

Chapter 573

(Senate Bill 116)

AN ACT concerning

Transportation – Complete Streets – Access to Healthy Food and Necessities

FOR the purpose of ~~requiring a complete streets policy adopted by certain modal administrations of the Department of Transportation to create access to healthy food for certain individuals living in food deserts; authorizing grants under the Complete Streets Program to be used to encourage certain certified jurisdictions to develop ranking systems for certain projects that prioritize designs that create access to healthy food in food deserts; specifying that a goal of the Program is to create access to healthy food for certain individuals living in food deserts; requiring the Governor, each fiscal year, to appropriate a certain amount from the Transportation Trust Fund for the Program; defining the term “food desert”; altering a certain definition~~ altering the Complete Streets Program by adding access to retail stores that provide healthy food and other necessities, especially in certain areas, as a design feature of the complete streets policy and as a design feature and goal of the Program; making certain technical corrections; providing for the construction of this Act; defining a certain term; and generally relating to complete streets policies and the Complete Streets Program.

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 6–308(c)
Annotated Code of Maryland
(2006 Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,
 Article – Transportation
 Section 2–112, 8–901, ~~and 8–903~~ 8–903, and 8–905(b)(1)(ii)
 Annotated Code of Maryland
 (2015 Replacement Volume and 2018 Supplement)

~~BY repealing~~
~~Article – Transportation~~
~~Section 8–904~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2018 Supplement)~~

~~BY adding to~~
~~Article – Transportation~~
~~Section 8–904~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2018 Supplement)~~

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

Article – Housing and Community Development

6–308.

(c) The Secretary, on the recommendation of the Interagency Food Desert Advisory Committee established under § 6–308.2 of this subtitle, may designate an area as a food desert after considering the following factors:

- (1) availability of fresh fruit, vegetables, and other healthy foods in the area;
- (2) income levels of local residents;
- (3) transportation needs of local residents and the availability of public transportation;
- (4) comments from local governments; and
- (5) any other factors that the Department considers relevant.

Article – Transportation

2–112.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Complete streets design features” means design features that accommodate and facilitate safe and convenient access and mobility to facilities by all users, including bicyclists, motorists, pedestrians, and public transportation users.

(ii) “Complete streets design features” includes:

- 1. Paved shoulders suitable for use by bicyclists;
- 2. Protected bicycle lanes;
- 3. Share the road signage;
- 4. Crosswalks;
- 5. Pedestrian control signals;

- 6. Bus access and safety measures;
- 7. Sidewalks;
- 8. Shared use pathways; [and]
- 9. Green stormwater infrastructure; AND

10. ~~ROUTES THAT CREATE ACCESS TO HEALTHY FOOD IN FOOD DESERTS~~ ACCESS TO RETAIL STORES THAT PROVIDE HEALTHY FOOD AND OTHER NECESSITIES, ESPECIALLY IN FOOD DESERTS DESIGNATED UNDER § 6-308(C) OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(3) “Complete streets policy” means a policy that provides information for the implementation of complete streets design features during the planning, design, construction, and reconstruction of a facility.

(4) “Facility” means:

- (i) An airport facility, as defined in § 5-101 of this article, that is owned or operated by the State;
- (ii) A State highway, as defined in § 8-101 of this article; and
- (iii) A transit facility, as defined in § 7-101 of this article.

~~(5) “FOOD DESERT” MEANS A COMMUNITY THAT DOES NOT HAVE EASY ACCESS TO HEALTHY FOOD, INCLUDING FRESH FRUITS AND VEGETABLES, TYPICALLY IN THE FORM OF A SUPERMARKET, GROCERY STORE, OR FARMERS’ MARKET.~~

~~(5)~~ (6) “Green stormwater infrastructure” means infrastructure implemented using best management practices that reduce the volume of stormwater runoff through infiltration, evapotranspiration, the beneficial reuse of water, or any other effective method.

(b) This section applies to a facility in:

- (1) The Maryland Aviation Administration, as required under § 5-408.1 of this article;
- (2) The Maryland Transit Administration, as required under § 7-310 of this article; and
- (3) The State Highway Administration, as required under § 8-204.1 of this article.

(c) Except as provided in subsection (d) of this section, a complete streets policy adopted in accordance with this section shall:

(1) Be implemented with the objective of creating a comprehensive, integrated, and connected transportation network that allows users to choose among different modes of transportation;

(2) Ensure that all users are considered during the planning, design, construction, and reconstruction phases of a facility;

(3) Benefit all users equitably to the extent feasible while taking into consideration the needs of the most underinvested and underserved communities;

(4) When practicable, require the accommodation of other modes of transportation;

(5) Recognize that all facilities are different and user needs should be balanced to ensure community enhancement; ~~and~~

(6) Incorporate best practices related to complete streets design features;

~~AND~~

~~(7) CREATE ACCESS TO HEALTHY FOOD FOR INDIVIDUALS WITHOUT PERSONAL VEHICLES LIVING IN FOOD DESERTS.~~

(d) Exceptions to the requirements of this section may be adopted when circumstances or laws exist that prohibit or limit the ability to provide favorable conditions for all modes of transportation.

8-901.

(a) In this subtitle the following words have the meanings indicated.

(b) “Certified jurisdiction” means a local government that has been certified by the Department in accordance with § 8-905 of this subtitle.

(c) “Complete streets” means streets that provide accommodations for users of multiple modes of transportation.

(d) **“COMPLETE STREETS DESIGN FEATURES” HAS THE MEANING STATED IN § 2-112 OF THIS ARTICLE.**

(E) “Complete streets policy” means a law, a bylaw, an ordinance, or an administrative policy adopted by a local government in accordance with § 8–905 of this subtitle.

~~(F)~~ **(F)** “Eligible project” means a local government or State highway, street, or road retrofit project that includes the addition of or significant repair to facilities that provide access for users of multiple modes of transportation.

~~(F)~~ **“FOOD DESERT” MEANS A COMMUNITY THAT DOES NOT HAVE EASY ACCESS TO HEALTHY FOOD, INCLUDING FRESH FRUITS AND VEGETABLES, TYPICALLY IN THE FORM OF A SUPERMARKET, GROCERY STORE, OR FARMERS’ MARKET.**

[(f)] (G) “Green stormwater infrastructure” means infrastructure implemented using best management practices that reduce the volume of stormwater runoff through infiltration, evapotranspiration, the beneficial reuse of water, or any other effective method.

[(g)] (H) “Local government” means a county or municipality in the State.

[(h)] (I) “Program” means the Complete Streets Program established under this subtitle.

8–903.

(a) The purpose of the Program is to provide matching grants to certified jurisdictions to encourage:

(1) The regular and routine inclusion of complete streets design ~~elements~~ **FEATURES** and infrastructure during the planning, design, construction, and reconstruction of new or existing locally funded roads;

(2) The adoption of urban retrofit street ordinances designed to provide safe access to users of multiple modes of transportation; ~~and~~

(3) The development of ranking systems for complete streets projects that consider the needs of underinvested and underserved communities in specific geographic regions of the State; ~~AND~~

~~(4) THE DEVELOPMENT OF RANKING SYSTEMS FOR COMPLETE STREETS PROJECTS THAT PRIORITIZE DESIGNS TO CREATE ACCESS TO HEALTHY FOOD IN FOOD DESERTS.~~

(b) The goals of the Program are to:

- (1) Promote healthy communities by encouraging the use of multiple modes of transportation other than single-occupancy motor vehicles;
- (2) Improve safety by designing streets to include **DESIGN** features such as:
- (i) Wider sidewalks;
 - (ii) Dedicated bike facilities;
 - (iii) Medians;
 - (iv) Pedestrian streetscape **DESIGN** features; and
 - (v) Green stormwater infrastructure;
- (3) Protect the environment and improve water quality by using green stormwater infrastructure to reduce stormwater runoff from rights-of-way;
- (4) Reduce congestion by providing safe alternatives to single-occupancy motor vehicle driving;
- (5) Preserve community character by ~~involving:~~
- (I) INVOLVING** local and diverse communities and stakeholders in planning, prioritization, and design decisions; ~~and~~
 - (II) FACILITATING ACCESS TO RETAIL STORES THAT PROVIDE HEALTHY FOODS AND OTHER NECESSITIES, ESPECIALLY IN FOOD DESERTS DESIGNATED UNDER § 6-308(C) OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE; AND**
- (6) Provide for the equitable distribution of complete streets funds that takes into consideration the needs of underinvested and underserved communities in specific geographic regions of the State; ~~AND~~
- ~~(7) CREATE ACCESS TO HEALTHY FOOD FOR INDIVIDUALS WITHOUT PERSONAL VEHICLES LIVING IN FOOD DESERTS.~~

~~§ 904.~~

~~Funds for the Program shall be as provided by the Governor in the State budget.]~~

~~§ 904.~~

~~FOR FISCAL YEAR 2021 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL APPROPRIATE AT LEAST \$1,000,000 FROM THE TRANSPORTATION TRUST FUND FOR THE COMPLETE STREETS PROGRAM.~~

8-905.

(b) (1) A complete streets policy adopted by a local government shall:

(ii) Require the development of procedures to follow when conducting local road repairs, upgrades, or expansion projects to incorporate complete streets [elements] DESIGN FEATURES;

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to require the Maryland Department of Transportation to provide staff or operating expenses for the administration of the Complete Streets Program until money is appropriated in the State budget for the Program.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 25, 2019.