

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2009

CHAPTER _____

1 AN ACT concerning

2 ~~Maryland–Washington Regional District–Highways–Pedestrian and~~
3 ~~Bicycle Traffic and Facilities~~ Bicycle and Pedestrian Advisory Committee –
4 Membership

5 **MC/PG 115–09**

6 FOR the purpose of ~~requiring the Maryland–National Capital Park and Planning~~
7 ~~Commission in the Maryland–Washington Regional District to consider certain~~
8 ~~information relating to existing hiking, biking, and walking trails in the~~
9 ~~Commission's review of certain proposed construction projects; requiring the~~
10 ~~Commission to communicate its reasons to certain persons if the Commission~~
11 ~~does not approve a certain proposed facility without conditions under certain~~
12 ~~circumstances; requiring the Director of Bicycle and Pedestrian Access to~~
13 ~~consult regularly with the Commission; adding a representative from the~~
14 Maryland–National Capital Park and Planning Commission to the membership
15 of the Bicycle and Pedestrian Advisory Committee; increasing the maximum
16 number of members of the Committee; requiring the State Highway
17 Administration, for a project located in the Maryland–Washington Regional
18 District, to implement a certain plan to increase safety and access for bicycle or
19 pedestrian traffic; requiring the plan to be developed by a certain local
20 government in consultation with the Commission under certain circumstances;
21 requiring the Administration to construct a project in the Maryland–
22 Washington Regional District in a manner that will enhance, to the extent
23 possible, existing major routes for pedestrian and bicycle traffic; requiring the
24 Administration to develop certain guidelines in consultation with the
25 Commission under certain circumstances; requiring sidewalks to be constructed

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~in response to a request by the Commission under certain circumstances; requiring certain persons that regularly employ more than a certain number of employees located in the Maryland-Washington Regional District to report to the Commission regarding certain accommodations for bicycle access by a certain date; making stylistic and technical changes; and generally relating to the bicycle and pedestrian traffic and facilities in the Maryland-Washington Regional District, and generally relating to the membership of the Bicycle and Pedestrian Advisory Committee.~~

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

BY repealing and reenacting, with amendments,
Article – Transportation
Section ~~2-604(b)(5), 2-606(b) and (d), 8-204(e), 8-601.1, and 8-630(b), (d), and~~
(e)
Annotated Code of Maryland
(2008 Replacement Volume)

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

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

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

~~Article 28 – Maryland National Capital Park and Planning Commission~~

~~7-112.~~

~~(A) (1) [When] AFTER the Commission has adopted a master plan of highways of the regional district and has certified the plan to the County Council and clerk of the Circuit Court of Montgomery County and to the Board of County Commissioners and clerk of the Circuit Court of Prince George's County, [thereafter no road, park, or other public way or ground, no public (including federal) buildings or structures, and no public utility, whether publicly or privately owned, shall] THE~~

~~FOLLOWING FACILITIES MAY NOT~~ be located, constructed, or authorized in the regional district [until and] unless the proposed location, character, grade, and extent [thereof] ~~OF THE FACILITY~~ has been submitted to and approved by the Commission:

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

~~(II) A PUBLIC BUILDING OR STRUCTURE, INCLUDING A FEDERAL BUILDING OR STRUCTURE; AND~~

~~(III) A PUBLICLY OR PRIVATELY OWNED PUBLIC UTILITY.~~

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

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

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

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

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

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

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

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

~~(3) The notice shall [include];~~

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

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

Article – Transportation

~~2-604.~~

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

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

2-606.

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

(1) Funding of bicycle and pedestrian related programs;

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

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

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

(b) The Committee shall consist of the following:

(1) One representative each from:

(i) The Department of Transportation;

- 1 (ii) The Department of Natural Resources;
- 2 (iii) The State Department of Education;
- 3 (iv) The Department of State Police;
- 4 (v) The Department of Business and Economic Development;
- 5 (vi) The Department of Health and Mental Hygiene;
- 6 (vii) The Department of Planning; [and]
- 7 (viii) The Department of Disabilities; AND

8 (IX) THE MARYLAND-NATIONAL CAPITAL PARK AND
 9 PLANNING COMMISSION;

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

- 11 (i) The Eastern Shore;
- 12 (ii) Western Maryland; and
- 13 (iii) Southern Maryland;

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

- 15 (i) The Baltimore metropolitan area; and
- 16 (ii) The Washington metropolitan area; and

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

- 19 (i) A representative of individuals who are visually impaired;
- 20 and
- 21 (ii) A representative of individuals who are mobility impaired.

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

24 (d) The total membership of the Committee may not exceed [21] 22
 25 members.

(e) (1) ~~(I) The Administration shall:~~

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

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

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

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

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

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

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

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

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

~~§ 601.1.~~

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

5 ~~(2) IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT, THE~~
6 ~~ADMINISTRATION SHALL STRIVE TO CONSTRUCT A PROJECT IN A MANNER THAT~~
7 ~~WILL ENHANCE, TO THE EXTENT POSSIBLE, EXISTING MAJOR ROUTES FOR~~
8 ~~PEDESTRIAN AND BICYCLE TRAFFIC.~~

9 (b) ~~The Administration shall develop guidelines jointly with local~~
10 ~~governments AND IN THE MARYLAND-WASHINGTON REGIONAL DISTRICT, IN~~
11 ~~CONSULTATION WITH THE MARYLAND NATIONAL CAPITAL PARK AND~~
12 ~~PLANNING COMMISSION, to carry out the provisions of this section.~~

13 ~~§ 630.~~

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

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

21 (ii) ~~The local government indicates that there is no need for~~
22 ~~sidewalks.~~

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

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

29 ~~(2) FOR A PROJECT IN THE MARYLAND-WASHINGTON REGIONAL~~
30 ~~DISTRICT, THE ADMINISTRATION SHALL STRIVE TO CONSTRUCT THE PROJECT~~
31 ~~IN A MANNER THAT WILL ENHANCE, TO THE EXTENT POSSIBLE, EXISTING MAJOR~~
32 ~~ROUTES FOR PEDESTRIAN AND BICYCLE TRAFFIC.~~

33 (e) ~~The Administration shall develop guidelines jointly with local~~
34 ~~governments AND IN CONSULTATION WITH THE MARYLAND NATIONAL CAPITAL~~
35 ~~PARK AND PLANNING COMMISSION IN THE MARYLAND-WASHINGTON~~
36 ~~REGIONAL DISTRICT to carry out the provisions of this section.~~

1 ~~21-1008.~~

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.