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By: **Delegates Franchot, Ross, Bronrott, Cardin, Kaiser, and Oaks**  
Introduced and read first time: February 13, 2004  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Transportation - Planning - Accommodation of Bicyclists and Pedestrians**

3 FOR the purpose of altering a certain public policy statement of the General Assembly  
4 regarding the accommodation of bicyclists and pedestrians in certain  
5 transportation planning and design; providing certain exceptions to a  
6 requirement that accommodations of bicyclists and pedestrians be included in  
7 certain transportation planning; providing for the construction of a certain  
8 provision; and generally relating to accommodations of bicyclists and  
9 pedestrians in certain transportation planning and design.

10 BY repealing and reenacting, with amendments,  
11 Article - Transportation  
12 Section 2-602  
13 Annotated Code of Maryland  
14 (2001 Replacement Volume and 2003 Supplement)

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

17 **Article - Transportation**

18 2-602.

19 (A) The General Assembly finds that it is in the public interest for the State to  
20 include enhanced transportation facilities for pedestrians and bicycle riders as an  
21 essential component of the State's transportation system, and declares that it is the  
22 policy of the State that:

23 (1) [Access to and use of transportation facilities by pedestrians and  
24 bicycle riders shall be considered and best engineering practices regarding the needs  
25 of bicycle riders and pedestrians shall be employed in] AS AN ELEMENT OF GOOD  
26 DESIGN, all phases of transportation planning, including highway design,  
27 construction, reconstruction, and repair as well as expansion and improvement of  
28 other transportation facilities SHALL INCLUDE APPROPRIATE PROVISIONS TO  
29 ACCOMMODATE BICYCLISTS AND PEDESTRIANS, EXCEPT WHERE:

1 (I) BICYCLISTS OR PEDESTRIANS ARE PROHIBITED;

2 (II) THE COST TO ESTABLISH THE BICYCLE OR PEDESTRIAN  
3 FACILITIES WOULD BE EXCESSIVELY DISPROPORTIONATE TO THE NEED, BECAUSE  
4 THE COST OF THE BICYCLE OR PEDESTRIAN FACILITIES WOULD EXCEED 20% OF THE  
5 COST OF THE OVERALL TRANSPORTATION PROJECT; OR

6 (III) THERE IS A DEMONSTRABLE LACK OF NEED, INCLUDING A  
7 SPARSE POPULATION;

8 (2) The modal administrations in the Department shall ensure that the  
9 State maintains an integrated transportation system by working cooperatively to  
10 remove barriers, including restrictions on bicycle access to mass transit, that impede  
11 the free movement of individuals from one mode of transportation to another; and

12 (3) As to any new transportation project or improvement to an existing  
13 transportation facility, the Department shall work to ensure that transportation  
14 options for pedestrians and bicycle riders will be enhanced and that pedestrian and  
15 bicycle access to transportation facilities will not be negatively impacted by the  
16 project or improvement.

17 (B) FOR PURPOSES OF SUBSECTION (A)(1)(III) OF THIS SECTION, AN EXISTING  
18 LOW LEVEL OF BICYCLE USAGE AND PEDESTRIAN ACTIVITY MAY NOT BE  
19 CONSTRUED AS A DEMONSTRABLE LACK OF NEED.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2004.