ESTABLISH PROCEDURES FOR COUNTIES,  
4 MUNICIPALITIES, AND NONPROFIT ORGANIZATIONS TO APPLY FOR GRANTS ~~FROM~~  
5 UNDER THE FUND PROGRAM.

6     SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members  
7 of the Bicycle and Pedestrian Advisory Committee shall terminate on the effective  
8 date of this Act and the Governor shall appoint or reappoint members to terms that  
9 initially expire as follows:

10           (1)     approximately one-fourth of the members in 2002;

11           (2)     approximately one-fourth of the members in 2003;

12           (3)     approximately one-fourth of the members in 2004; and

13           (4)     approximately one-fourth of the members in 2005.

14     SECTION 3. AND BE IT FURTHER ENACTED, That:

15     (a)     There is an Oversight Committee on Child Pedestrian Safety.

16     (b)     The Oversight Committee shall consist of the following members:

17           (1)     One member of the Senate of Maryland, appointed by the President  
18 of the Senate;

19           (2)     One member of the House of Delegates, appointed by the Speaker of  
20 the House;

21           (3)     The Secretary of Transportation or the Secretary's designee;

22           (4)     The Secretary of Planning or the Secretary's designee;

23           (5)     The Secretary of Health and Mental Hygiene or the Secretary's  
24 designee;

25           (6)     The Secretary of Education or the Secretary's designee; and

26           (7)     Two citizen members selected by the Governor.

27     (c)     (1)     The Governor shall designate a chairman of the Oversight  
28 Committee.

29           (2)     The Departments of Transportation, Planning, Health and Mental  
30 Hygiene, and Education shall provide staff and administrative support for the  
31 Oversight Committee.

1       (d)       The Oversight Committee shall designate two counties, or Baltimore City  
2 and a county, as target areas and shall initiate a pilot project on child pedestrian  
3 safety, focusing on routes to schools in the target areas.

4       (e)       The pilot project shall consist of three sequential phases as follows:

5               (1)       Development of an action plan;

6               (2)       Implementation of the action plan; and

7               (3)       Evaluation of benefits achieved through implementation of the action  
8 plan.

9       (f)       (1)       The Oversight Committee shall develop an action plan that shall  
10 include suggestions for making improvements and initiating programs that are aimed  
11 at enhancing the safety and encouraging the use of child pedestrian routes to schools.

12               (2)       In developing the action plan, the Oversight Committee shall:

13                       (i)       Consult with county officials, school administrators, police  
14 officers, Parent Teacher Association members, and any other persons that the  
15 Oversight Committee deems necessary;

16                       (ii)       Conduct surveys of relevant areas; and

17                       (iii)       Identify safety impediments in child pedestrian routes to  
18 schools.

19       (g)       The Oversight Committee shall complete the action plan and submit it to  
20 the Governor, and subject to § 2-1246 of the State Government Article, to the General  
21 Assembly on or before November 1, 2001.

22       (h)       The Department of Transportation shall:

23               (1)       Budget from funds available to the Departments, amounts sufficient  
24 to fund implementation of the action plan; and

25               (2)       Fully implement the action plan before July 1, 2002.

26       (i)       Upon full implementation of the action plan, the Oversight Committee  
27 shall evaluate the benefits, if any, achieved through implementation of the action  
28 plan over a 12-month period.

29       (j)       The Oversight Committee shall issue a final report of its findings and  
30 recommendations to the Governor and, subject to § 2-1246 of the State Government  
31 Article, to the General Assembly on or before July 1, 2003.

32       SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act  
33 establishing an Oversight Committee and Pilot Project on Child Pedestrian Safety  
34 shall take effect on June 1, 2001.



1       SECTION ~~2.~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect October 1, 2001.