

# HOUSE BILL 797

R2

3lr1788

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By: ~~Delegates McIntosh, Frush, and S. Robinson~~ S. Robinson, Beidle, Carr, Kipke, McMillan, Norman, and Weir

Introduced and read first time: February 6, 2013

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Transportation Projects – ~~Bridges~~ Transportation Facilities – Water Access**

3 FOR the purpose of requiring the Department of Transportation and local  
4 governments, in developing a construction or improvement project involving a  
5 bridge ~~that~~ or other transportation facility that is adjacent to or crosses a  
6 waterway, to ~~incorporate, to the extent feasible,~~ consider any reasonable and  
7 appropriate measures to provide or improve certain water access for certain  
8 activities; requiring the Department and local governments, in consultation  
9 with certain entities, to establish certain ~~inventories of certain bridges and~~  
10 ~~approaches to bridges; requiring the Department and local governments to~~  
11 ~~review certain bridge construction and improvement projects to determine~~  
12 ~~which of the projects can safely and reasonably incorporate the provision of or~~  
13 ~~improvements to water access for certain activities~~ standards and guidelines for  
14 identifying appropriate transportation facilities for certain water access and  
15 best practices and cost effective strategies to accommodate certain water access;  
16 and generally relating to the incorporation of water access considerations into  
17 construction or improvement projects involving a ~~bridge~~ transportation facility.

18 BY adding to

19 ~~Article 24 – Political Subdivisions – Miscellaneous Provisions~~

20 ~~Section 25-101 to be under the new title “Title 25. Transportation Planning”~~

21 ~~Annotated Code of Maryland~~

22 ~~(2011 Replacement Volume and 2012 Supplement)~~

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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.



1 Article – Local Government  
 2 Section 1–1309  
 3 Annotated Code of Maryland  
 4 (As enacted by Chapter \_\_\_\_\_ (H.B. 472) of the Acts of the General Assembly of  
 5 2013)

6 BY repealing and reenacting, without amendments,  
 7 Article – Transportation  
 8 Section 2–103.1(c)(1)  
 9 Annotated Code of Maryland  
 10 (2008 Replacement Volume and 2012 Supplement)

11 BY adding to  
 12 Article – Transportation  
 13 Section 2–103.1(c)(7)  
 14 Annotated Code of Maryland  
 15 (2008 Replacement Volume and 2012 Supplement)

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

18 ~~Article 24 – Political Subdivisions – Miscellaneous Provisions~~

19 ~~TITLE 25. TRANSPORTATION PLANNING.~~

20 ~~25-101.~~

21 Article – Local Government

22 1–1309.

23 (A) A COUNTY OR MUNICIPALITY, IN DEVELOPING A CONSTRUCTION OR  
 24 IMPROVEMENT PROJECT INVOLVING A BRIDGE ~~THAT~~ OR OTHER  
 25 TRANSPORTATION FACILITY THAT IS ADJACENT TO OR CROSSES A WATERWAY,  
 26 SHALL INCORPORATE, TO THE EXTENT FEASIBLE, CONSIDER ANY REASONABLE  
 27 AND APPROPRIATE MEASURES TO PROVIDE OR IMPROVE IN THE VICINITY OF  
 28 THE BRIDGE OR OTHER TRANSPORTATION FACILITY WATER ACCESS FOR  
 29 FISHING, CANOEING, KAYAKING, OR ANY OTHER APPROPRIATE NONMOTORIZED  
 30 WATER DEPENDENT RECREATIONAL ACTIVITY.

31 (B) A COUNTY OR MUNICIPALITY, IN CONSULTATION WITH THE  
 32 DEPARTMENT OF NATURAL RESOURCES AND INTERESTED STAKEHOLDERS,  
 33 SHALL ESTABLISH ~~AN INVENTORY OF BRIDGES AND APPROACH HIGHWAYS TO~~  
 34 ~~BRIDGES UNDER THE JURISDICTION OF THE COUNTY OR MUNICIPALITY THAT~~  
 35 ~~CROSS NAVIGABLE WATERWAYS OR WATERWAYS AMENABLE TO FISHING~~

1 ~~ACTIVITY AT WHICH WATERWAY ACCESS MAY BE PROVIDED OR IMPROVED~~  
2 ~~REASONABLY AND SAFELY;~~

3 (1) STANDARDS AND GUIDELINES FOR IDENTIFYING  
4 APPROPRIATE BRIDGES AND OTHER TRANSPORTATION FACILITIES TO BE  
5 CONSIDERED FOR THE PROVISION OR IMPROVEMENT OF WATER ACCESS UNDER  
6 THIS SECTION; AND

7 (2) BEST PRACTICES AND COST EFFECTIVE STRATEGIES FOR  
8 ACCOMMODATING WATER ACCESS UNDER THIS SECTION.

9 **Article – Transportation**

10 2–103.1.

11 (c) (1) The Consolidated Transportation Program shall:

12 (i) Be revised annually; and

13 (ii) Include:

14 1. A list of:

15 A. The current State transportation goals;

16 B. Program priorities; and

17 C. For projects in the construction phase, the criteria  
18 used to select major capital projects for inclusion in the capital program, as  
19 determined by the Department;

20 2. A statement of the Department's projected annual  
21 operating costs, set forth separately for the Office of the Secretary and for each modal  
22 administration;

23 3. Expanded descriptions of major capital projects;

24 4. A list of major capital projects for the current year,  
25 the budget request year, and the 4 successive planning years;

26 5. A list of anticipated minor capital projects, including a  
27 specific list of anticipated special projects for the current year and the budget request  
28 year and an estimate of the Program level for each of the 4 successive planning years;

29 6. A list of major bridge work projects;

1                   7.     A summary of the capital and operating programs, as  
2 defined by the Secretary, for the Maryland Transportation Authority;

3                   8.     For each listed major capital project, an indication  
4 whether the revenue source anticipated to support that project consists of federal,  
5 special, general, or other funds;

6                   9.     The Department's estimates of the levels and sources  
7 of revenues to be used to fund the projects in the Program;

8                   10.    A glossary of terms; and

9                   11.    A cross-reference table for the information contained  
10 in the various parts of the State Report on Transportation.

11                   **(7) (i) THE DEPARTMENT, IN DEVELOPING A CONSTRUCTION**  
12 **OR IMPROVEMENT PROJECT INVOLVING A BRIDGE ~~THAT~~ OR OTHER**  
13 **TRANSPORTATION FACILITY THAT IS ADJACENT TO OR CROSSES A WATERWAY**  
14 **FOR INCLUSION IN THE CONSOLIDATED TRANSPORTATION PROGRAM, SHALL**  
15 **INCORPORATE, TO THE EXTENT FEASIBLE, CONSIDER ANY REASONABLE AND**  
16 **APPROPRIATE MEASURES TO PROVIDE OR IMPROVE IN THE VICINITY OF THE**  
17 **BRIDGE OR OTHER TRANSPORTATION FACILITY WATER ACCESS FOR FISHING,**  
18 **CANOEING, KAYAKING, OR ANY OTHER ~~APPROPRIATE~~ NONMOTORIZED WATER**  
19 **DEPENDENT RECREATIONAL ACTIVITY.**

20                   **(ii) THE DEPARTMENT, IN CONSULTATION WITH THE**  
21 **DEPARTMENT OF NATURAL RESOURCES AND INTERESTED STAKEHOLDERS,**  
22 **SHALL ESTABLISH ~~AN INVENTORY OF BRIDGES AND APPROACH HIGHWAYS TO~~**  
23 **~~BRIDGES UNDER THE JURISDICTION OF THE DEPARTMENT THAT CROSS~~**  
24 **~~NAVIGABLE WATERWAYS OR WATERWAYS AMENABLE TO FISHING ACTIVITY AT~~**  
25 **~~WHICH WATERWAY ACCESS MAY BE PROVIDED OR IMPROVED REASONABLY AND~~**  
26 **~~SAFELY;~~**

27                   **1. STANDARDS AND GUIDELINES FOR IDENTIFYING**  
28 **APPROPRIATE BRIDGES AND OTHER TRANSPORTATION FACILITIES TO BE**  
29 **CONSIDERED FOR THE PROVISION OR IMPROVEMENT OF WATER ACCESS UNDER**  
30 **THIS PARAGRAPH; AND**

31                   **2. BEST PRACTICES AND COST EFFECTIVE**  
32 **STRATEGIES FOR ACCOMMODATING WATER ACCESS UNDER THIS PARAGRAPH.**

33                   SECTION 2. ~~AND BE IT FURTHER ENACTED, That the Maryland~~  
34 ~~Department of Transportation and each county and municipality shall review all~~  
35 ~~bridge construction and improvement projects that are in the planning or design phase~~  
36 ~~on the effective date of this Act to determine which of these projects can safely and~~

1 ~~reasonably incorporate the provision of or improvements to waterway access for~~  
2 ~~fishing, canoeing, kayaking, or any other appropriate water dependent recreational~~  
3 ~~activity.~~

4 ~~SECTION 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.