

HOUSE BILL 130

Unofficial Copy  
R1

2002 Regular Session  
(2lr0813)

*ENROLLED BILL*  
*-- Appropriations/Budget and Taxation --*

Introduced by **Delegates Bronrott, Barkley, Barve, Carlson, Clagett, Cryor,  
D'Amato, Franchot, Goldwater, Healey, Hixson, Heller, Howard, Kagan,  
Kopp, Mandel, McIntosh, Patterson, Pitkin, Proctor, Rosso, Shriver, and  
Stern**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Sidewalks or Bicycle Pathways - Priority Funding Areas - Sharing of**  
3 **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  
6 funding area, with a certain exception, in response to a request from a local  
7 government, and the adjacent roadway is not being concurrently constructed or  
8 reconstructed, the cost to construct or reconstruct the sidewalk or bicycle  
9 pathway shall be shared by the State and the local government under certain  
10 circumstances in a certain manner.

11 BY repealing and reenacting, without amendments,  
12 Article - State Finance and Procurement  
13 Section 5-7B-02

1 Annotated Code of Maryland  
2 (2001 Replacement Volume)

3 BY repealing and reenacting, with amendments,  
4 Article - Transportation  
5 Section 8-630  
6 Annotated Code of Maryland  
7 (2001 Replacement Volume)

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

10 **Article - State Finance and Procurement**

11 5-7B-02.

12 The following areas shall be considered priority funding areas under this  
13 subtitle:

14 (1) a municipal corporation, including Baltimore City, except those areas  
15 annexed by a municipal corporation after January 1, 1997 shall satisfy the  
16 requirements relating to density and service by water and sewer set forth in §  
17 5-7B-03 of this subtitle;

18 (2) a designated neighborhood, as defined in Article 83B, § 4-202 of the  
19 Code;

20 (3) an enterprise zone as designated under Article 83A, § 5-402 of the  
21 Code, or by the United States government;

22 (4) a certified heritage area as defined in §§ 13-1101 and 13-1111 of the  
23 Financial Institutions Article that is located within a locally designated growth area;

24 (5) those areas of the State located between Interstate Highway 495 and  
25 the District of Columbia;

26 (6) those areas of the State located between Interstate Highway 695 and  
27 Baltimore City; and

28 (7) an area designated by the governing body of a county under §  
29 5-7B-03 of this subtitle.

30 **Article - Transportation**

31 8-630.

32 (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)] PARAGRAPHS (3) AND (4) of  
31 this subsection, if sidewalks or bicycle pathways are constructed or reconstructed in  
32 response to a request from a local government and the adjacent roadway is not being  
33 concurrently constructed or reconstructed, the cost to construct or reconstruct the  
34 sidewalk or bicycle pathway shall be shared equally between the State and local  
35 governments.

36 (3) If sidewalks or bicycle pathways within a designated neighborhood as  
37 defined in Article 83B, §§ 4-202 and 4-203 of the Code are constructed or

1 reconstructed in response to a request from a local government and the adjacent  
 2 roadway is not being concurrently constructed or reconstructed, the cost to construct  
 3 or reconstruct the sidewalk or bicycle pathway may be funded entirely by the State.

4 (4) (I) THIS PARAGRAPH DOES NOT APPLY TO A PRIORITY FUNDING  
 5 AREA THAT IS A DESIGNATED NEIGHBORHOOD AS DEFINED IN ARTICLE 83B, §§ 4-202  
 6 AND 4-203 OF THE CODE.

7 (II) IF SIDEWALKS OR BICYCLE PATHWAYS WITHIN AN AREA  
 8 DESIGNATED AS A PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE  
 9 FINANCE AND PROCUREMENT ARTICLE ARE CONSTRUCTED OR RECONSTRUCTED IN  
 10 RESPONSE TO A REQUEST FROM A LOCAL GOVERNMENT AND THE ADJACENT  
 11 ROADWAY IS NOT BEING CONCURRENTLY CONSTRUCTED OR RECONSTRUCTED, AND  
 12 IF THE ADMINISTRATION DETERMINES THAT A SUBSTANTIAL PUBLIC SAFETY RISK  
 13 EXISTS AND THAT CONSTRUCTION WOULD NOT OCCUR UNDER THIS SECTION DUE  
 14 TO INSUFFICIENT CONTRIBUTION OF FUNDS BY THE LOCAL GOVERNMENT, THE  
 15 COST TO CONSTRUCT OR RECONSTRUCT THE SIDEWALK OR BICYCLE PATHWAY  
 16 SHALL BE SHARED BETWEEN THE STATE AND LOCAL GOVERNMENT AS FOLLOWS:

17 (⊕) 1. ~~80~~ 75 PERCENT OF THE COST SHALL BE FUNDED BY THE  
 18 STATE; AND

19 (⊕) 2. ~~20~~ 25 PERCENT OF THE COST SHALL BE FUNDED BY THE  
 20 LOCAL GOVERNMENT.

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

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

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

29 [(5)] (6) (i) Except as provided in subparagraph (ii) of this paragraph,  
 30 after sidewalks and bicycle pathways are constructed under this section, they shall be  
 31 maintained and repaired by the political subdivision in which they are located.

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

37 (d) The Administration may not construct any project that will result in the  
 38 severance or destruction of an existing major route for pedestrian transportation  
 39 traffic, unless the project provides for construction of a reasonable alternative route  
 40 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 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2002.