

SENATE BILL 15

F1, R2

(PRE-FILED)

9lr0558

CF 9lr0559

By: **Senator Rosapepe**

Requested: September 2, 2008

Introduced and read first time: January 14, 2009

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **School Construction – Pedestrian and Bicycle Trail Enhancements – Funding**

3 FOR the purpose of requiring the Board of Public Works to include certain pedestrian
4 and bicycle trail enhancements as an approved public school construction or
5 capital improvement cost; defining a certain term; requiring the Board to adopt
6 certain regulations; limiting the aggregate amount that the Board may approve
7 in any fiscal year for the construction of certain pedestrian and bicycle trail
8 enhancements as part of a public school construction or public school capital
9 improvement; authorizing local governments to use certain highway user
10 revenues for sidewalk construction; stating a certain policy of the State with
11 regard to sidewalks, footpaths, and bicycle trails; including sidewalks under
12 certain provisions governing the construction of certain footpaths and trails by
13 local governments; and generally relating to the use of public school
14 construction aid and certain highway user revenues for pedestrian and bicycle
15 trail enhancements.

16 BY repealing and reenacting, with amendments,
17 Article – Education
18 Section 5–205(a) and 5–301(b)
19 Annotated Code of Maryland
20 (2006 Replacement Volume and 2008 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Education
23 Section 5–301(e) and (g)
24 Annotated Code of Maryland
25 (2006 Replacement Volume and 2008 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 8-409
2 Annotated Code of Maryland
3 (2008 Replacement Volume)

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

6 **Article - Education**

7 5-205.

8 (a) (1) **FOR PURPOSES OF THIS SECTION, "TRANSPORTATION**
9 **SERVICES" INCLUDES SIDEWALKS, FOOTPATHS, BICYCLE TRAILS, CROSSING**
10 **LIGHTS, CROSSING GUARDS, AND OTHER CAPITAL AND OPERATING**
11 **INVESTMENTS THAT FACILITATE AND ENCOURAGE THE MAXIMUM NUMBER OF**
12 **STUDENTS TO WALK OR BIKE TO SCHOOL SAFELY.**

13 (2) The State shall distribute grants as provided under this section to
14 the county boards to provide transportation services for public school students and
15 disabled children for whom transportation is to be provided under § 8-410 of this
16 article. Appropriations for student transportation shall be budgeted in a separate
17 budget category as provided in § 5-101 of this title. If the amount that is appropriated
18 to a county under this section in a fiscal year is more than the actual cost of providing
19 student transportation services in that county, a county board may apply any excess
20 funds to costs of pupil transportation in subsequent years. None of these funds may be
21 paid to or claimed by any subdivision, nor may any of these funds be reverted to any
22 subdivision. A county board may not transfer State revenues from the student
23 transportation category to any other category as a result of this section.

24 5-301.

25 (b) (1) For the purposes of this section other than subsection (c), the
26 Board of Public Works shall define by regulation what constitutes an eligible and
27 ineligible public school construction or capital improvement cost.

28 (2) (i) The Board of Public Works shall include modular
29 construction as an approved public school construction or capital cost.

30 (ii) The Board of Public Works, at the recommendation of the
31 Interagency Committee on School Construction, shall adopt regulations that:

32 1. Define modular construction; and

33 2. Establish the minimum specifications required for
34 approval of modular construction as a public school construction or capital
35 improvement cost.

1 **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
2 **THE BOARD OF PUBLIC WORKS SHALL INCLUDE SIDEWALKS, FOOTPATHS, AND**
3 **BICYCLE TRAILS THAT LINK RESIDENTIAL NEIGHBORHOODS TO SCHOOLS AS AN**
4 **APPROVED PUBLIC SCHOOL CONSTRUCTION OR CAPITAL IMPROVEMENT COST.**

5 **(II) THE BOARD OF PUBLIC WORKS, AT THE**
6 **RECOMMENDATION OF THE INTERAGENCY COMMITTEE ON SCHOOL**
7 **CONSTRUCTION, SHALL ADOPT REGULATIONS THAT:**

8 **1. DEFINE REASONABLE COSTS FOR SIDEWALKS,**
9 **FOOTPATHS, AND BICYCLE TRAILS AS DESCRIBED IN SUBPARAGRAPH (I) OF**
10 **THIS PARAGRAPH FOR A PUBLIC SCHOOL CONSTRUCTION OR CAPITAL**
11 **IMPROVEMENT; AND**

12 **2. GIVE PRIORITY TO AND PROVIDE FINANCIAL**
13 **ASSISTANCE TO COUNTY BOARDS FOR PUBLIC SCHOOL CONSTRUCTION OR**
14 **PUBLIC SCHOOL CAPITAL IMPROVEMENTS THAT INCORPORATE SIDEWALKS,**
15 **FOOTPATHS, AND BICYCLE TRAILS THAT FACILITATE AND ENCOURAGE USAGE**
16 **BY STUDENTS AS AN ALTERNATIVE TO TRANSPORT BY SCHOOL BUS.**

17 **(III) IN ANY FISCAL YEAR, THE AGGREGATE AMOUNT THAT**
18 **THE BOARD OF PUBLIC WORKS MAY APPROVE UNDER THIS SECTION FOR THE**
19 **CONSTRUCTION OF SIDEWALKS, FOOTPATHS, AND BICYCLE TRAILS**
20 **THROUGHOUT THE STATE MAY NOT EXCEED 5% OF THE AUTHORIZATION IN**
21 **THAT FISCAL YEAR FOR PUBLIC SCHOOL CONSTRUCTION OR PUBLIC SCHOOL**
22 **CAPITAL IMPROVEMENTS.**

23 **[(3)] (4) The cost of acquiring land may not be considered a**
24 **construction or capital improvement cost and may not be paid by the State.**

25 (e) The Board of Public Works shall develop the rules, regulations, and
26 procedures authorized by this section in consultation with representatives of the
27 county boards and the county governing bodies.

28 (g) (1) With respect to public school construction or public school capital
29 improvements, including sites for school buildings, the authority, responsibilities,
30 powers, and duties of the following are subject to the regulations adopted by the Board
31 of Public Works under this section:

- 32 (i) The State Board;
- 33 (ii) The State Superintendent;
- 34 (iii) The county governments;

- 1 (iv) The county boards; and
2 (v) All other State or local governmental agencies under this
3 article.

4 (2) If, as to public school construction or public school capital
5 improvements, there is any conflict between the regulations and procedures of the
6 Board of Public Works and the authority, responsibilities, powers, and duties of the
7 individuals and agencies specified in paragraph (1) of this subsection, the regulations
8 and procedures of the Board of Public Works shall prevail.

9 Article – Transportation

10 8–409.

11 (a) It is the policy of this State that:

12 (1) [bicycle] **BICYCLE** trails are important and their construction is
13 encouraged wherever feasible; **AND**

14 (2) **SIDEWALKS, FOOTPATHS, AND BICYCLE TRAILS ARE**
15 **CRITICALLY IMPORTANT TO FACILITATE AND ENCOURAGE STUDENTS TO WALK**
16 **AND BIKE TO SCHOOL AND THEIR CONSTRUCTION IS ENCOURAGED WHEREVER**
17 **FEASIBLE.**

18 (b) To establish and maintain **SIDEWALKS**, footpaths, bridle paths or horse
19 trails, and bicycle trails:

20 (1) Baltimore City, any county, or any municipality that receives
21 highway user revenues may spend a reasonable part of its net share for these
22 purposes; and

23 (2) The Administration, Baltimore City, any county, or any
24 municipality that receives highway user revenues may credit a part of them to a
25 financial reserve or a special fund to be used within 10 years for these purposes.

26 (c) Highway user revenues may not be used for **SIDEWALKS**, footpaths,
27 bridle paths or horse trails, or bicycle trails if:

28 (1) Their establishment would be contrary to public safety;

29 (2) Their cost would be too great considering their need or probable
30 use; or

31 (3) The sparseness of population, the existence of other available
32 ways, or other factors show that there is no need for them.

1 (d) (1) If requested by a local government, the Administration shall
2 provide technical assistance and advice on carrying out the purposes of this section.

3 (2) The Administration shall recommend construction standards for
4 **SIDEWALKS**, footpaths, bridle paths or horse trails, and bicycle trails and shall
5 establish a uniform system of signs for all the **SIDEWALKS**, footpaths, bridle paths or
6 horse trails, and bicycle trails constructed under this section, whether construction is
7 undertaken by the Administration or by the local government.

8 (e) Unless the Administration or local government specifically approves
9 other uses, as provided in subsection (g) of this section, [footpaths] **SIDEWALKS**,
10 **FOOTPATHS**, and bicycle trails may be used only by pedestrians, nonmotorized
11 vehicles, and electric personal assistive mobility devices as defined in § 21-101(j) of
12 this article.

13 (f) Unless the Administration or local government specifically approves
14 other uses, as provided in subsection (g) of this section, bridle paths or horse trails
15 may be used only by pedestrians, horses, or horse drawn vehicles.

16 (g) If the Administration or local government specifically approves the use of
17 [footpaths] **SIDEWALKS**, **FOOTPATHS**, and bicycle trails by other than pedestrians
18 and nonmotorized vehicles, or of bridle paths or horse trails by other than pedestrians,
19 horses, or horse drawn vehicles, the Administration or local government shall post
20 signs on the paths or trails indicating the uses specifically approved.

21 (h) A person may not operate a moped on a **SIDEWALK**, footpath, bicycle
22 trail, bridle path, or horse trail unless the [path] **SIDEWALK**, **PATH**, or trail is posted
23 with signs in accordance with subsection (g) of this section specifically approving the
24 use of mopeds.

25 (i) Notwithstanding the provisions of this subsection, the use of [footpaths]
26 **SIDEWALKS**, **FOOTPATHS**, and bicycle trails shall be denied to sports cycles, trail
27 bikes, and minibikes.

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