

HOUSE BILL 130

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2002 Regular Session
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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

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 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 (1) a municipal corporation, including Baltimore City, except those areas
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;

9 (2) a designated neighborhood, as defined in Article 83B, § 4-202 of the
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 (4) a certified heritage area as defined in §§ 13-1101 and 13-1111 of the
14 Financial Institutions Article that is located within a locally designated growth area;

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

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

19 (7) an area designated by the governing body of a county under §
20 5-7B-03 of this subtitle.

21 **Article - Transportation**

22 8-630.

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

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

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

28 (i) 1. 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

1 ~~(H)~~ 1. ~~80~~ 75 PERCENT OF THE COST SHALL BE FUNDED BY THE
2 STATE; AND

3 ~~(H)~~ 2. ~~20~~ 25 PERCENT OF THE COST SHALL BE FUNDED BY THE
4 LOCAL GOVERNMENT.

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

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

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

13 [(5)] (6) (i) Except as provided in subparagraph (ii) of this paragraph,
14 after sidewalks and bicycle pathways are constructed under this section, they shall be
15 maintained and repaired by the political subdivision in which they are located.

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.

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

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

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

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

31 (2) Exist adjacent to urban highways.

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

