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By: Delegates Bronrott, Howard, Healey, Carlson, Cryor, Marriott, Phillips,						
Rosso, and Shriver						
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Committee Report: Favorable House action: Adopted

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CHAPTER____

1 AN ACT concerning

- Sidewalks or Bicycle Pathways Priority Funding Areas Sharing of
 Construction Costs
- 4 FOR the purpose of establishing that if a sidewalk or bicycle pathway is being
- 5 constructed or reconstructed within one of certain areas designated as a priority
- funding area in response to a request from a local government, and the adjacent
- 7 roadway is not being concurrently constructed or reconstructed, the cost to
- 8 construct or reconstruct the sidewalk or bicycle pathway shall be shared by the
- 9 State and the local government in a certain manner.
- 10 BY repealing and reenacting, without amendments,
- 11 Article State Finance and Procurement
- 12 Section 5-7B-02
- 13 Annotated Code of Maryland
- 14 (1995 Replacement Volume and 2000 Supplement)
- 15 BY repealing and reenacting, with amendments,
- 16 Article Transportation
- 17 Section 8-630
- 18 Annotated Code of Maryland
- 19 (1993 Replacement Volume and 2000 Supplement)
- 20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 21 MARYLAND, That the Laws of Maryland read as follows:

34 Census Bureau; or

1 **Article - State Finance and Procurement** 2 5-7B-02. 3 The following areas shall be considered priority funding areas under this 4 subtitle: 5 a municipal corporation, including Baltimore City, except those areas (1) 6 annexed by a municipal corporation after January 1, 1997 shall satisfy the 7 requirements relating to density and service by water and sewer set forth in § 8 5-7B-03 of this subtitle; a designated neighborhood, as defined in Article 83B, § 4-202 of the (2) 10 Code; 11 (3) an enterprise zone as designated under Article 83A, § 5-402 of the 12 Code, or by the United States government; 13 a certified heritage area as defined in §§ 13-1101 and 13-1111 of the (4) 14 Financial Institutions Article that is located within a locally designated growth area; those areas of the State located between Interstate Highway 495 and 15 16 the District of Columbia; those areas of the State located between Interstate Highway 695 and 17 (6)18 Baltimore City; and 19 an area designated by the governing body of a county under § (7) 20 5-7B-03 of this subtitle. 21 **Article - Transportation** 22 8-630. 23 In this section the following words have the meanings indicated. (a) (1) 24 (2) "Municipal corporation" has the meaning stated in Article 23A, § 9 of 25 the Code. 26 "Urban highway" means a highway, other than an expressway, that (3) 27 is: 28 1. (i) Constructed with a curb and gutter and an enclosed type 29 storm drainage system; 30 2. Located in an urban area and on which is located a public 31 facility that creates appreciable pedestrian traffic along the highway from adjacent 32 areas; 33 3. Located within urban boundaries as defined by the U.S.

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1 2	and		4.	Located within the boundaries of a municipal corporation;
3		(ii)	Part of	the State highway system.
	(b) (1) reconstruction of an agovernment unless:			be constructed at the time of construction or in response to the request of a local
	constructing the side probable use; or	(i) walks wo		dministration determines that the cost or impacts of great in relation to the need for them or their
10 11	sidewalks.	(ii)	The loc	cal government indicates that there is no need for
	(2) area master plans an commission.			tructed under this section shall be consistent with clans adopted by the local planning
17		nstruction bicycle p	or reco	bicycle pathways are constructed or reconstructed as onstruction project, the Administration shall construction or reconstruction as a part of the
21 22 23	this subsection, if sicresponse to a request concurrently constru	dewalks o t from a lo acted or re	r bicycle ocal gov construc	ded in [paragraph (3)] PARAGRAPHS (3) AND (4) of e pathways are constructed or reconstructed in ernment and the adjacent roadway is not being cted, the cost to construct or reconstruct the shared equally between the State and local
27 28	reconstructed in resproadway is not being	BB, §§ 4-2 conse to a g concurre	02 and 4 request ently con	bicycle pathways within a designated neighborhood as 4-203 of the Code are constructed or from a local government and the adjacent astructed or reconstructed, the cost to construct pathway may be funded entirely by the State.
32 33 34 35	FINANCE AND PR RESPONSE TO A I ROADWAY IS NO COST TO CONSTR	A PRIOR OCUREN REQUEST T BEING RUCT OR	ITY FU MENT A F FROM CONC RECON EEN TI	S OR BICYCLE PATHWAYS WITHIN AN AREA NDING AREA UNDER § 5-7B-02 OF THE STATE ARTICLE ARE CONSTRUCTED OR RECONSTRUCTED IN A LOCAL GOVERNMENT AND THE ADJACENT URRENTLY CONSTRUCTED OR RECONSTRUCTED, THE NSTRUCT THE SIDEWALK OR BICYCLE PATHWAY HE STATE AND LOCAL GOVERNMENT AS FOLLOWS:
	AND	(-)	30.121	

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1 2	GOVERNMENT.	(II)	20 PERCENT OF THE COST SHALL BE FUNDED BY THE LOCAL				
5	(5) If sidewalks or bicycle pathways are being constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the local government shall:						
7 8	involvement prior to	(i) the constr	Provide public notice and opportunities for community ruction of a sidewalk or bicycle pathway project; and				
9 10	the right-of-way alre	(ii) ady owne	Secure any necessary right-of-way that may be needed beyond ed by the State.				
			(i) Except as provided in subparagraph (ii) of this paragraph, thways are constructed under this section, they shall be e political subdivision in which they are located.				
16 17	(ii) Subject to approval and the availability of funds, the Administration promptly shall reimburse a political subdivision for the preapproved and documented costs incurred in reconstructing a segment of a sidewalk or bicycle pathway that has deteriorated to the extent that repair is not practical or desirable for public safety.						
21	9 (d) The Administration may not construct any project that will result in the 0 severance or destruction of an existing major route for pedestrian transportation 1 traffic, unless the project provides for construction of a reasonable alternative route 2 or such a route already exists.						
23 24	The Administration shall develop guidelines jointly with local governments to carry out the provisions of this section.						
25 26	(f) The Addition that:	ministrati	ion shall maintain and repair all facilities for nighttime				
27 28	(1) vehicular traffic; and		structed by the Administration for the safe conduct of				
29	(2)	Exist ad	ljacent to urban highways.				
30 31	SECTION 2. AN October 1, 2001.	ID BE IT	FURTHER ENACTED, That this Act shall take effect				