#### **HOUSE BILL 130**

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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							

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2002

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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, with a certain exception, in response to a request from a local
- 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 in a certain
- 10 manner.
- 11 BY repealing and reenacting, without amendments,
- 12 Article State Finance and Procurement
- 13 Section 5-7B-02
- 14 Annotated Code of Maryland
- 15 (2001 Replacement Volume)
- 16 BY repealing and reenacting, with amendments,
- 17 Article Transportation
- 18 Section 8-630
- 19 Annotated Code of Maryland
- 20 (2001 Replacement Volume)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 22 MARYLAND, That the Laws of Maryland read as follows:

### 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. 34 Census Bureau; or

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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) reconstruction government to				be constructed at the time of construction or r in response to the request of a local
	constructing probable use;		(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 lo	cal government indicates that there is no need for
					tructed under this section shall be consistent with plans adopted by the local planning
17	part of a road	ewalk or	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 response to a concurrently	a request constru bicycle p	lewalks of from a locted or re	r bicycl ocal gov constru	ded in [paragraph (3)] PARAGRAPHS (3) AND (4) of e pathways are constructed or reconstructed in vernment and the adjacent roadway is not being cted, the cost to construct or reconstruct the shared equally between the State and local
27 28	defined in A reconstructed roadway is n	d in resp ot being	B, §§ 4-2 onse to a concurre	202 and request ently cor	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.
	AREA THA AND 4-203				PARAGRAPH DOES NOT APPLY TO A PRIORITY FUNDING NEIGHBORHOOD AS DEFINED IN ARTICLE 83B, §§ 4-202
35 36 37 38	DESIGNAT FINANCE A RESPONSE ROADWAY COST TO C	AND PROTO A REPORT AND A REPORT	OCUREN REQUEST I BEING UCT OR	ITY FUMENT AFFORM CONC	DEWALKS OR BICYCLE PATHWAYS WITHIN AN AREA INDING AREA UNDER § 5-7B-02 OF THE STATE ARTICLE ARE CONSTRUCTED OR RECONSTRUCTED IN IA LOCAL GOVERNMENT AND THE ADJACENT URRENTLY CONSTRUCTED OR RECONSTRUCTED, THE NSTRUCT THE SIDEWALK OR BICYCLE PATHWAY HE STATE AND LOCAL GOVERNMENT AS FOLLOWS:

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1 2	STATE; AND	<del>(I)</del>	<u>1.</u>	$80\ \underline{75}$ PERCENT OF THE COST SHALL BE FUNDED BY THE				
3 4	LOCAL GOVERNM	<del>(II)</del> ENT.	<u>2.</u>	$\underline{20}~\underline{25}$ PERCENT OF THE COST SHALL BE FUNDED BY THE				
7		onse to a	request fr	icycle pathways are being constructed or rom a local government and the adjacent tructed or reconstructed, the local government				
9 10	involvement prior to	(i) the const		public notice and opportunities for community f a sidewalk or bicycle pathway project; and				
11 12	the right-of-way alrea	(ii) ady owne		any necessary right-of-way that may be needed beyond State.				
	after sidewalks and b			Except as provided in subparagraph (ii) of this paragraph, re constructed under this section, they shall be all subdivision in which they are located.				
18 19	16 (ii) Subject to approval and the availability of funds, the 17 Administration promptly shall reimburse a political subdivision for the preapproved 18 and documented costs incurred in reconstructing a segment of a sidewalk or bicycle 19 pathway that has deteriorated to the extent that repair is not practical or desirable 20 for public safety.							
23	(d) The Administration may not construct any project that will result in the severance or destruction of an existing major route for pedestrian transportation traffic, unless the project provides for construction of a reasonable alternative route or such a route already exists.							
25 26	The Administration shall develop guidelines jointly with local governments to carry out the provisions of this section.							
27 28	(f) The Adrillumination that:	ministrati	on shall ı	maintain and repair all facilities for nighttime				
29 30	(1) vehicular traffic; and		structed l	by the Administration for the safe conduct of				
31	(2)	Exist ad	jacent to	urban highways.				
32 33	SECTION 2. AN October 1, 2002.	ID BE IT	FURTHI	ER ENACTED, That this Act shall take effect				