

SENATE BILL 758

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R2

2004 Regular Session
4r2914
CF 4r2522

By: **Senator Lawlah**
Introduced and read first time: February 11, 2004
Assigned to: Rules

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.