

HOUSE BILL 135

R1

(PRE-FILED)

4r0955
CF 4r1690

By: **Delegate Charkoudian**

Requested: October 13, 2023

Introduced and read first time: January 10, 2024

Assigned to: Environment and Transportation and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation – Maryland Transportation Authority – Pedestrian and Bicycle**
3 **Safety and Accessibility**

4 FOR the purpose of repealing a prohibition on pedestrians using a highway of the Maryland
5 Transportation Authority; altering a prohibition on bicycles using an Authority
6 highway; requiring the Authority to construct separated or buffered bicycle ways and
7 pedestrian walkways in certain locations under certain circumstances; authorizing
8 the Authority to seek a waiver from the Secretary of Transportation from certain
9 requirements under this Act; requiring the Bicycle and Pedestrian Advisory
10 Committee to review waiver requests under this Act and provide recommendations
11 to the Secretary; and generally relating to the construction of bicycle ways and
12 pedestrian walkways on Authority bridges and highways.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 2–606
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Transportation
20 Section 21–1401
21 Annotated Code of Maryland
22 (2020 Replacement Volume and 2023 Supplement)

23 BY repealing
24 Article – Transportation
25 Section 21–1405
26 Annotated Code of Maryland
27 (2020 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Transportation
3 Section 21–1405
4 Annotated Code of Maryland
5 (2020 Replacement Volume and 2023 Supplement)

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

8 **Article – Transportation**

9 2–606.

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

- 12 (1) Funding of bicycle and pedestrian related programs;
13 (2) Public education and awareness of bicycling and pedestrian related
14 activities;
15 (3) Public education and awareness of bicycling and pedestrian safety; and
16 (4) Any other issue directly related to bicycling and pedestrians.

17 (b) The Committee shall consist of the following:

- 18 (1) One representative each from:
19 (i) The Department of Transportation;
20 (ii) The Department of Natural Resources;
21 (iii) The State Department of Education;
22 (iv) The Department of State Police;
23 (v) The Department of Commerce;
24 (vi) The Maryland Department of Health;
25 (vii) The Department of Planning;
26 (viii) The Department of Disabilities; and

1 (ix) The Maryland–National Capital Park and Planning
2 Commission;

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

4 (i) The Eastern Shore;

5 (ii) Western Maryland; and

6 (iii) Southern Maryland;

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

8 (i) The Baltimore metropolitan area; and

9 (ii) The Washington metropolitan area; and

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

12 (i) A representative of individuals who are visually impaired; and

13 (ii) A representative of individuals who are mobility impaired.

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

16 (d) The total membership of the Committee may not exceed 22 members.

17 (e) The Governor shall select a chairman from among the citizen members.

18 (f) (1) The term of a member is 4 years.

19 (2) The terms of members are staggered as required by the terms provided
20 for members of the Committee on October 1, 2001.

21 (3) At the end of a term, a member continues to serve until a successor is
22 appointed and qualifies.

23 (4) A member who is appointed after a term has begun serves only for the
24 rest of the term and until a successor is appointed and qualifies.

25 (g) The Committee may adopt procedures necessary to ensure the orderly
26 transaction of business.

27 (h) The Committee shall hold regular meetings as it deems appropriate.

1 **(I) THE COMMITTEE SHALL:**

2 **(1) REVIEW ANY WAIVER REQUEST FROM THE MARYLAND**
3 **TRANSPORTATION AUTHORITY ON THE IDENTIFICATION OR CONSTRUCTION OF**
4 **BICYCLE WAYS AND PEDESTRIAN WALKWAYS REQUIRED UNDER § 21-1405 OF THIS**
5 **ARTICLE; AND**

6 **(2) PROVIDE A RECOMMENDATION TO THE SECRETARY ON WHETHER**
7 **THE WAIVER SHOULD BE GRANTED.**

8 **[(i)] (J)** A member of the Committee may not receive compensation but shall be
9 reimbursed for expenses under the Standard State Travel Regulations, as provided for in
10 the State budget.

11 **[(j)] (K)** The Department shall provide staff, administrative support, and
12 operating expenses for the Committee as provided in the State budget.

13 21-1401.

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

15 (b) “Approach” means any roadway, overhead structure, ramp, bridge, causeway,
16 entrance, and exit provided as a means of access to or departure from an Authority
17 highway.

18 (c) “Authority highway” means:

19 (1) Each highway, tunnel, and bridge within the jurisdiction of the
20 Maryland Transportation Authority; and

21 (2) Each approach to these highways, tunnels, and bridges.

22 (d) “Bridge” means any bridge within the jurisdiction of the Maryland
23 Transportation Authority.

24 (e) “Tunnel” means:

25 (1) The Baltimore Harbor Tunnel; and

26 (2) Any other tunnel within the jurisdiction of the Maryland
27 Transportation Authority.

28 **[21-1405.**

29 (a) Unless authorized by the Chairman of the Maryland Transportation
30 Authority, pedestrians may not use any Authority highway.

1 (b) Unless authorized by the Chairman of the Maryland Transportation
2 Authority, bicycles may not use any Authority highway.]

3 **21-1405.**

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (2) "AUTHORITY" MEANS THE MARYLAND TRANSPORTATION
7 AUTHORITY.

8 (3) "BICYCLE WAY" HAS THE MEANING STATED IN § 21-101 OF THIS
9 TITLE.

10 (B) A PERSON MAY NOT USE A BICYCLE ON THE SHOULDER OF AN
11 AUTHORITY HIGHWAY UNLESS:

12 (1) THE SHOULDER IS WIDE ENOUGH TO ALLOW A VEHICLE TO
13 SAFELY STOP OR PARK OUT OF TRAFFIC LANES; AND

14 (2) THERE IS NO EXISTING PARALLEL SHARED-USE PATH OR ROAD
15 WITH A BICYCLE WAY.

16 (C) (1) THE AUTHORITY SHALL CONSTRUCT SEPARATED OR BUFFERED
17 BICYCLE WAYS AND PEDESTRIAN WALKWAYS ON BRIDGES AS PART OF ANY
18 CONSTRUCTION, REPAIR, OR MAINTENANCE PROJECT ON AN AUTHORITY BRIDGE.

19 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE
20 AUTHORITY, IN COLLABORATION WITH THE DEPARTMENT, THE STATE HIGHWAY
21 ADMINISTRATION, AND LOCAL JURISDICTIONS, SHALL IDENTIFY APPROPRIATE
22 LOCATIONS FOR CONSTRUCTING SEPARATED OR BUFFERED BICYCLE WAYS AND
23 PEDESTRIAN WALKWAYS THAT:

24 (I) CROSS AUTHORITY HIGHWAYS; OR

25 (II) RUN PARALLEL TO AUTHORITY HIGHWAYS.

26 (3) IN IDENTIFYING APPROPRIATE LOCATIONS FOR BICYCLE WAYS
27 AND PEDESTRIAN WALKWAYS, THE AUTHORITY SHALL PRIORITIZE:

28 (I) PROVIDING SAFE ACCESS TO:

29 1. TRANSIT STATIONS;

