
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**

Introduced and read first time: January 15, 2002

Assigned to: Appropriations

A BILL ENTITLED

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 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 (2001 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article - Transportation
17 Section 8-630
18 Annotated Code of Maryland
19 (2001 Replacement Volume)

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

22 **Article - State Finance and Procurement**

23 5-7B-02.

24 The following areas shall be considered priority funding areas under this
25 subtitle:

1 (1) a municipal corporation, including Baltimore City, except those areas
 2 annexed by a municipal corporation after January 1, 1997 shall satisfy the
 3 requirements relating to density and service by water and sewer set forth in §
 4 5-7B-03 of this subtitle;

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

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

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

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

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

15 (7) an area designated by the governing body of a county under §
 16 5-7B-03 of this subtitle.

17 **Article - Transportation**

18 8-630.

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

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

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

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

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

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

31 4. Located within the boundaries of a municipal corporation;
 32 and

33 (ii) Part of the State highway system.

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

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

7 (ii) The local government indicates that there is no need for
8 sidewalks.

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

12 (c) (1) If sidewalks or bicycle pathways are constructed or reconstructed as
13 part of a roadway construction or reconstruction project, the Administration shall
14 fund the sidewalk or bicycle pathway construction or reconstruction as a part of the
15 cost of the roadway project.

16 (2) Except as provided in [paragraph (3)] PARAGRAPHS (3) AND (4) of
17 this subsection, if sidewalks or bicycle pathways are constructed or reconstructed in
18 response to a request from a local government and the adjacent roadway is not being
19 concurrently constructed or reconstructed, the cost to construct or reconstruct the
20 sidewalk or bicycle pathway shall be shared equally between the State and local
21 governments.

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

27 (4) IF SIDEWALKS OR BICYCLE PATHWAYS WITHIN AN AREA
28 DESIGNATED AS A PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE
29 FINANCE AND PROCUREMENT ARTICLE ARE CONSTRUCTED OR RECONSTRUCTED IN
30 RESPONSE TO A REQUEST FROM A LOCAL GOVERNMENT AND THE ADJACENT
31 ROADWAY IS NOT BEING CONCURRENTLY CONSTRUCTED OR RECONSTRUCTED, THE
32 COST TO CONSTRUCT OR RECONSTRUCT THE SIDEWALK OR BICYCLE PATHWAY
33 SHALL BE SHARED BETWEEN THE STATE AND LOCAL GOVERNMENT AS FOLLOWS:

34 (I) 80 PERCENT OF THE COST SHALL BE FUNDED BY THE STATE;
35 AND

36 (II) 20 PERCENT OF THE COST SHALL BE FUNDED BY THE LOCAL
37 GOVERNMENT.

38 (5) If sidewalks or bicycle pathways are being constructed or
39 reconstructed in response to a request from a local government and the adjacent

1 roadway is not being concurrently constructed or reconstructed, the local government
2 shall:

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

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

7 [(5)] (6) (i) Except as provided in subparagraph (ii) of this paragraph,
8 after sidewalks and bicycle pathways are constructed under this section, they shall be
9 maintained and repaired by the political subdivision in which they are located.

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

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

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

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

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

25 (2) Exist adjacent to urban highways.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2002.