

HOUSE BILL 934

R1, R2

8lr0706

By: **Prince George's County Delegation and Montgomery County Delegation**
Introduced and read first time: February 6, 2008
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–Washington Regional District – Highways – Pedestrian and**
3 **Bicycle Traffic and Facilities**

4 **PG/MC 108–08**

5 FOR the purpose of requiring the Maryland–National Capital Park and Planning
6 Commission in the Maryland–Washington Regional District to consider certain
7 information relating to existing hiking, biking, and walking trails in the
8 Commission's review of certain proposed construction projects; requiring the
9 Director of Bicycle and Pedestrian Access to consult regularly with the
10 Commission; adding a representative from the Commission to the membership
11 of the Bicycle and Pedestrian Advisory Committee; increasing the maximum
12 number of members of the Committee; requiring the State Highway
13 Administration, for a project located in the Maryland–Washington Regional
14 District, to implement a certain plan to increase safety and access for bicycle or
15 pedestrian traffic; requiring the plan to be developed by a certain local
16 government and the Commission under certain circumstances; requiring the
17 Administration to strive to construct a project in the Maryland–Washington
18 Regional District in a manner that will utilize, to the extent possible, existing
19 major routes for pedestrian and bicycle traffic; requiring the Administration to
20 develop certain guidelines in conjunction with the Commission under certain
21 circumstances; requiring sidewalks to be constructed in response to a request by
22 the Commission; requiring each public employment facility in the
23 Maryland–Washington Regional District to provide certain accommodations for
24 bicycle access by a certain date; making stylistic and technical changes; and
25 generally relating to the bicycle and pedestrian traffic and facilities in the
26 Maryland–Washington Regional District.

27 BY repealing and reenacting, with amendments,
28 Article 28 – Maryland–National Capital Park and Planning Commission
29 Section 7–112

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2003 Replacement Volume and 2007 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Transportation
5 Section 2–604(b)(5), 2–606(b) and (d), 8–204(c), 8–601.1, and 8–630(b), (d), and
6 (e)
7 Annotated Code of Maryland
8 (2001 Replacement Volume and 2007 Supplement)

9 BY repealing and reenacting, without amendments,
10 Article – Transportation
11 Section 2–606(a) and (c)
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2007 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 21–1008
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2007 Supplement)

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

21 **Article 28 – Maryland–National Capital Park and Planning Commission**

22 7–112.

23 (A) (1) [When] **AFTER** the Commission has adopted a master plan of
24 highways of the regional district and has certified the plan to the County Council and
25 clerk of the Circuit Court of Montgomery County and to the Board of County
26 Commissioners and clerk of the Circuit Court of Prince George’s County, [thereafter
27 no road, park, or other public way or ground, no public (including federal) buildings or
28 structures, and no public utility, whether publicly or privately owned, shall] **THE**
29 **FOLLOWING FACILITIES MAY NOT** be located, constructed, or authorized in the
30 regional district [until and] unless the proposed location, character, grade, and extent
31 [thereof] **OF THE FACILITY** has been submitted to and approved by the Commission:

32 (I) **A ROAD, PARK, OR OTHER PUBLIC WAY OR GROUND;**

33 (II) **A PUBLIC BUILDING OR STRUCTURE, INCLUDING A**
34 **FEDERAL BUILDING OR STRUCTURE; AND**

35 (III) **A PUBLICLY OR PRIVATELY OWNED PUBLIC UTILITY.**

1 **(2) IN REVIEWING A PROPOSED FACILITY SUBMITTED UNDER**
2 **PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL CONSIDER THE**
3 **FEASIBILITY OF CONSTRUCTING THE FACILITY IN A MANNER THAT WILL**
4 **UTILIZE, TO THE EXTENT POSSIBLE, EXISTING SIDEWALKS AND HIKING, BIKING,**
5 **AND WALKING TRAILS.**

6 **(B) (1) [In case of disapproval] IF THE COMMISSION DOES NOT**
7 **APPROVE A PROPOSED FACILITY SUBMITTED UNDER SUBSECTION (A) OF THIS**
8 **SECTION,** the Commission shall communicate its reasons to the State, federal, county,
9 municipal, or district board, body, or official [proposing to locate, construct, or
10 authorize such public way, ground, building, structure, or utility] **THAT SUBMITTED**
11 **THE PROPOSED FACILITY.**

12 **(2) [Thereupon] ON RECEIPT OF THE COMMISSION'S REASONS**
13 **FOR DISAPPROVAL,** the board, body, or official in its discretion may overrule the
14 disapproval and proceed.

15 **(C) (1) The widening, extension, relocation, narrowing, vacation,**
16 **abandonment, change of use of any road, park, or other public way or ground in the**
17 **regional district, or the acquisition or sale of any land in the regional district by any**
18 **public board, body, or official shall be subject to [similar] submission and approval[;**
19 **and the failure] AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**

20 **(2) FAILURE BY THE COMMISSION to approve A PROPOSED**
21 **PROJECT SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION** may be
22 [similarly] overruled **AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

23 **(D) The failure of the Commission to act within 60 days [from and] after the**
24 **date of official submission to it shall be deemed an approval, unless [a longer period be**
25 **granted by] the submitting board, body, or official GRANTS A LONGER PERIOD FOR**
26 **THE COMMISSION TO ACT.**

27 **(E) (1) After appropriate public hearings, the Commission shall adopt**
28 **uniform standards of review to be followed in reviewing changes to public property**
29 **located in the regional district.**

30 **(2) The Commission shall publish a notice of the adoption of the**
31 **standards of review in one newspaper of record that is published in each county.**

32 **(3) The notice shall [include]:**

33 **(I) INCLUDE a summary of the purpose of the standards and**
34 **the review process[.]; AND**

1 (viii) The Department of Disabilities; **AND**

2 (ix) **THE MARYLAND–NATIONAL CAPITAL PARK AND**
3 **PLANNING COMMISSION;**

4 (2) 1 citizen member from each of the following areas:

5 (i) The Eastern Shore;

6 (ii) Western Maryland; and

7 (iii) Southern Maryland;

8 (3) 2 citizen members from each of the following areas:

9 (i) The Baltimore metropolitan area; and

10 (ii) The Washington metropolitan area; and

11 (4) Up to 6 citizen members selected to represent the interests of
12 bicyclists, pedestrians, and the disabled community to include:

13 (i) A representative of individuals who are visually impaired;
14 and

15 (ii) A representative of individuals who are mobility impaired.

16 (c) One of the citizen members selected under subsection (b) of this section
17 shall have an expertise in bicycle and pedestrian safety.

18 (d) The total membership of the Committee may not exceed [21] **22**
19 members.

20 8–204.

21 (c) (1) **(I)** The Administration shall:

22 [(i)] **1.** Determine and may change from time to time the location,
23 construction, geometrics, design, and maintenance of the State highway system; and

24 [(ii) 1.] **2.** If the Administration and a local government
25 designate an area as a bicycle and pedestrian priority area, implement a plan
26 developed in cooperation with the local government to increase safety and access for
27 bicycle or pedestrian traffic.

1 [2.] (II) If there is no State highway within the limits of
 2 the bicycle and pedestrian priority area, the plan **TO INCREASE SAFETY AND ACCESS**
 3 **FOR BICYCLE OR PEDESTRIAN TRAFFIC** shall be developed by the local government.

4 **(2) FOR A PROJECT LOCATED IN THE MARYLAND–WASHINGTON**
 5 **REGIONAL DISTRICT:**

6 **(I) IF THE ADMINISTRATION, A LOCAL GOVERNMENT, AND**
 7 **THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION IN**
 8 **THE MARYLAND–WASHINGTON REGIONAL DISTRICT DESIGNATE AN AREA AS A**
 9 **BICYCLE AND PEDESTRIAN PRIORITY AREA, THE ADMINISTRATION SHALL**
 10 **IMPLEMENT A PLAN DEVELOPED IN COOPERATION WITH THE LOCAL**
 11 **GOVERNMENT AND THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING**
 12 **COMMISSION IN THE MARYLAND–WASHINGTON REGIONAL DISTRICT TO**
 13 **INCREASE SAFETY AND ACCESS FOR BICYCLE OR PEDESTRIAN TRAFFIC; OR**

14 **(II) IF THERE IS NO STATE HIGHWAY WITHIN THE LIMITS OF**
 15 **THE BICYCLE AND PEDESTRIAN PRIORITY AREA, THE PLAN SHALL BE**
 16 **DEVELOPED BY THE LOCAL GOVERNMENT AND THE MARYLAND–NATIONAL**
 17 **CAPITAL PARK AND PLANNING COMMISSION IN THE MARYLAND–WASHINGTON**
 18 **REGIONAL DISTRICT.**

19 [~~(2)~~] **(3)** A plan for traffic management in a bicycle and pedestrian
 20 priority area shall provide for:

21 (i) Appropriate changes to the location, construction,
 22 geometrics, design, and maintenance of the State highway system to increase safety
 23 and access for bicycle or pedestrian traffic in the bicycle and pedestrian priority area;
 24 and

25 (ii) The appropriate use of traffic control devices including
 26 pedestrian control signals, traffic signals, stop signs, and speed bumps.

27 8–601.1.

28 (a) **(1)** The Administration may not construct any project that will result
 29 in the severance or destruction of an existing major route for bicycle transportation
 30 traffic, unless the project provides for construction of a reasonable alternative route or
 31 such a route already exists.

32 **(2) IN THE MARYLAND–WASHINGTON REGIONAL DISTRICT, THE**
 33 **ADMINISTRATION SHALL STRIVE TO CONSTRUCT A PROJECT IN A MANNER THAT**
 34 **WILL UTILIZE, TO THE EXTENT POSSIBLE, EXISTING MAJOR ROUTES FOR**
 35 **PEDESTRIAN AND BICYCLE TRAFFIC.**

1 (b) The Administration shall develop guidelines jointly with local
2 governments **AND, WHEN APPLICABLE, THE MARYLAND-NATIONAL CAPITAL**
3 **PARK AND PLANNING COMMISSION IN THE MARYLAND-WASHINGTON**
4 **REGIONAL DISTRICT** to carry out the provisions of this section.

5 8-630.

6 (b) (1) Sidewalks shall be constructed at the time of construction or
7 reconstruction of an urban highway, or in response to the request of a local
8 government **OR THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING**
9 **COMMISSION IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT** unless:

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

13 (ii) The local government indicates that there is no need for
14 sidewalks.

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

17 (d) (1) The Administration may not construct any project that will result
18 in the severance or destruction of an existing major route for pedestrian
19 transportation traffic, unless the project provides for construction of a reasonable
20 alternative route or such a route already exists.

21 (2) **FOR A PROJECT IN THE MARYLAND-WASHINGTON REGIONAL**
22 **DISTRICT, THE ADMINISTRATION SHALL STRIVE TO CONSTRUCT A PROJECT IN**
23 **A MANNER THAT WILL UTILIZE, TO THE EXTENT POSSIBLE, EXISTING MAJOR**
24 **ROUTES FOR PEDESTRIAN AND BICYCLE TRAFFIC.**

25 (e) The Administration shall develop guidelines jointly with local
26 governments **AND THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING**
27 **COMMISSION IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT** to carry
28 out the provisions of this section.

29 21-1008.

30 (A) By fiscal year 2000, each public institution of higher education and State
31 employment facility shall provide reasonable accommodations necessary for bicycle
32 access, including parking for bicycles.

33 (B) **BY FISCAL YEAR 2010, EACH PUBLIC EMPLOYMENT FACILITY IN**
34 **THE MARYLAND-WASHINGTON REGIONAL DISTRICT SHALL PROVIDE**

1 **REASONABLE ACCOMMODATIONS NECESSARY FOR BICYCLE ACCESS, INCLUDING**
2 **PARKING FACILITIES FOR BICYCLES.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2008.