

# HOUSE BILL 1144

R1, R2  
HB 934/08 – ENV

9lr0963

---

By: **Montgomery County Delegation and Prince George's County Delegation**  
Introduced and read first time: February 13, 2009  
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 **MC/PG 115–09**

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 Commission to communicate its reasons to certain persons if the Commission  
10 does not approve a certain proposed facility without conditions under certain  
11 circumstances; requiring the Director of Bicycle and Pedestrian Access to  
12 consult regularly with the Commission; adding a representative from the  
13 Commission to the membership of the Bicycle and Pedestrian Advisory  
14 Committee; increasing the maximum number of members of the Committee;  
15 requiring the State Highway Administration, for a project located in the  
16 Maryland–Washington Regional District, to implement a certain plan to  
17 increase safety and access for bicycle or pedestrian traffic; requiring the plan to  
18 be developed by a certain local government in consultation with the Commission  
19 under certain circumstances; requiring the Administration to construct a project  
20 in the Maryland–Washington Regional District in a manner that will enhance,  
21 to the extent possible, existing major routes for pedestrian and bicycle traffic;  
22 requiring the Administration to develop certain guidelines in consultation with  
23 the Commission under certain circumstances; requiring sidewalks to be  
24 constructed in response to a request by the Commission under certain  
25 circumstances; requiring certain persons that regularly employ more than a  
26 certain number of employees located in the Maryland–Washington Regional  
27 District to report to the Commission regarding certain accommodations for  
28 bicycle access by a certain date; making stylistic and technical changes; and  
29 generally relating to the bicycle and pedestrian traffic and facilities in the  
30 Maryland–Washington Regional District.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
 2 Article 28 – Maryland–National Capital Park and Planning Commission  
 3 Section 7–112  
 4 Annotated Code of Maryland  
 5 (2003 Replacement Volume and 2008 Supplement)

6 BY repealing and reenacting, with amendments,  
 7 Article – Transportation  
 8 Section 2–604(b)(5), 2–606(b) and (d), 8–204(c), 8–601.1, and 8–630(b), (d), and  
 9 (e)  
 10 Annotated Code of Maryland  
 11 (2008 Replacement Volume)

12 BY repealing and reenacting, without amendments,  
 13 Article – Transportation  
 14 Section 2–606(a) and (c)  
 15 Annotated Code of Maryland  
 16 (2008 Replacement Volume)

17 BY repealing and reenacting, with amendments,  
 18 Article – Transportation  
 19 Section 21–1008  
 20 Annotated Code of Maryland  
 21 (2006 Replacement Volume and 2008 Supplement)

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

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

25 7–112.

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

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

36 (II) **A PUBLIC BUILDING OR STRUCTURE, INCLUDING A**  
 37 **FEDERAL BUILDING OR STRUCTURE; AND**

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

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

7                   **(B) (1) [In case of disapproval] IF THE COMMISSION DOES NOT**  
8 **APPROVE WITHOUT CONDITION A PROPOSED FACILITY SUBMITTED UNDER**  
9 **SUBSECTION (A) OF THIS SECTION,** the Commission shall communicate its reasons  
10 to the State, federal, county, municipal, or district board, body, or official [proposing to  
11 locate, construct, or authorize such public way, ground, building, structure, or utility]  
12 **THAT SUBMITTED THE PROPOSED FACILITY.**

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

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

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

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

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

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

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

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

3 (II) [The notice also shall identify] **IDENTIFY** a location and a  
4 phone number to contact for a complete copy of the standards of review.

### 5 Article – Transportation

6 2–604.

7 (b) To carry out the purposes of this subtitle, the Director shall:

8 (5) Consult regularly with the Bicycle and Pedestrian Advisory  
9 Committee established under § 2–606 of this subtitle **AND WITH THE**  
10 **MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION IN THE**  
11 **MARYLAND–WASHINGTON REGIONAL DISTRICT.**

12 2–606.

13 (a) The Governor shall appoint a Bicycle and Pedestrian Advisory Committee  
14 to provide guidance to State agencies concerning:

15 (1) Funding of bicycle and pedestrian related programs;

16 (2) Public education and awareness of bicycling and pedestrian related  
17 activities;

18 (3) Public education and awareness of bicycling and pedestrian safety;  
19 and

20 (4) Any other issue directly related to bicycling and pedestrians.

21 (b) The Committee shall consist of the following:

22 (1) One representative each from:

23 (i) The Department of Transportation;

24 (ii) The Department of Natural Resources;

25 (iii) The State Department of Education;

26 (iv) The Department of State Police;

27 (v) The Department of Business and Economic Development;

28 (vi) The Department of Health and Mental Hygiene;

1 (vii) The Department of Planning; [and]

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

3 **(IX) THE MARYLAND–NATIONAL CAPITAL PARK AND**  
4 **PLANNING COMMISSION;**

5 (2) One citizen member from each of the following areas:

6 (i) The Eastern Shore;

7 (ii) Western Maryland; and

8 (iii) Southern Maryland;

9 (3) Two citizen members from each of the following areas:

10 (i) The Baltimore metropolitan area; and

11 (ii) The Washington metropolitan area; and

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

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

15 and

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

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

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

21 8–204.

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

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

26 [(ii) 1.] **2.** If the Administration and a local government  
27 designate an area as a bicycle and pedestrian priority area, implement a plan

1 developed in cooperation with the local government to increase safety and access for  
2 bicycle or pedestrian traffic.

3 [2.] (II) If there is no State highway within the limits of the  
4 bicycle and pedestrian priority area, the plan shall be developed by the local  
5 government.

6 (2) FOR A PROJECT LOCATED IN THE MARYLAND-WASHINGTON  
7 REGIONAL DISTRICT:

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

16 (II) IF THERE IS NO STATE HIGHWAY WITHIN THE LIMITS OF  
17 THE BICYCLE AND PEDESTRIAN PRIORITY AREA, THE PLAN TO INCREASE  
18 SAFETY AND ACCESS FOR BICYCLE OR PEDESTRIAN TRAFFIC SHALL BE  
19 DEVELOPED BY THE LOCAL GOVERNMENT IN CONSULTATION WITH THE  
20 MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

21 [(2)] (3) A plan for traffic management in a bicycle and pedestrian  
22 priority area shall provide for:

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

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

29 8-601.1.

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

34 (2) IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT, THE  
35 ADMINISTRATION SHALL STRIVE TO CONSTRUCT A PROJECT IN A MANNER THAT

1 **WILL ENHANCE, TO THE EXTENT POSSIBLE, EXISTING MAJOR ROUTES FOR**  
2 **PEDESTRIAN AND BICYCLE TRAFFIC.**

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

7 8-630.

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

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

15 (ii) The local government indicates that there is no need for  
16 sidewalks.

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

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

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

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

31 21-1008.

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

1           **(B) BY FISCAL YEAR 2011, EACH STATE, FEDERAL, COUNTY,**  
2 **MUNICIPAL, OR PUBLIC DISTRICT, BOARD, BODY, OR OFFICIAL THAT**  
3 **REGULARLY EMPLOYS MORE THAN 50 EMPLOYEES LOCATED IN THE**  
4 **MARYLAND-WASHINGTON REGIONAL DISTRICT SHALL SUBMIT TO THE**  
5 **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION A PLAN**  
6 **FOR PROVIDING REASONABLE ACCOMMODATIONS FOR BICYCLE ACCESS,**  
7 **INCLUDING PARKING FACILITIES FOR BICYCLES UTILIZED BY VISITORS AND**  
8 **EMPLOYEES AT APPROPRIATE PUBLIC FACILITIES AND LOCATIONS.**

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2009.