

HOUSE BILL 389

R1

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By: **Delegates Healey, Martinez, and Williams**

Introduced and read first time: January 17, 2024

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Highways – Sidewalks and Bicycle Pathways – Maintenance and Repair**

3 FOR the purpose of repealing a requirement that a political subdivision maintain and
4 repair certain sidewalks constructed by any developer of an industrial, commercial,
5 or apartment area along a highway maintained by the State Highway
6 Administration; repealing a requirement that a political subdivision maintain and
7 repair sidewalks and bicycle pathways constructed or reconstructed as part of the
8 construction or reconstruction of an urban highway or in response to the request of
9 a local government; and generally relating to maintaining and repairing sidewalks
10 and bicycle pathways.

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 8–629(a) and 8–630(b) and (c)(1) and (2)
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2023 Supplement)

16 BY repealing
17 Article – Transportation
18 Section 8–629(c)
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 8–630(c)(6)
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2023 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Transportation

1

2 8–629.

3 (a) (1) With the concurrence of the local government, the Administration may
4 require any developer of an industrial, commercial, or apartment area along a highway
5 maintained by the Administration to construct sidewalks parallel to the highway.

6 (2) The construction of these sidewalks shall meet the conditions specified
7 in entrance permits and the standards adopted by the Administration or the local
8 government.

9 [(c) After sidewalks are constructed under this section, they shall be maintained
10 and repaired by the political subdivision in which they are located.]

11 8–630.

12 (b) (1) Sidewalks shall be constructed at the time of construction or
13 reconstruction of an urban highway, or in response to the request of a local government
14 unless:

15 (i) The Administration determines that the cost or impacts of
16 constructing the sidewalks would be too great in relation to the need for them or their
17 probable use; or

18 (ii) The local government indicates that there is no need for
19 sidewalks.

20 (2) Sidewalks constructed under this section shall be consistent with area
21 master plans and transportation plans adopted by the local planning commission.

22 (c) (1) If sidewalks or bicycle pathways are constructed or reconstructed as
23 part of a roadway construction or reconstruction project, the Administration shall fund the
24 sidewalk or bicycle pathway construction or reconstruction as a part of the cost of the
25 roadway project.

26 (2) Except as provided in paragraphs (3) and (4) of this subsection, if
27 sidewalks or bicycle pathways are constructed or reconstructed in response to a request
28 from a local government and the adjacent roadway is not being concurrently constructed or
29 reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway shall be
30 shared equally between the State and local governments.

31 (6) [(i) Except as provided in subparagraph (ii) of this paragraph, after
32 sidewalks and bicycle pathways are constructed under this section, they shall be
33 maintained and repaired by the political subdivision in which they are located.]

1 (ii)] Subject to approval and the availability of funds, the
2 Administration promptly shall reimburse a political subdivision for the preapproved and
3 documented costs incurred in reconstructing a segment of a sidewalk or bicycle pathway
4 that has deteriorated to the extent that repair is not practical or desirable for public safety.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2024.