

HOUSE BILL 82

R2

9lr0840
CF SB 116

By: Delegates Charkoudian, Lierman, Feldmark, W. Fisher, Glenn, Guyton,
Korman, Lehman, R. Lewis, Palakovich Carr, Stewart, Terrasa,
Washington, and Wilkins

Introduced and read first time: January 17, 2019

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2019

CHAPTER _____

1 AN ACT concerning

2 **Transportation – Complete Streets – Access to Healthy Food and Necessities**

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

18 BY repealing and reenacting, without amendments,
19 Article – Housing and Community Development
20 Section 6–308(c)
21 Annotated Code of Maryland
22 (2006 Volume and 2018 Supplement)

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 BY repealing and reenacting, with amendments,
 2 Article – Transportation
 3 Section 2–112, 8–901, ~~and 8–903~~ 8–903, and 8–905(b)(1)(ii)
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume and 2018 Supplement)

6 ~~BY repealing~~
 7 ~~Article – Transportation~~
 8 ~~Section 8–904~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2015 Replacement Volume and 2018 Supplement)~~

11 ~~BY adding to~~
 12 ~~Article – Transportation~~
 13 ~~Section 8–904~~
 14 ~~Annotated Code of Maryland~~
 15 ~~(2015 Replacement Volume and 2018 Supplement)~~

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

18 **Article – Housing and Community Development**

19 6–308.

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

23 (1) availability of fresh fruit, vegetables, and other healthy foods in the
 24 area;

25 (2) income levels of local residents;

26 (3) transportation needs of local residents and the availability of public
 27 transportation;

28 (4) comments from local governments; and

29 (5) any other factors that the Department considers relevant.

30 **Article – Transportation**

31 2–112.

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

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

4 (ii) “Complete streets design features” includes:

- 5 1. Paved shoulders suitable for use by bicyclists;
- 6 2. Protected bicycle lanes;
- 7 3. Share the road signage;
- 8 4. Crosswalks;
- 9 5. Pedestrian control signals;
- 10 6. Bus access and safety measures;
- 11 7. Sidewalks;
- 12 8. Shared use pathways; [and]
- 13 9. Green stormwater infrastructure; AND

14 **10. ~~ROUTES THAT CREATE ACCESS TO HEALTHY FOOD IN~~**
 15 **~~FOOD DESERTS~~ ACCESS TO RETAIL STORES THAT PROVIDE HEALTHY FOOD AND**
 16 **OTHER NECESSITIES, ESPECIALLY IN FOOD DESERTS DESIGNATED UNDER §**
 17 **6-308(C) OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

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

21 (4) “Facility” means:

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

26 **~~(5) “FOOD DESERT” MEANS A COMMUNITY THAT DOES NOT HAVE~~**
 27 **~~EASY ACCESS TO HEALTHY FOOD, INCLUDING FRESH FRUITS AND VEGETABLES,~~**

1 ~~TYPICALLY IN THE FORM OF A SUPERMARKET, GROCERY STORE, OR FARMERS'~~
 2 ~~MARKET.~~

3 ~~[(5)] (6)~~ “Green stormwater infrastructure” means infrastructure
 4 implemented using best management practices that reduce the volume of stormwater
 5 runoff through infiltration, evapotranspiration, the beneficial reuse of water, or any other
 6 effective method.

7 (b) This section applies to a facility in:

8 (1) The Maryland Aviation Administration, as required under § 5–408.1 of
 9 this article;

10 (2) The Maryland Transit Administration, as required under § 7–310 of
 11 this article; and

12 (3) The State Highway Administration, as required under § 8–204.1 of this
 13 article.

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

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

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

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

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

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

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

28 ~~AND~~

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

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

4 8–901.

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

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

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

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

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

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

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

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

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

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

28 8–903.

29 (a) The purpose of the Program is to provide matching grants to certified
30 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**

1 DESIGNATED UNDER § 6-308(C) OF THE HOUSING AND COMMUNITY DEVELOPMENT
 2 ARTICLE; AND

3 (6) Provide for the equitable distribution of complete streets funds that
 4 takes into consideration the needs of underinvested and underserved communities in
 5 specific geographic regions of the State; ~~AND~~

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

8 ~~§ 904.~~

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

10 ~~§ 904.~~

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

14 ~~§ 905.~~

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

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

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
 24 1, 2019.