

HOUSE BILL 628

R1

5lr2599

By: ~~Delegates Healey, Martinez, and Williams~~ Williams, Foley, R. Lewis, Ruth, and Ziegler

Introduced and read first time: January 23, 2025

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2025

CHAPTER _____

1 AN ACT concerning

2 **Highways – Sidewalks and Bicycle Pathways – Construction and**
3 **Reconstruction**

4 FOR the purpose of requiring the State Highway Administration to prioritize funding for
5 the construction and reconstruction of sidewalks and bicycle pathways to sidewalks
6 and bicycle pathways that are, or are adjacent to highways that are, subject to a
7 complete streets policy or another similar Vision Zero program; requiring a local
8 government to request certain funding from the Department of Transportation in a
9 certain manner; authorizing certain State funding for the construction or
10 reconstruction of sidewalks or bicycle pathways under certain circumstances; and
11 generally relating to the construction and reconstruction of sidewalks and bicycle
12 pathways.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 8–630
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2024 Supplement)

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

20 **Article – Transportation**

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 8-630.

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

3 (2) "Municipal corporation" means a municipality as defined in § 1-101 of
4 the Local Government Article.

5 (3) "Urban highway" means a highway, other than an expressway, that is:

6 (i) 1. Constructed with a curb and gutter and an enclosed type
7 storm drainage system;

8 2. Located in an urban area and on which is located a public
9 facility that creates appreciable pedestrian traffic along the highway from adjacent areas;

10 3. Located within urban boundaries as defined by the U.S.
11 Census Bureau; or

12 4. Located within the boundaries of a municipal corporation;
13 and

14 (ii) Part of the State highway system.

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

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

21 (ii) The local government indicates that there is no need for
22 sidewalks.

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

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

29 (2) Except as provided in paragraphs (3) and (4) of this subsection, if
30 sidewalks or bicycle pathways are constructed or reconstructed in response to a request
31 from a local government **IN ITS ANNUAL PRIORITY LETTER FOR THE DEPARTMENT'S**
32 **CONSIDERATION FOR INCLUSION IN THE CONSOLIDATED TRANSPORTATION**
33 **PROGRAM UNDER § 2-103.1 OF THIS ARTICLE** and the adjacent roadway is not being

1 concurrently constructed or reconstructed, the cost to construct or reconstruct the sidewalk
2 or bicycle pathway shall be shared equally between the State and local governments.

3 (3) If sidewalks or bicycle pathways within a sustainable community as
4 defined in § 6–301 of the Housing and Community Development Article are constructed or
5 reconstructed in response to a request from a local government IN ITS ANNUAL PRIORITY
6 LETTER FOR THE DEPARTMENT’S CONSIDERATION FOR INCLUSION IN THE
7 CONSOLIDATED TRANSPORTATION PROGRAM UNDER § 2–103.1 OF THIS ARTICLE
8 and the adjacent roadway is not being concurrently constructed or reconstructed, the cost
9 to construct or reconstruct the sidewalk or bicycle pathway may be funded entirely by the
10 State.

11 (4) (i) This paragraph does not apply to a priority funding area that is
12 a sustainable community as defined in § 6–301 of the Housing and Community
13 Development Article.

14 (ii) **IN DETERMINING FUNDING FOR THE CONSTRUCTION AND**
15 **RECONSTRUCTION OF SIDEWALKS AND BICYCLE PATHWAYS UNDER THIS**
16 **PARAGRAPH, THE ADMINISTRATION SHALL PRIORITIZE FUNDING FOR SIDEWALKS**
17 **AND BICYCLE PATHWAYS THAT ARE, OR ARE ADJACENT TO HIGHWAYS THAT ARE,**
18 **SUBJECT TO:**

19 **1. A COMPLETE STREETS POLICY, AS DEFINED IN §**
20 **2–112 OF THIS ARTICLE; OR**

21 **2. ANOTHER SIMILAR VISION ZERO PROGRAM UNDER**
22 **SUBTITLE 10 OF THIS TITLE.**

23 (iii) If sidewalks or bicycle pathways within an area designated as a
24 priority funding area under § 5–7B–02 of the State Finance and Procurement Article are
25 constructed or reconstructed in response to a request from a local government IN ITS
26 ANNUAL PRIORITY LETTER FOR THE DEPARTMENT’S CONSIDERATION FOR
27 INCLUSION IN THE CONSOLIDATED TRANSPORTATION PROGRAM UNDER § 2–103.1
28 OF THIS ARTICLE and the adjacent roadway is not being concurrently constructed or
29 reconstructed, and if the Administration determines that construction would not occur
30 under this section due to insufficient contribution of funds by the local government, the cost
31 to construct or reconstruct the sidewalk or bicycle pathway shall be shared between the
32 State and local government as follows:

33 1. 75 percent of the cost shall be funded by the State; and

34 2. 25 percent of the cost shall be funded by the local
35 government.

1 [(iii)] (IV) If sidewalks or bicycle pathways within an area
2 designated as a priority funding area under § 5-7B-02 of the State Finance and
3 Procurement Article are constructed or reconstructed based on a determination by the
4 Administration that a substantial public safety risk or significant impediment to
5 pedestrian access exists and the adjacent roadway is not being concurrently constructed or
6 reconstructed, then:

7 1. The Administration shall categorize the sidewalk or
8 bicycle pathway construction project as “system preservation” and give corresponding
9 funding priority to the project; and

10 2. The cost to construct or reconstruct the sidewalk or bicycle
11 pathway AND TO ACQUIRE THE NECESSARY RIGHT-OF-WAY may be funded entirely by
12 the State.

13 (5) If sidewalks or bicycle pathways are being constructed or reconstructed
14 in response to a request from a local government IN ITS ANNUAL PRIORITY LETTER FOR
15 THE DEPARTMENT’S CONSIDERATION FOR INCLUSION IN THE CONSOLIDATED
16 TRANSPORTATION PROGRAM UNDER § 2-103.1 OF THIS ARTICLE and the adjacent
17 roadway is not being concurrently constructed or reconstructed, the local government shall:

18 (i) Provide public notice and opportunities for community
19 involvement prior to the construction of a sidewalk or bicycle pathway project; and

20 (ii) Secure any necessary right-of-way that may be needed beyond
21 the right-of-way already owned by the State.

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

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

29 (d) The Administration may not construct any project that will result in the
30 severance or destruction of an existing major route for pedestrian transportation traffic,
31 unless the project provides for construction of a reasonable alternative route or such a route
32 already exists.

33 (e) The Administration shall develop guidelines jointly with local governments to
34 carry out the provisions of this section.

35 (f) The Administration shall maintain and repair all facilities for nighttime
36 illumination that:

1 (1) Are constructed by the Administration for the safe conduct of vehicular
2 traffic; and

3 (2) Exist adjacent to urban highways.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.