

Recommendations by the Annapolis Transportation Board Regarding Maryland State Code

Title 21 - Vehicle Laws - Rules of the Road Subtitle 11 Miscellaneous Rules, § 21-1103. **Driving on sidewalk**

Present Code

a) Except as provided in subsection (b), (c), or (d) of this section, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway.

b) 1) For the purposes of this subsection, "bicycle" does not include "moped", as defined in § 11-134.1 of this article.

2) Where allowed by local ordinance, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area.

3) In a place where a person may ride a bicycle on a sidewalk or sidewalk area, a person may also ride a bicycle from the curb or edge of the roadway in or through a crosswalk to the opposite curb or edge of the roadway.

c) Unless prohibited by local ordinance, an individual with a disability may use a special vehicle other than a wheelchair on sidewalks or sidewalk areas.

d) An individual may use a wheelchair on sidewalks or sidewalk areas in accordance with § 21-501.1 of this title.

The problem with the present code is that it sets the default backwards, declaring the riding of bicycles on sidewalks to be illegal throughout the state of Maryland unless each and every jurisdiction takes the difficult and expensive step of specifically allowing it by local ordinance. Sidewalks paralleling many streets are relatively safe to ride on and are often rarely used by pedestrians. It is nonsensical to prohibit the use of an already underutilized resource established at significant public expense, and thereby worsening hazards that bicyclists must face.

Maryland is different, and worse, than most other states. Out of 51 (states and DC), only four are like Maryland in prohibiting bicycles on sidewalks by default. One, Alabama, has an absolute prohibition on bicycles on sidewalks without exception. Maryland is in a shameful minority on this issue, discouraging the use of bicycles where they are safe and mandating unsafe riding by default.

This approach is a remnant of the rush toward automobile-centric transportation that began in the 1950s, proceeding to extremes during the 1960-1980 period. There is growing need and public sentiment for encouraging a diversity of transportation modes, especially including bicycles, for the many benefits they provide. For example, a person choosing transportation by bicycle takes a car off the road, relieving traffic congestion and freeing up parking space, while also providing health benefits and convenience to the bicyclist.

Just one example shows how wrong this policy can be. Rowe Blvd/ Bestgate Road (State Road 70) is a principal connector between downtown Annapolis downtown and Westfield Mall/ Parole Annapolis Towne Centre. Heavy auto and truck traffic move at high speeds on narrow lanes, with no provision for bicycles. Bestgate Road features schools, parks, playgrounds, senior care centers, medical offices, and residences. State law presently obliges children and seniors to ride bicycles in dangerous high-speed traffic rather than on the virtually empty and safe sidewalk paralleling the road.



Recommended Changes to the State Code

We recommend a change in the default setting in the state law for bicycles on sidewalks, as below:

- a) *Except as provided in subsection (b), (c), or (d) of this section, a person may not drive any vehicle on a sidewalk or sidewalk area unless it is a permanent or authorized temporary driveway.*
- b) 1) *For the purposes of this subsection, “bicycle” does not include “moped”, as defined in § 11-134.1 of this article.*
- 2) ~~*Where allowed*~~ ***Unless disallowed*** *by local ordinance, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area. **Riders shall proceed in a safe manner, yielding to pedestrians.***
- 3) *In a place where a person may ride a bicycle on a sidewalk or sidewalk area, a person may also ride a bicycle from the curb or edge of the roadway in or through a crosswalk to the opposite curb or edge of the roadway.*
- c) *Unless prohibited by local ordinance, an individual with a disability may use a special vehicle other than a wheelchair on sidewalks or sidewalk areas.*
- d) *An individual may use a wheelchair on sidewalks or sidewalk areas in accordance with § 21-501.1 of this title.*