

Bill No. Bill 24-22  
Concerning: Streets and Roads  
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Ch. 31, Laws of Mont. Co. 2022

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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### AN ACT to:

- (1) amend Chapter 49 to incorporate complete streets principles into the design and construction of roads; and,
- (2) generally amend Chapter 49 to modernize the street and road standards.

### By amending

Montgomery County Code

Chapter 49, Streets and Roads

Sections 49-1, 49-2, 49-3, 49-4, 49-5, 49-6, 49-7, 49-9, 49-10, 49-11, 49-11A, 49-12, 49-14, 49-17, 49-19, 49-19A, 49-19B, 49-20, 49-21, 49-22, 49-23, 49-25, 49-26, 49-27, 49-28, 49-29, 49-30, 49-31, 49-32, 49-33, 49-34, 49-35, 49-36, 49-36A, 49-37, 49-38, 49-39, 49-40, 49-45, 49-50, 49-51, 49-53, 49-57, 49-62, 49-77 and 49-78

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

**Sec. 1. Sections 49-1, 49-2, 49-3, 49-4, 49-5, 49-6, 49-7, 49-9, 49-10, 49-11, 49-11A, 49-12, 49-14, 49-17, 49-19, 49-19A, 49-19B, 49-20, 49-21, 49-22, 49-23, 49-25, 49-26, 49-27, 49-28, 49-29, 49-30, 49-31, 49-32, 49-33, 49-34, 49-35, 49-36, 49-36A, 49-37, 49-38, 49-39, 49-40, 49-45, 49-50, 49-51, 49-53, 49-57, 49-62, 49-77 and 49-78 are amended as follows:**

**ARTICLE 1. IN GENERAL.**

**Sec. 49-1. Compliance with standards; regulations; penalty for violations.**

(a) A public road, bridge, sidewalk, or bikeway must not be constructed, reconstructed, repaired, graded, improved or maintained by any person unless the construction, reconstruction, repair, improvement, grading or maintenance fully complies with this Chapter and any regulations issued under it.

\* \* \*

**Sec. 49-2. Resolving doubt as to location of County roads.**

(a) Whenever any doubt exists as to the proper location or width of a County road, the Director of Transportation may cause the road to be surveyed and a description and plat made of it and recorded [or filed] in the County land records. [This description and plat must be treated as correct by the County and in the State courts until shown to be incorrect.]

\* \* \*

**Sec. 49-3. Authority to classify road repairs.**

The Director of Transportation may decide whether a [given] road repair [job] should be classified as maintenance or construction under this Chapter.

**Sec. 49-4. Public-private participation.**

The County Executive[, on behalf of the County,] may contract with any person[, who is [building a real estate development or subdivision] developing land

in the County[, ] to participate in the cost of any [street] road, including any sidewalk, bikeway, gutter, curb or drainage construction, landscaping, traffic control device, bikeshare station, electric vehicle charging station, or placement of utilities, conduits, or other amenities in a [street or] road dedicated to public use.

**Sec. 49-5. Right to drain dedicated roads without liability to abutting owners.**

If any road is dedicated to the use of the public by a private grant, the grant must include the right [at all times] to properly drain the road, including a grant to the County of any necessary easements, without liability of the County to any abutting owner for any resulting injury.

**Sec. 49-6. Roads used for 20 years may be declared public highways.**

[(a)] Whenever any road has been used by the public for 20 or more years, though the road may never have been condemned or granted as a public [highway] road and regardless of whether the road termini are public, the County Executive may by Executive order published in the County Register declare the road to be [a] public [highway].

[(b)] The public right-of-way of a road declared as a public highway under subsection (a) must include permanent maintenance easements which extend 10 feet beyond each pavement edge.]

**Sec. 49-7. Authority of special taxing districts to regulate streets and roads.**

[(a)] Any special taxing district which has the authority to pave and maintain streets and roads may adopt and amend reasonable regulations under Method (2) governing the construction, maintenance, improvement, grading, and repairing of the roads and streets in the district, including those dedicated for public use.

[(b)] In adopting regulations, the special taxing district may, by resolution, incorporate any similar County regulation.]

\* \* \*

**Sec. 49-9. Removal of items that obstruct the vision of motorists on public highways or interfere with the use of public rights-of-way.**

(a) Notice to owner of property. If the Director of Transportation finds that any tree, bush, vine, undergrowth, or other obstruction, except a building or similar structure affixed to the ground, on private property poses a threat to public safety by obstructing the vision of operators of vehicles traveling on any public [street,] road[, or highway,] interfering with the public rights-of-way as a traffic hazard, limiting access by Fire and Rescue Service vehicles, or restricting the use by pedestrians or bicyclists of the public rights-of-way, the Director promptly must serve on the owner, agent, lessee or any other person supervising the property a written notice that:

\* \* \*

**Sec. 49-10. Obstruction of public rights-of-way.**

Except as provided in Section 49-11, in the public right-of-way, a person must not:

- (a) place, maintain, use, permit, allow, or exercise control over, any object or structure [in the public right-of-way];
- [(b) allow any object or structure owned by the person to occupy, obstruct, or encroach upon the public right-of-way;]
- [(c)](b) perform any reconstruction or maintenance work; or
- [(d)](c) allow the erection or placement of any structure, fence, post, rock, or other object [in the public right-of-way], except:
  - (1) [mail boxes] mailboxes mounted on a support that will bend or break away on impact by a vehicle;

- (2) individual residential newspaper boxes mounted on a support that will bend or break away on impact by a vehicle;
- (3) street trees placed and maintained under Section 49-33(j);
- (4) ground cover placed and maintained under Section 49-33(k);
- (5) a temporary, removable obstruction or occupation of a right-of-way installed under a permit issued under Section 49-11; or
- (6) as otherwise permitted by law.

Any object placed in the public right-of-way under Section 49-10[(d)](c) must not [unreasonably] impede use of a sidewalk or other right-of-way by pedestrians or persons in wheelchairs, or impede or endanger automobiles or other vehicles.

**Sec. 49-11. Permit to obstruct public rights-of-way.**

- (a) *Definitions.* In this [section] Section, the following terms have the meanings indicated.

*Public* includes pedestrians, bicyclists, and transit users.

*Safe alternative path* means an alternate [walkway or shared use path] sidewalk or sidepath that:

- (A) is on the same side of the street as a temporary closure; and
- (B) provides safe access and passage to pedestrians.

*Temporary closure* means a temporary obstruction, blockage, or occupation of a right-of-way under a permit issued by the Director of Permitting Services under this Section.

- (b) [Notwithstanding Section 49-10, and subject] Subject to subsections (c) and (d) of this Section, the Director of Permitting Services may issue a permit to:

- (1) reconstruct or repair a sidewalk, [shared use path] sidepath, driveway, curb, or other structure;

- 105 (2) repair, locate, or replace underground utilities or infrastructure  
106 under a sidewalk or [shared use path] sidepath;
- 107 (3) install a temporary, removable obstruction or occupation of a right-  
108 of-way;
- 109 (4) close a curb lane, sidewalk, or [shared use path] sidepath in  
110 conjunction with the construction or reconstruction of an abutting  
111 structure;
- 112 (5) install permanent, nonstandard structures in the right-of-way that  
113 were approved by the Planning Board, the City of Rockville, or the  
114 City of Gaithersburg in a site plan as a site element of streetscape.  
115 Streetscape [includes] means street furnishings[, and fixtures [and  
116 elements in connection with] used by the public [use of] in the  
117 right-of-way but does not include [enclosed] structures [or vaults]  
118 or improvements for private use. The permit applicant must  
119 execute a declaration of covenants that runs with the land on which  
120 [the project associated with] the streetscape [is being developed]  
121 will be installed to perpetually maintain the permitted streetscape  
122 in a good and safe condition; return the right-of-way to its  
123 condition before the permitted streetscape was installed if the  
124 nonstandard permitted streetscape is removed; and indemnify the  
125 County from any cost or liability associated with the construction,  
126 maintenance, use or removal of the nonstandard permitted  
127 streetscape; or
- 128 (6) install a private, non-commercial structure that is accessory to a  
129 residential use. The permittee must execute a maintenance and

liability agreement that is approved by the Director of the  
Department of Permitting Services.

\* \* \*

(d) *Time limits for temporary closures without safe alternative paths.* Except as provided in subsections (e) and (f):

- (1) a temporary closure to reconstruct or repair a sidewalk or [shared use path] sidepath must not exceed 6 months without the provision of a safe alternative path; and
- (2) any other temporary closure must not exceed 15 days without provision of a safe alternative path.

\* \* \*

(f) *Short extensions for hardship.*

- (1) The Director may grant one extension of a time period under subsection (d), for no more than 15 days, on a showing [of extreme] by the applicant of undue hardship involving significant difficulty or expense.
- (2) The Executive must adopt regulations under Method [(2)] (3) to specify the standards a permittee must meet to demonstrate [extreme] undue hardship involving significant difficulty or expense.

\* \* \*

**Sec. 49-11A. Permit to temporarily obstruct private roads.**

- (a) A person must not close any portion of a private road that is an urban road as defined in Section 49-32 without a permit from the Director of Permitting Services.

(b) The Director of Permitting Services may issue a permit for the complete or partial closure of a private road on a temporary basis if the closure does not:

- (1) violate Chapter 22;
- (2) [unreasonably] interfere with use of the private road by persons with disabilities;
- (3) [unreasonably] impede or endanger the users of any building or structure adjacent to or abutting the private road; or
- (4) adversely impact the use of connecting public roads.

\* \* \*

(d) The Director of Permitting Services may charge a fee, set by Method [3] (3) regulation, for the permit application and may include conditions in each permit that provide for the safety of any user of a building or structure adjacent to or abutting the private road, including providing for safe alternate access to and egress from any building or structure.

\* \* \*

**Sec. 49-12. Exemptions from Sections 49-10 and 49-11.**

(a) Subject to paragraphs (1) and (2), Sections 49-10 and 49-11 do not apply to, and no permit under those Sections is required of, any municipality, special taxing district or government agency [authorized by law] to construct streets, roads, sewers, or drainage facilities in the County over which the entity has jurisdiction. However:

- (1) Sections 49-10 and 49-11 apply to any road that is located in a municipality and owned or maintained by the County; and
- (2) if the County owns or maintains a right-of-way, Section 49-11 applies to any temporary closure of the right-of-way [in connection



with construction or reconstruction on abutting property owned by the County].

[(b) Sections 49-10 and 49-11 do not apply to any vehicle operated by a fire department, public utility, or first aid provider, while that vehicle is being used to provide emergency services.]

\* \* \*

**Sec. 49-14. Debris likely to injure persons, animals, or vehicles.**

A person must not place or leave in or on any public [highway or street] road, any debris liable to cause injury or damage to any vehicle or personal property. Any violation of this Section is a Class C violation.

\* \* \*

**Sec. 49-17. Accumulation of snow and ice on property prohibited.**

(a) *Legislative [Findings] findings.*

(1) During significant winter storm events, Montgomery County's sidewalks often become impassable and covered in piles of snow that are pushed aside from the road as a result of County and State snowplows. The scope of the problem is prevalent on Montgomery County's busiest roads, where sidewalks are often within an arm's reach of traffic.

(2) These blocked sidewalks often persist for days following the end of a snowstorm, creating a significant pedestrian safety hazard that often forces pedestrians to walk in a lawn with oncoming traffic.

(3) County law allocates the responsibility of property owners to clear snow on a public sidewalk fronting their property within 24 hours of the end of snowfall. However, such clearing rarely occurs due

to a variety of reasons, including the difficulty of removing the large piles of compacted snow and ice created by plow trucks.

(4) The County, in its current operation, clears sidewalks in urban districts and approximately sixty (60) miles of sidewalks with no adjacent residential or commercial property owner outside of such areas.

(5) Snow-covered and icy sidewalks adversely affect essential workers and commuters, who often travel by foot or public transportation, and must walk along high-traffic roads to get to bus stops and retail stores.

(6) It is in the best interest of the County to adopt fair, reasonable and equitable legislation to address safety hazards and increase walkability access on sidewalks for pedestrians during winter storms.

(b) (1) *Definitions.* In this Section:

(A) *Commercial property* means real property that either:

(i) is not designed for or intended for human habitation;  
or

(ii) contains a multi-family dwelling of four or more units.

(B) *Residential property* means real property containing either:

(i) a [single family] single-family dwelling; or

(ii) a [multifamily] multi-family dwelling of three or fewer units.

(C) *Department* means the Department of Transportation.

(D) *[Non-Buffered Sidewalk]* Non-buffered sidewalk means a sidewalk along a roadway that does not contain a grass strip or other physical separation between the sidewalk and the adjacent curb or road edge.

(E) *Orphan [Sidewalk]* sidewalk means a sidewalk either abutting a State or County road and be located:

- (i) adjacent to a vacant lot;
- (ii) an overpass with no adjacent commercial or residential property adjoined; or
- (iii) behind a residential or commercial property that is not directly accessible from the owner's property and is separated from the sidewalk by a fence, guardrail, or change in elevation grade.

(2) A person is responsible for removing snow and ice on any sidewalk, sidepath, other [walkway] areas intended for public pedestrian access, [shared use path,] or parking area on or adjacent to property that the person owns, leases, or manages, [including any walkway in the public right-of-way,] to provide a pathway wide enough for safe pedestrian and wheelchair use. For purposes of this Section, commonly owned property between a single-family residential lot and a common [walkway] sidewalk or sidepath is considered part of the lot if the intervening common property includes a [walkway] sidewalk, sidepath, or driveway that serves only that lot.

- 255 (3) Except as provided in paragraph (5), each owner, tenant, or  
 256 manager is jointly and severally responsible for clearing snow and  
 257 ice from the property and complying with Section 31-26A(d).
- 258 (4) The requirements of this Section do not apply to:
- 259 (A) an unpaved [walkway] sidewalk;
- 260 (B) a private [walkway] sidewalk or parking area on the  
 261 property of a single-family residence;
- 262 (C) a public [walkway] sidewalk or sidepath behind a single-  
 263 family residence that is not directly accessible from the  
 264 owner's property;
- 265 (D) a [walkway] sidewalk that:
- 266 (i) is at least 25 feet from vehicular traffic;
- 267 (ii) serves only pedestrian destinations that are also  
 268 accessible by another [walkway] sidewalk that this  
 269 Section requires to be cleared;
- 270 (iii) was not routinely cleared of snow and ice after  
 271 August 1999; and
- 272 (iv) is not the primary route for pedestrian access to a  
 273 winter recreational facility open to the public; or
- 274 (E) any non-buffered sidewalk or path as specified under  
 275 Section 49-17(j), regardless if the private property is  
 276 fronting or abutting the sidewalk.
- 277 (5) (A) An individual who lives in a multi-family residential  
 278 property is not responsible for removing snow and ice from  
 279 a common [walkway] sidewalk, sidepath, or parking area.

- (B) A homeowners' association, as that term is used in State law, is not responsible for removing snow and ice from a [walkway] sidewalk or sidepath adjacent to a single-family residential lot, if the lot owner is responsible under paragraph (1) for removing snow and ice from that [walkway] sidewalk or sidepath.
- (c) If ice or hardpacked snow is impossible or unreasonably difficult to remove, the person is responsible for applying sufficient sand, other abrasives, or salt to provide safe pedestrian use.
- (d) The person is responsible for removing snow and ice within 24 hours after the end of the precipitation that caused the condition. If a snowplow redeposits snow or ice on a sidewalk, sidepath or other [walkway] area intended for pedestrian access after a person has complied with this Section, the person is not responsible for clearing the [walkway] area until 24 hours after the snowplow redeposited the snow or ice.
- (e) The County Executive must designate a department to enforce this Section and may designate other County employees or contractors to enforce this Section.
- (f) The Executive may order a different deadline or conditions for removing snow and ice during or immediately after a severe or unusual storm or other public-safety condition.
- (g) In addition to any other remedy or penalty for a violation of this Section, the County may clear the snow and ice and charge the responsible property owner for the cost, which the County may collect in the same manner as property taxes.
- (h) *Violations.*

\* \* \*

(i) *Sidewalk [Snow Removal Plan] snow removal plan.*

\* \* \*

(j) *Sidewalk [Snow Removal] snow removal – Required.* The Executive must implement a plan and require the Department to remove or cause to be removed snow and ice accumulation from the last day of precipitation within the following designated areas:

\* \* \*

**Sec. 49-19. Conversion of overhead lines to underground locations.**

If the construction or improvement of any County road requires any person to relocate any overhead electric, telephone, or other overhead line or related facility in any County road right-of-way, the County Executive must, by regulation adopted under [method] Method (3), require that any affected line must be installed underground if the Executive finds that underground installation is desirable after considering the following factors:

\* \* \*

Any regulation to implement this Section must require the replacement of any street light removed during the [conversion of any line to an underground location] installation of underground facilities.

**Sec. 49-19A. [Energy-efficient street lights.**

(a) *Definitions.* In this Section, the following words have the meanings indicated:

*Director* means the Director of the Department of Transportation.

*Light-emitting diode* or *LED light* means a semiconductor device that produces visible light when an electrical current is passed through it.

- (b) When any contract to maintain street lights owned by the County in effect on January 21, 2014, expires, any later maintenance contract must be with a company that commits to install LED lights or another energy-efficient technology that the Director finds is equivalent or superior to LED lights.

**Sec. 49-19B] Permit exemption for the Purple Line.**

- (a) The State of Maryland, including its agencies and divisions, is exempt from any permitting requirement in Chapters 8 (“Buildings”), 17 (“Electricity”), 22 (“Fire Safety Code”), and 49 (“Streets and Roads”) for the construction of:

- (1) any portion of the Purple Line that is located within the public right-of-way under a valid franchise agreement approved by the County Council under Section 49-21; and
- (2) any structure related to the Purple Line owned by the State of Maryland or its agencies or divisions, including any hiker/biker trail that will be owned or maintained by the County.

- (b) However, the State of Maryland, and its agencies, divisions, and contractors, must obtain any permit required under Chapter 8, 17, 22, and 49 for the construction or alteration of any structure owned by the County, except the hiker/biker trail, or by a private person or entity.

**ARTICLE 2. FRANCHISES.**

**Sec. 49-20. Franchises for use of street; procedure for granting; notice and hearing.**

The Council [must not grant any] may approve a franchise [in relation to] for the occupation of any [highway, avenue, street, lane, alley,] road or other right-of-way, either on, above, or below the surface[, until all requirements of this Article have been met] if the following requirements are met:

- (a) *Application to be published.* The applicant must publish notice of each application for [any] a franchise once a week for 3 successive weeks in one or more newspapers of general circulation in the County, specifying:
- (1) [the essential] a summary of terms of the proposed franchise;
  - (2) the compensation the County [will] may receive, [which may take the form of] including in-kind goods and services [as well as cash payments]; and
  - (3) the location, character, and extent of the use of the right-of-way.
- (b) *Inquiry as to value.* [After the notice required by subsection (a) is published, the] The County Executive or a designee [must] may investigate the value of the proposed franchise and the adequacy of the compensation proposed to be paid for it.
- (c) *Hearing on objections.* If any taxpayer, or any property owner whose property [right] rights may be affected by the grant of the franchise, files an objection to the granting of the franchise in writing with the County Executive within 10 days after the last notice required by subsection (a) appears, the County Executive or a designee must hold a hearing within 15 days after the objection is filed on the proposed franchise and any objections to it.
- (d) *Recommendations of County Executive.* The County Executive must, [in each case,] after any hearings required by this Article, forward to the Council written recommendations concerning the proposed franchise, including the Executive's findings as to the value of the proposed franchise, any response to objections which have been raised, and any other relevant issues.

\* \* \*



**Sec. 49-21. Council action.**

- (a) [If the Council finds that granting the franchise is expedient and proper, the] The Council may grant [such] a franchise for such compensation as it, after considering the recommendations of the County Executive, finds proper, for a period not longer than 25 years. If the franchise allows the location of a permanent structure with a useful life [substantially] longer than 25 years in the County right-of-way, the initial term of the franchise may exceed 25 years.
- (b) [At the option of the Council, the approved] The franchise may allow the [grantee] franchisee to renew the franchise, after [a fair revaluation,] the County determines the value of the renewed franchise [including the value, if any, derived from the franchise or renewals,] for one or more terms that each do not cumulatively exceed [another] 25 years.
- (c) Every grant of any franchise must provide, by forfeiture of the grant, for compelling compliance with its terms [and to secure efficiency of public service at reasonable rates] and the maintenance of the [property] right-of-way in good condition, throughout the grant. [Each grant must also specify:
- (1) the mode of determining any valuation and revaluation under this Article,
  - (2) the time limit to exercise the rights given, and
  - (3) the procedure for default for a lapse of the franchise.]

\* \* \*

**Sec. 49-22. County [Council] to retain [municipal] control.**

When the Council grants a franchise under this Article, the [Council] County must [not part with, but must expressly reserve, the right and duty at all times]

continue to exercise full [municipal] control [and regulation in respect to all matters connected with the franchise not inconsistent with its terms] over the franchised right-of-way.

**Sec. 49-23. Certain private rights not affected.**

Nothing in this Article is intended to affect any private right, [including the right of any adjacent property owner held by law in 1910,] except as necessary to comply with this Chapter.

**ARTICLE 3. ROAD DESIGN AND CONSTRUCTION CODE.**

**Sec. 49-25. Complete streets policy and standards.**

This Article is intended to guide the planning, design, and construction of transportation facilities in the public right-of-way. Each transportation facility in the County must be planned and designed to:

- (a) maximize the choice, safety, convenience, and mobility of all users, regardless of age, ability, or mode of transportation,
- (b) maintain or expand connectivity for users,
- (c) respect and maintain the [particular character of] master plan recommendations for the community where it is located,
- ~~(d)~~ ensure access, convenience, safety, and investment of resources are equitably applied,
- ~~[(d)](e)~~ minimize stormwater runoff and otherwise preserve the natural environment, and
- ~~[(e)](f)~~ facilitate, to the maximum extent possible, the future accommodation of improved transportation technology elements, such as intelligent signals, smart parking meters, electric vehicle charging, car- and bicycle-sharing, and way-finding systems.

To achieve these goals, each County road and street must be designed so that the safety and convenience of all intended users of the roadway system [– including pedestrians, bicyclists, transit users, automobile drivers, commercial vehicles and freight haulers, and emergency service vehicles – ] is accommodated. [Each road and street must facilitate multi-modal use and assure that all users can travel safely in the public right of way. A specified quantity of stormwater must be managed and treated on-site, in the road or street right-of-way, including through the use of vegetation-based infiltration techniques.] Complete streets function as a road transportation network that is safe and convenient for all intended users, regardless of mode. Stormwater management requirements, including vegetated and structural practices, may be met on-site and within the public right-of-way. [These context-sensitive] Complete streets policies must be employed in all phases of publicly or privately funded facility development, including planning, design, construction, reconstruction, and streetscaping. [Each transportation project must incorporate complete streets infrastructure sufficient to promote safe and convenient travel along and across the right-of-way for all users.]

The County Executive must adopt under Method ~~[(3)]~~ (2) a Complete Streets Design regulation that provides guidance on the planning, design, and operation of roadways for all intended users.

This Article may be cited as the “Montgomery County Road Design and Construction Code.”

#### **Sec. 49-26. Definitions.**

In this Chapter, except where specified otherwise, the following words and phrases have the meanings indicated:

*Bikeway*[:] means any area expressly intended for bicycle travel, including associated curbs and gutters and any:

- 460        [(a) *Shared use path*: A paved path that abuts, is contiguous with, and is a  
 461               part of the right-of-way for a County road or street, that is typically 10  
 462               feet wide but can vary between 8 feet and 14 feet wide, designated for  
 463               bicycles and pedestrians, that is separated from motorized traffic by a  
 464               curb, barrier, or landscape panel.
- 465        (b) *Shared use trail*: A paved or unpaved trail designated for bicycles and  
 466               pedestrians, that is not part of the right-of-way for a County road or street  
 467               because the trail does not abut and lie contiguous with the right of way  
 468               for a County road or street.
- 469        (c) *Bike lane*: A portion of a roadway designated by striping, signing, or  
 470               pavement markings for the preferential or exclusive use of bicycles, and  
 471               on which through-travel by motor vehicles is not allowed.]
- 472        (a) *Bike lane means a portion of a roadway designated by striping, signing,*  
 473               *or pavement markings for the preferential or exclusive use of bicycles,*  
 474               *and on which travel by motor vehicles is not allowed.*
- 475        (b) *Off-street trail means paths located outside of the road right-of-way that*  
 476               *provide two-way travel for people walking, bicycling and using other*  
 477               *non-motorized modes. This facility was formerly referred to as a “shared*  
 478               *use trail.”*
- 479        (c) *Separated bike lane, also known as a protected bike lane or cycle track*  
 480               *means an exclusive bikeway that is physically separated from motor*  
 481               *vehicles and distinct from the sidewalk. A separated bike lane may be in*  
 482               *a one-way or two-way configuration.*
- 483        (d) *Shared use roadway[:]* means [A] a roadway open to both bicycle and  
 484               motor vehicle travel and which is designated as a preferred route for  
 485               bicycle use by warning or informational signs.

486 [(e) *Separated bike lane*, also known as a protected bike lane or cycle track:  
 487 a bikeway that is physically separated from motor vehicles and pedestrian  
 488 facilities. The separation may be vertical, such as a curb; horizontal, such  
 489 as a landscape panel or parking lane; or a combination. A separated bike  
 490 lane may be in a one-way or two-way configuration.

491 (f) *Buffered bike lane*: a bikeway separated from a motor vehicle travel lane  
 492 with an area of striped pavement.]

493 (e) *Sidepath* means a paved path that is located parallel to and within the road  
 494 right-of-way. Sidepaths provide two-way travel routes designated for  
 495 walking, bicycling, jogging and skating. Sidepaths are separated from  
 496 motorized traffic by a curb, barrier, or landscape panel. This facility was  
 497 formerly referred to as a “shared use path”.

498 *Complete streets*[:] means streets that are planned, designed, and constructed to  
 499 enable safe access for all intended users, including pedestrians, bicyclists, motorists,  
 500 and transit riders of all ages and abilities, commercial vehicles, freight haulers, and  
 501 emergency service vehicles.

502 *Complete streets infrastructure*[:] means any design feature that contributes to  
 503 a safe, convenient, and comfortable travel experience, which may include such features  
 504 as sidewalks; [shared use paths] sidepaths, bike lanes, and separated bike lanes; bike  
 505 stations and bike storage facilities; narrow motor vehicle lanes and tight curb radii;  
 506 street trees, planting strips, and other right-of-way landscaping; curbs and accessible  
 507 curb ramps; curb extensions, crosswalks, and refuge islands; raised medians;  
 508 pedestrian and traffic signals, including countdown and accessible signals; signage;  
 509 streetlighting; street furniture; bicycle parking facilities; stormwater management;  
 510 public transportation stops and shelters; dedicated transit lanes; and traffic calming  
 511 devices.

*Construction* and *constructed* include “reconstruction” and “reconstructed” but not “maintenance,” and include grading, installation of drainage structures, paving, curbs and gutters, curb returns, sidewalks and other areas intended for pedestrian access, bikeways, driveway entrances, guardrails, retaining walls, sodding, and planting.

*Curb extension*[:] means an area that extends the line of a curb into a parking lane, reducing the width of a street.

*Curbside Width*[:] means the area beyond each curb necessary for sidewalks, [shared use paths] sidepaths, street trees and other landscaping, streetlights, utilities, and other elements.

*Dedication plat*[:] means [Any] any plat conforming to law, duly recorded in the County land records, which has the legal effect of dedicating one or more rights-of-way to public use. If the plat was recorded after the Maryland-National Capital Park and Planning Commission was created, and the property is located in the Commission’s jurisdiction, the Commission must have approved the plat.

*Design standard*[:] means the standard adopted by regulation under this Article for each type of road, as defined in Section 49-31, except Freeways and Controlled Major Highways, which shows typical cross-sections and other dimensions to which the road must conform.

*Director*[:] means [The] the Director of Transportation or the Director of Permitting Services, as specified, and each Director’s designee.

*Drainage structure*[:] means [Any] any culvert, bridge, storm drain, storm sewer, catch basin, canal, channel, inlet, ditch, or subsurface drain, and any other structure or watercourse designed to convey surface or other waters.

*Dual road*[:] means [Any] any road in which the travel directions are separated by a median.

*Forest conservation plan[:]* means [A] a plan for the retention, afforestation, or reforestation of forest and trees approved under Chapter 22A.

*Ground cover[:]* means [Low] low-maintenance, non-invasive, leafy, grassy, or woody vegetation that covers and holds soil.

*Maximum target speed[:]* means the maximum speed at which vehicles should operate on a thoroughfare in a specific context, consistent with the level or multimodal activity generated by adjacent land uses, to provide mobility for motor vehicles and a safe environment for pedestrians and bicyclists.

[*Pedestrian walkway:* Any sidewalk, and any other land, way, or path designated by appropriate signs for a pedestrian route.]

*Private road[:]* means [Any] any road [street, highway, avenue, lane, alley, or viaduct,] or any segment of [any of them] a road, including any [pedestrian walkway] sidewalk, sidepath, or other area intended for pedestrian access adjacent to the private road that has not been deeded, dedicated or otherwise permanently appropriated to the public for public use or County maintenance.

*Protected Crossing* means specific traffic control devices that improve the safety and comfort of pedestrians and bicyclists crossing streets by reducing or eliminating conflicts, as well as increasing stopping and yielding for pedestrians and bicyclists, using measures such as traffic signals (full signals with pedestrian signals), pedestrian hybrid (HAWK) beacons, all-way stop control, or grade-separated crossings.

*Reconstruct* and *reconstruction* include any change in the width, alignment, or design of a road or other structural features within or along a roadway [– that is, the width of the pavement or the area between curbs –] but [do] does not include resurfacing a road, bikeway, or sidewalk without any change in its width.

*Road[:]* means [Any] any road, street, highway, avenue, boulevard, lane, alley, bridge, [shared use path] sidepath, sidewalk, viaduct, or any segment of any of them, and any related storm drain and stormwater management facility.

*Rural area* means an area designated as the Rural East and Rural West policy areas in the Growth and Infrastructure Policy.

*Sidewalk[:]* means any portion of the right-of-way for a County road [or street] that is expressly intended [as a pedestrian walkway] for pedestrians, including pedestrian ramps.

*Specimen tree[:]* means [Any] any tree with a diameter measured at 4.5 feet above the ground of 30 inches or more, or any tree with 75% or more of the diameter of the current champion tree of that species, as designated by the County Forest Conservation District Board.

*Speed hump* means a parabolic or flat-top device used to create vertical deflection along a roadway for traffic calming purposes. These may include wheel gaps that allow target vehicles to pass through unaffected or flat-top devices may include crosswalks.

*Street tree[:]* means [A] a tree that is listed in the design standards as acceptable for planting in a public right-of-way. In a private road right-of-way or easement, a tree listed as acceptable for planting in the Planning Board technical manual for forest conservation.

*Subdivision[:]* means [The] the division or [partition] assemblage of a lot, tract or parcel of land into [2] one or more lots, plots, sites, tracts, parcels, or other divisions for immediate or future rental, sale, or building development. *Subdivision* includes a re-subdivision, but not a division or partition of land for agricultural purposes.

*Transitway[:]* means a right-of-way for use exclusively by public transit vehicles.



Urban area means areas depicted ~~[[by Appendix E]]~~ in the Master Plan of Highways and Transitways as amended, or by any replacement functional, master, or sector plan that defines urban areas or urban road code boundaries.

**Sec. 49-27. Applicability of Article.**

This Article applies to all roads in the County, except any:

- (a) [State] state road;
- (b) [Federal] federal road;[.]
- (c) [Road] road located in any part under the jurisdiction of the Maryland-National Capital Park and Planning Commission;
- (d) [Private] private road; or
- (e) [Municipally] municipally owned and maintained road.

Nothing in this Article prevents the County from building, and assessing the cost of, any drainage structure, curb or gutter, sidewalk, [shared use path] sidepath, curb return, or sidewalk and driveway entrance, along a [State] state or [Federal] federal road.

**Sec. 49-28. Standards and specifications.**

- (a) Except as otherwise provided in this Article, the construction of all roads must conform to the standards[, criteria] and specifications in this Article or any regulation adopted under this Article. As used in this Article, “standards” means County design standards including the regulation adopting the [[Complete]] complete streets design, and “specifications” means the most recent [State] state standard specifications for road construction and materials. When no County standards or specifications are applicable, the County will apply the current guidance published by the American Association of State and Highway Transportation Officials

(AASHTO) or National Association of City Transportation Officials (NACTO).

- (b) The [Director of Transportation] Executive may set a fee by [method 2] Method (3) regulation for the review of any plan or document submitted under Chapter 50 or this Chapter. Each fee must be based on the costs of reviewing any plan or document and any staff participation in the subdivision process. The Department must provide a copy of each fee regulation to the Planning Board.
- (c) The Department of Transportation must make available to the public, free or at a reasonable cost, an up-to-date copy of all applicable County road design standards and specifications.

**Sec. 49-29. Pedestrian [walkways] sidewalks, bikeways, and wheelchair traffic.**

- (a) The County must construct bikeways [[Bikeways]] and [walkways] sidewalks [[must be constructed]] when [[any County road]] it is [[constructed, reconstructed, or relocated]] constructing, reconstructing, or relocating a County road, except [any walkway]:
  - (1) any sidewalk or sidepath in front of a lot that is larger than 25,000 square feet for a single-family detached dwelling in a rural zone;
  - (2) any sidewalk or sidepath on any roadway that is classified as [exceptional rustic, rustic, country arterial, or country road] rustic or exceptional rustic;
  - (3) any sidewalk or sidepath on a [tertiary residential] neighborhood street or neighborhood yield street serving fewer than 75 dwelling units if the Planning Board and Department of Transportation [finds] find that a sidewalk is not expected to be [unnecessary] necessary for pedestrian movement[, or];

(4) any sidewalk if the site is located in an environmentally sensitive area with limits on the amount of impervious surface allowed.[]

[[; or]]

[(5) where the Department of Permitting Services finds that a bikeway or sidewalk is infeasible because it will not connect to any destination within the foreseeable future, or the facility qualifies for fee payments in lieu of construction under Section 49-40.]]

Each bikeway and [walkway] sidewalk must conform to approved capital improvements programs and be consistent with applicable area master plans and transportation plans adopted by the Planning Board.

- (b) To promote the safety of bicycle and wheelchair travel throughout the County, the County Executive must adopt, by Method (3) regulation, standards and specifications to build and maintain ramps at curbed intersections and [storm water] stormwater gratings and other openings along roads and streets, in each case of a design and type that is not a hazard to bicycle and wheelchair traffic and is consistent with Americans with Disabilities Act best practices guidelines published by the United States Department of Justice. These ramps, gratings, and openings must be built and maintained as part of each project under subsection (a).

**Sec. 49-30. Traffic [Calming] calming.**

- (a) The Director of Transportation must consider installing traffic calming and bicycle- and pedestrian-friendly design features [in] on any [residential] area connector, neighborhood connector, neighborhood street, or neighborhood yield street over 1,000 feet long, [minor arterial, business district street] downtown street, town center street, and industrial street. Traffic calming features include raised crosswalks and raised

intersections, traffic [circle] circles, medians, pedestrian refuge islands, [[chokers]] curb extensions, smaller centerline radii, parking cut-outs, chicanes, other forms of horizontal or vertical deflection, and special paving and streetscaping in central business districts or other commercial areas.

- (b) [Speed humps that are 12 feet wide may be built on any principal secondary residential street, secondary residential street, tertiary residential street, or alley, but must be spaced at least 500 feet from any other hump and 200 feet from any intersection. Speed humps that are 22 feet wide may be built on any primary residential street, but must be spaced at last 500 feet from any other hump and 200 feet from any intersection. Speed humps that are 22 feet wide may be built on a minor arterial, but must be spaced at least 750 feet from any other hump and 300 feet from any intersection. Before speed humps are installed in any road, all other requirements specified in applicable regulations must be met.] Speed hump location and placement:

(1) speed humps that are 12 feet wide may be built on any neighborhood street, neighborhood yield street, or alley, but must be spaced at least 500 feet from any other hump and 200 feet from any intersection;

(2) speed humps that are 22 feet wide may be built on any downtown street, town center street, or shared street, but must be spaced at least 500 feet from any other hump and 200 feet from any intersection;

(3) speed humps that are 22 feet wide may be built on a downtown boulevard, town center boulevard, area connector, neighborhood

connector, rustic or exceptional rustic road, or industrial street, but must be spaced at least 750 feet from any other hump and 300 feet from any intersection; and

(4) before speed humps are installed in any road, all other requirements specified in applicable regulations must be met.

**Sec. 49-31. Classification of roads.**

[Each road, except those listed in subsections (m)-(n), must be classified as designated in the applicable master or sector plan. This Section defines the vehicular functions of each road classification.

- (a) A Freeway is a road meant exclusively for through movement of vehicles at a high speed. Access must be limited to grade-separated interchanges.
- (b) A Controlled Major Highway is a road meant exclusively for through movement of vehicles at a lower speed than a Freeway. Access must be limited to grade-separated interchanges or at-grade intersections with public roads.
- (c) A Major Highway is a road meant nearly exclusively for through movement of vehicles at a moderate speed. Access must be primarily from grade-separated interchanges and at-grade intersections with public roads, although driveway access is acceptable in urban and denser suburban settings.
- (d) A Parkway is a road meant exclusively for through movement of vehicles at a moderate speed. Access must be limited to grade-separated interchanges and at-grade intersections. Any truck with more than 4 wheels must not use a Parkway, except in an emergency or if the trust is engaged in Parkway maintenance.

- (e) An Arterial is a road meant primarily for through movement of vehicles at a moderate speed, although some access to abutting property is expected.
- (f) A Country Arterial is an Arterial, typically in the County's agricultural reserve.
- (g) A Minor Arterial is a 2-lane Arterial meant nearly equally for through movement of vehicles and access to abutting property.
- (h) A Business District Street is a road meant for circulation in commercial and mixed-use zones.
- (i) An Industrial Street is a road meant for circulation in industrial zones.
- (j) A Primary Residential Street is a road meant primarily for circulation in residential zones, although some through traffic is expected.
- (k) A Country Road is a road that has the function of a Primary Residential Street, typically in the County's agricultural reserve.
- (l) A Principal Secondary Residential Street is a Secondary Residential Street meant to carry somewhat more through traffic.
- (m) A Secondary Residential Street is a road meant to provide access between a residential development with fewer than 200 dwelling units and one or more higher classification roads as defined in subsections (b) through (l).
- (n) A Tertiary Residential Street is a road meant to provide direct access to a residential development with 75 or fewer dwelling units. A Tertiary Residential Street must not be built unless the Planning Board allows its use when the Board approves a preliminary subdivision plan or site plan.
- (o) A Rustic Road or an Exceptional Rustic Road means a road classified as either under Article 8.

(p) An Alley is a right-of-way intended to provide secondary service access to the rear or side of lots or buildings and not intended for transporting through traffic. An alley may be used to provide primary vehicular access if the Planning Board and the Director of Transportation concur that the dimensions and specifications proposed in a project, preliminary subdivision, or site plan would provide adequate primary vehicular access.]

(a) In this Article and the regulations adopted under it. County area types are as follows until subsequently designated by functional plans, master plans, or sector plans:

(1) A downtown area consists of areas with the highest intensity of development. These areas are:

(A) Bethesda CBD;

(B) Friendship Heights CBD;

(C) Silver Spring CBD;

(D) Wheaton CBD;

(E) White Flint Sector Plan area; [[and]]

(F) White Flint 2 Sector Plan area west of the CSX Metropolitan Branch[.];

(G) Life Science/FDA Village area of the 2014 White Oak Science Gateway Master Plan;

(H) Life Science Center Districts in the 2010 Great Seneca Science Corridor Master Plan: LSC Belward, LSC North, LSC Central and LSC West districts; and

(I) Rock Spring Sector Plan.

- (2) A town center area consists of areas with moderate to high development intensity. These areas are:
- (A) Burtonsville Town Center;
  - (B) Cabin Branch;
  - (C) Chevy Chase Lake;
  - [(B)](D) Clarksburg Town Center;
  - [(C)](E) Damascus Town Center;
  - [(D)](F) Germantown Town Center;
  - (G) Glenmont Sector Plan Area;
  - (H) Grosvenor-Strathmore Sector Plan Area;
  - [(E)](I) Kensington Town Center;
  - (J) Langley Crossroads;
  - (K) Lyttons ville Purple Line Station;
  - (L) Montgomery Hills;
  - [(F)](M) Olney Town Center; [[and]]
  - (N) Piney Branch;
  - (O) Shady Grove Sector Plan Area
  - (P) Twinbrook Sector Plan Area
  - (Q) Westbard;
  - (R) White Flint 2 Sector Plan area east of the CSX Metropolitan Branch; and
  - [(G)](S) Woodside Purple Line Station.
- (3) A country area is located within the designated Rural area.
- (4) An industrial area is an area with predominantly industrial zoning.



~~II(4)~~II(5) A suburban area is an area with predominantly residential zoning that is not already a downtown, town center, industrial, or country area.

~~II(5)~~II(6) These areas may be created, eliminated or modified by functional plans, master plans, or sector plans.

~~II(6)~~II(7) Roads are included in the area within which they are located. Roads bordering on two areas will be assigned to the area with the greater development intensity.

(b) Each road must be assigned a County classification and a federal classification. Federal classifications are assigned in accordance with the most recent edition of the Federal Highway Administration Highway Functional Classification typologies.

(c) County classifications are:

(1) A Freeway is a road meant exclusively for through movement of vehicles at a high speed. Access must be limited to grade-separated interchanges.

(2) A Controlled Major Highway is a road meant exclusively for through movement of vehicles at a lower speed than a Freeway. Access must be limited to grade-separated interchanges or at-grade intersections with public roads.

(3) A Parkway is a road meant exclusively for through movement of vehicles at a moderate speed. Access must be limited to grade-separated interchanges and at-grade intersections. Any truck with more than four wheels must not use a Parkway, except in an emergency or if the truck is engaged in Parkway maintenance.

- (4) A *Downtown Boulevard* is a road in a downtown area that serves a high volume of vehicles, pedestrians, bicyclists, or transit users. Access to abutting properties is allowed but not preferable. These roads were previously classified as major highways and arterials.
- (5) A *Downtown Street* is a road in a downtown area that serves a large share of pedestrians, bicyclists, or transit users. This road type is meant for circulation in commercial and mixed-use zones. Access to abutting properties is expected. These roads were previously classified as business streets.
- (6) A *Boulevard* is a road that typically connects employment and entertainment centers, civic, commercial, and institutional land uses, and may also provide ~~[[cross-country]]~~ cross-county and regional connections. Pedestrian, bicycle, and transit users are to be accommodated. Some access to abutting properties is expected. These roads were previously classified as major highways and arterials.
- (7) A *Town Center Boulevard* is a road in a town center area that serves a moderate to high volume of vehicles, pedestrians, bicyclists, or transit users. Access to abutting properties is allowed but generally not preferable. These roads were previously classified as major highways and arterials.
- (8) A *Town Center Street* is a road in a town center area that serves a larger share of pedestrians, bicyclists, or transit users. This road type is meant for circulation in commercial and mixed-use zones. Access to abutting properties is expected. These roads were previously classified as business streets.

- (9) An *Area Connector* is a two-lane street in a suburban area that typically connects employment and entertainment centers, civic, commercial, and institutional land uses, and may also provide limited regional connectivity and serve primary circulation in residential zones. These roads were previously classified as minor arterials.
- (10) A *Neighborhood Connector* is a street in a suburban area providing primary circulation in residential zones and may also enable traffic to pass through a neighborhood. These streets were previously classified as primary residential streets.
- (11) A *Neighborhood Street* is a street that provides internal circulation within suburban areas. Access to abutting properties is expected. These streets were previously classified as secondary and tertiary residential streets.
- (12) A *Neighborhood Yield Street* is a *Neighborhood Street* that is designed as a bi-directional one-lane street.
- (13) An *Industrial Street* is a road meant for circulation in areas consisting predominantly of industrial zones.
- (14) A *Country Connector* is a road in a country area that was previously classified as major highways, arterials, or country arterials.
- (15) A *Country Road* is a low intensity road in a country area.
- (16) An *Alley* is a right-of-way intended to provide secondary access to the rear or side of lots or buildings and not intended for transporting through traffic. An alley may be used to provide primary vehicular access if the Planning Board and the Director of

Transportation concur that the dimensions and specifications proposed in a project, preliminary subdivision, or site plan would provide adequate primary vehicular access. An Alley is a Residential Alley if serving only residential zones, or a Commercial Alley if serving any non-residential zones.

(17) A Rustic Road or an Exceptional Rustic Road means a road classified as such under Article 8.

(18) A Residential Shared Street or Commercial Shared Street is a street designed to create a shared traffic environment where pedestrians, bicyclists, and other non-motorized traffic may comfortably occupy the same space as motor vehicle traffic. These streets prioritize pedestrian and bicycle movement by slowing vehicular speeds and communicating clearly through design features that motorists must yield to all other users. A Shared Street is a Residential Shared Street if serving only residential zones, or a Commercial Shared Street is serving any non-residential zones.

(d) County classifications are assigned as follows until the roads are re-designated by functional plans, master plans, or sector plans. The number of lanes is defined as the number of through lanes for motor vehicles and is tallied based on the number of planned lanes for that road, or the number of existing lanes if not specified by any functional plan, master plan, or sector plan.

(1) Freeways retain their classifications as Freeways.

(2) Controlled Major Highways retain their classifications as Controlled Major Highways.

(3) Parkways retain their classifications as Parkways.

(4) Major highways:

(A) Major highways located in a downtown area are classified as Downtown Boulevards.

(B) Major Highways located in a town center area are classified as Town Center Boulevards.

(C) Two-lane Major Highways located in a country area are classified as Country Connectors.

(D) Two-lane Major Highways located in a suburban area are classified as Area Connectors.

(E) All Major Highways not addressed by (A) through (D) are classified as Boulevards.

(5) Arterials:

(A) Arterials with four or more lanes located in a downtown area are classified as Downtown Boulevards.

(B) Arterials with fewer than four lanes located in a downtown area are classified as Downtown Streets.

(C) Arterials with more than two lanes located in a town center area are classified as Town Center Boulevards.

(D) Arterials with two lanes located in a town center area are classified as Town Center Streets.

(E) Arterials located within a country area are classified as Country Connectors.

(F) Two-lane Arterials located in a suburban area are classified as Area Connectors.

- 919                    (G) All Arterials not addressed by (A) through (F) are classified  
 920                    as Boulevards.
- 921            (6) Minor Arterials:
- 922                    (A) Minor Arterials with four or more lanes located in a  
 923                    downtown area are classified as Downtown Boulevards.
- 924                    (B) Minor Arterials with fewer than four lanes located in a  
 925                    downtown area are classified as Downtown Streets.
- 926                    (C) Minor Arterials with more than two lanes located in a town  
 927                    center area are classified as Town Center Boulevards.
- 928                    (D) Minor Arterials with two lanes located in a town center area  
 929                    are classified as Town Center Streets.
- 930                    (E) Minor Arterials located within a country area are classified  
 931                    as Country Connectors.
- 932                    (F) All Minor Arterials not addressed by (A) through (E) are  
 933                    classified as Area Connectors.
- 934            (7) Business District Streets:
- 935                    (A) Business District Streets with four or more lanes located in  
 936                    a downtown area are classified as Downtown Boulevards.
- 937                    (B) Business District Streets with fewer than four lanes located  
 938                    in a downtown area are classified as Downtown Streets.
- 939                    (C) Business District Streets with more than two lanes that are  
 940                    not located in a downtown area are classified as Town  
 941                    Center Boulevards.
- 942                    (D) Business District Streets with two lanes that are not located  
 943                    in a downtown area are classified as Town Center Streets.
- 944            (8) Industrial Streets retain their classification as Industrial Streets.

(9) Primary Residential Streets:

(A) Primary Residential Streets located in a country area are classified as Country [[Connectors]] Roads.

(B) Primary Residential Streets not located in a country area are classified as Neighborhood Connectors.

(10) Secondary Residential Streets are classified as Neighborhood Streets.

(11) Tertiary Residential Streets are classified as Neighborhood Streets.

(12) Country Arterials are classified as Country Connectors.

(13) Country Roads retain their classifications as Country Roads.

(14) Shared Streets with entirely residential zoning along its frontage are classified as a Residential Shared Street.

(15) Shared Streets with any non-residential zoning along its frontage are classified as a Commercial Shared Street.

(16) Alleys retain their classifications as Alleys.

(17) Rustic Roads retain their classifications as Rustic Roads.

(18) Exceptional Rustic Roads retain their classifications as Exceptional Rustic Roads.

[(19) Transitions along continuous roadways:

(A) If a Downtown road type changes classification to or from a non-Downtown road type: the Downtown classification will extend to the next master planned cross-street, not to exceed 500 feet beyond the limits of the downtown area.

(B) If a Town Center road type changes classification to or from a non-Downtown and non-Town Center road type: the Town Center classification will extend to the next master

planned cross-street, not to exceed 500 feet beyond the limits of the town center area.

(C) If a Downtown Boulevard, Town Center Boulevard, or Boulevard change classification to or from any other type: the Downtown Boulevard, Town Center Boulevard, or Boulevard classification will extend to the next master planned cross-street, not to exceed 500 feet beyond the initial transition point.

(D) The transition areas noted in (A) through (C) are not additive; if the roadway meets multiple transition criteria the transition area will remain to the next master planned cross-street, not to exceed 500 feet from the nearest of either the limits of the downtown or town center area, or the initial transition point.]]

~~[(20)]~~[(19)] If, after consultation with the staff of the Planning Board, the Department of Transportation determines that the criteria under (d)(1) through ~~[(d)(19)]~~ (d)(18) are not suitable for a particular road, the Department may determine that a more context-sensitive classification or transition length applies in lieu of the default classifications.

**Sec. 49-32. Design standards for types of roads.**

\* \* \*

[(c) In this Article and the standards adopted under it:

(1) an ‘urban’ road is a road segment in or abutting a Metro Station Policy Area, Town Center Policy Area, or other urban area expressly identified in a Council resolution;



(2) a ‘rural’ road is a road segment located in a rural policy area as defined in the County Growth Policy; and

(3) a ‘suburban’ road is a road segment located elsewhere in the County.]

[(d)](c) The minimum right-of-way for a road may be specified in the most recent applicable functional plan, master plan, or sector plan for the area where the road is located. Minimum rights-of-way generally do not include continuous features along a typical section, and account for parking, drainage and stormwater management, spot conditions such as auxiliary lanes or transit stations, or infrastructure at intersections such as signal equipment and protected intersections. If a minimum right-of-way for a particular road is not specified [n] in a functional plan, master plan, or sector plan, the minimum right-of-way must be:

- [(1) 80 feet for a Business District Street or Industrial Street;
- (2) 100 feet for a Primary Residential Street with a median;
- (3) 70 feet for a Primary Residential Street without a median;
- (4) 60 feet for a Principal Secondary Residential Street or Secondary Residential Street;
- (5) 50 feet for a standard Tertiary Residential Street;
- (6) 27 feet, 4 inches for a reduced-width Tertiary Residential Street with two-way traffic;
- (7) 21 feet, 4 inches for a reduced-width Tertiary Residential Street with one-way traffic; and
- (8) 20 feet for an Alley.]
- (1) 80 feet for a Downtown Street;
- (2) 80 feet for a Town Center Street;

- 1023           (3)    70 feet for an Area Connector;
- 1024           (4)    70 feet for a Neighborhood Connector;
- 1025           (5)    60 feet for a Neighborhood Street;
- 1026           (6)    50 feet for a Neighborhood Yield Street;
- 1027           (7)    80 feet for an Industrial Street;
- 1028           (8)    74 feet for a Country Connector;
- 1029           (9)    70 feet for a Country Road;
- 1030           (10)   20 feet for an Alley serving any non-residential zoning;
- 1031           (11)   16 feet for an Alley serving only residential zoning;
- 1032           (12)   40 feet for a Commercial Shared Street;
- 1033           (13)   40 feet for a Residential Shared Street.

1034           [(e)](d) Grass shoulders must be load bearing at any specific location designated  
 1035                   by the Director of Permitting Services after consulting the Fire Chief and  
 1036                   Director of Transportation.

1037           [(f)](e) Unless otherwise specified in this Article, each grading, drainage  
 1038                   structure, paving, shoulder, landscaping, and traffic control must be  
 1039                   installed as provided in the latest applicable County design standards,  
 1040                   storm drain criteria, and specification. Unless extenuating circumstances  
 1041                   would result in a safety hazard, when a road is resurfaced the road must  
 1042                   also be restriped to meet any applicable lane width standard and may  
 1043                   include bike lanes where appropriate.

1044           [(g) Each through travel or turning lane on an urban road must be no wider  
 1045                   than 10 feet, except that a single travel lane adjacent to a parking lane  
 1046                   must be no wider than 11 feet and a through travel or turning lane abutting  
 1047                   an outside curb must be no wider than 11 feet, including the gutter pan.  
 1048                   Each parking lane on an urban road must be no wider than 8 feet,

including the gutter pan. The standards in this subsection do not apply if, for a road improvement required as a result of approving a subdivision or site plan, the Executive or the Executive's designee concludes that applying a specific standard at a specific site would significantly impair public safety.]

[(h)](f) The curb radius at the corner of each intersection ~~[[of two]]~~ [urban] ~~[[roads in Downtown or Town Center areas must not exceed]]~~ is 15 feet. ~~[[The curb radius at the corner of intersections where all intersecting streets are Area Connectors, Neighborhood Connectors, Neighborhood Streets, or Neighborhood Yield Streets must not exceed 10 feet.]]~~ Exceptions to these requirements may be allowed as follows [except where]:

[(1)] there is only one receiving lane;

[(2)](1) A ~~[[minimum]]~~ maximum 10-foot corner radius is required at intersections where all intersecting streets are Area Connectors, Neighborhood Connectors, Neighborhood Streets, or Neighborhood Yield Streets;

(2) A larger corner radius is acceptable where there is a curb extension [is located]; [or]

~~[(2)]~~(3) [[a default]] A 25-foot radius is ~~[[required]]~~ acceptable where at least one street is an Industrial Street;

~~[(3)]~~(4) [[a]] A larger corner radius is needed to serve the design vehicle and control vehicle with consideration of the allowable encroachment defined by the Complete Streets Design regulation; or

1074 ~~[(3)]~~~~[(4)]~~(5) [for] ~~[[a]]~~ A road improvement required [as a result of  
 1075 approving] by a subdivision or site plan [, the Executive or the  
 1076 Executive's designee concludes that applying this standard at a  
 1077 specific site] would significantly impair public safety.

1078 ~~[(i)]~~(g) Each pedestrian refuge must be at least 6 feet wide. A pedestrian refuge  
 1079 must be located at each intersection approach along [on] a divided  
 1080 highway with 6 or more through travel lanes.

1081 ~~[(j)]~~(h) Unless otherwise specified in a functional plan, master plan, sector plan,  
 1082 or the approved capital improvements program, the maximum target  
 1083 speed for a road [in an urban area is 25 mph.] shall be:

- 1084 (1) 25 mph for a Downtown Boulevard;
- 1085 (2) 20 mph for a Downtown Street;
- 1086 (3) 35 mph for a Boulevard, except 25 MPH if in an Urban Area;
- 1087 (4) 30 mph for a Town Center Boulevard, except 25 MPH if in an  
 1088 Urban Area;
- 1089 (5) 25 mph for a Town Center Street;
- 1090 (6) 25 mph for an Area Connector;
- 1091 (7) ~~[[25]]~~ 20 mph for a Neighborhood Connector;
- 1092 (8) 20 mph for a Neighborhood Street;
- 1093 (9) 20 mph for a Neighborhood Yield Street;
- 1094 (10) 25 mph for an Industrial Street;
- 1095 (11) 40 mph for a Country Connector;
- 1096 (12) between 20 to 35 mph for a Country Road;
- 1097 (13) between 45 to 55 mph for a Major Highway;
- 1098 (14) case-by-case determinations for Alleys, and Shared Streets[,]; and
- 1099 (15) 30 mph for Rustic Roads, and Exceptional Rustic Roads[[:]].

**Sec. 49-33. Road construction and reconstruction requirements.**

\* \* \*

[(c) Cul-de-sacs or turnarounds are required if the paving of a road ends other than at a paved road intersection. Each turnaround or cul-de-sac must be graded, paved, and include appropriate drainage structures and temporary curbs, if the Department of Permitting Services so requires.]

[(d)](c) If a preliminary drainage study indicates that a minimum right-of-way or storm drain easement width required in this Article is inadequate to properly drain a particular road, the Department of Permitting Services may require any additional right-of-way or storm drain easement necessary for proper drainage. The Department must notify the permittee of any added right-of-way before a dedication plat is approved by the Planning Board (or equivalent body in any municipality with land use authority) and recorded in the County land records, and must notify the permittee of any added easement when it approves a right-of-way permit.

(1) If a lot or lots front on a public road, the permittee must provide sufficient drainage easements to allow for the safe conveyance of stormwater from the public right-of-way to either an approved outfall or an approved public structure.

[(e)](d) (1) If a lot or lots front on a public road, the permittee must [install] construct sidewalks, master-planned bikeways, ramps, curbs, and gutters, except [any sidewalk]:

(A) any sidewalk or sidepath in front of a lot that is larger than 25,000 square feet for a single-family detached dwelling in a rural [zone] area;

- 1125 (B) any sidewalk or sidepath on any roadway that is classified  
 1126 as [exceptional rustic, rustic, country arterial, or country  
 1127 road] rustic or exceptional rustic;
- 1128 (C) any sidewalk or sidepath on a [tertiary residential]  
 1129 neighborhood street or neighborhood yield street serving  
 1130 fewer than 75 dwelling units [, or in an environmentally  
 1131 sensitive area with limits on the amount of impervious  
 1132 surface allowed,] if [in either case] the Planning Board and  
 1133 Department of Transportation [finds] find that a sidewalk is  
 1134 not expected to be [unnecessary] necessary for pedestrian  
 1135 movement; [or]
- 1136 (D) any sidewalk if the site is located in an environmentally  
 1137 sensitive area with limits on the amount of impervious  
 1138 surface allowed if the Planning Board and Department of  
 1139 Transportation find that a sidewalk is not expected to be  
 1140 necessary for pedestrian movement; or
- 1141 [(D)](E) any sidewalk or sidepath on a [secondary or tertiary  
 1142 residential] neighborhood street, neighborhood yield street,  
 1143 or service drive where the Department of Permitting  
 1144 Services finds that a sidewalk or sidepath is infeasible, will  
 1145 not connect [potentially] to other sidewalk segments within  
 1146 the foreseeable future, or qualifies for fee payments in lieu  
 1147 of construction under Section 49-40[.]; or
- 1148 (F) any sidewalk or master-planned bikeway where the  
 1149 Planning Board establishes criteria to accept a payment in  
 1150 lieu of a transportation improvement.

(2) However, the Planning Board may require the applicant to install sidewalks, bikeways, ramps, curbs, and gutters if the Board finds, as a condition of approval of a preliminary subdivision plan or site plan, that sidewalks, [bikeway connections] bikeways, ramps, curbs, and gutters at that location are necessary to allow access:

(A) to [a] an existing or planned sidewalk or bikeway;

(B) to a bus or other public transit stop;

(C) to an amenity or public facility that will be used by occupants of the site or subdivision; or

(D) by persons with disabilities.

Before the Planning Board approves any requirement under this paragraph, the Board must give the Departments of Permitting Services and Transportation a reasonable opportunity to comment on the proposed requirement.

[(f)](e) The construction of half roads or any road of less than the width required by this Article is prohibited except as permitted in Section 49-40. [However, construction] Construction of such portions of roads is permitted if the dedicated portion of the road established by a dedication plat and recorded in the County land records before August 15, 1950 is wide enough to permit the grading and construction of paving [18] 20 feet wide with curbs, gutters, and sidewalks required for the type of road.

[(g)](f) A road must not be constructed unless it connects with an existing public road at one end. A road must not be constructed short of an intersection unless it connects with an existing public road or the dedication of the right-of-way ends short of an intersection. If any road construction ends at or goes through an intersection, the intersection must be completed. If

a road ends at other than an intersection or a point of connection with an existing road, [turnarounds or cul-de-sacs] a turnaround such as a cul-de-sac must be provided. Each turnaround must be graded, paved, and include appropriate drainage structures and temporary curbs if required by the Department of Permitting Services.

[(h)](g) If drainage structures are required for any particular class of road, the Planning Board must require the applicant to install or construct drainage structures that the Board finds are necessary or appropriate, after reviewing a preliminary drainage study approved by the Department of Transportation, in accordance with applicable design standards and specifications.

[(i)](h) Driveway entrances to individual lots must be required if the Planning Board finds that off-street parking facilities are necessary and practicable.

[(j)](i) *Street trees.*

(1) On public road rights-of-way, street trees must be planted in accordance with design standards of the Department of Transportation. On private road rights-of-way and easements, street trees must be planted in accordance with the technical manual adopted by the Planning Board under Chapter 22A.

(2) The Department of Permitting Services, the Department of Transportation, and the staff of the Planning Board should coordinate the specific location and species of street tree plantings to promote compatibility of the plantings with road function and safety, signage, maintenance, appropriate visual buffering, utilities, other public or private improvements, and aesthetic considerations related to streetscape design.



1203 ~~[(k)]~~(j) *Ground cover.*

1204 (1) A property owner may plant and maintain ground cover in a public  
1205 right-of-way adjacent to the owner's property if the owner:

1206 (A) complies with ~~[~~guidelines issued under paragraph (3)]  
1207 County regulations;

1208 (B) maintains the ground cover to prevent any obstruction of the  
1209 public right-of-way prohibited under Section 49-10; and

1210 (C) holds the County harmless for any damage to the ground  
1211 cover, and any damage or injury caused by the ground  
1212 cover.

1213 However, ground cover in a public right-of-way adjacent to the  
1214 owner's property must not be planted where it will reduce public  
1215 safety or impede travel.

1216 (2) In this subsection, property owner or owner includes each person  
1217 with a legal interest in the property and any successor to that  
1218 person's interest.

1219 ~~[(3)~~ The Director of Transportation, after consulting the Directors of  
1220 Environmental Protection and Permitting Services, must issue  
1221 guidelines that allow and encourage a property owner to place and  
1222 maintain ground cover in the public right-of-way adjacent to the  
1223 owner's property. The guidelines must encourage use of ground  
1224 cover that is environmentally sensitive and promotes conservation  
1225 of natural resources and more sustainable landscaping, including  
1226 plant species that:

1227 (A) require reduced or no mowing, fertilizing, or other  
1228 maintenance;

- 1229 (B) are drought tolerant and require little watering at any time;  
 1230 (C) do not inhibit growth of nearby trees; and  
 1231 (D) include non-turf grasses.]

1232 (3) The County Executive must adopt Method (3) regulations that  
 1233 define the design and maintenance standards applicable to this  
 1234 Section.

1235 (4) Except as provided in paragraph (1), this subsection does not  
 1236 impair the County's right to enter, maintain, occupy, or otherwise  
 1237 control any public right-of-way for any purpose.

1238 [(l)](k) *Curbs and gutters.*

1239 \* \* \*

1240 **Sec. 49-34. Construction by County.**

1241 (a) The County must not construct any road unless:

- 1242 (1) the County has previously acquired the right-of-way for the road,  
 1243 or the right-of-way has been dedicated to public use by appropriate  
 1244 recording in the County land records; and  
 1245 (2) the cost of the road will be charged against the benefitted property  
 1246 in according with Sections 49-51 to 49-62 and subsection [(b)] (c)  
 1247 of this Section.

1248 \* \* \*

1249 (e) The County Executive may authorize the construction of [shared use  
 1250 paths] sidepaths or sidewalks to serve general community needs.  
 1251 Whenever a sidewalk or [shared use path] sidepath is built in a right-of-  
 1252 way where there is no pavement or other road construction, building the  
 1253 sidewalk or [shared use path] sidepath does not mean that the County is

responsible for maintaining any part of the right-of-way except the sidewalk or [shared use path] sidepath.

**Sec. 49-35. Right-of-way permit.**

- (a) (1) A [person must not construct any road, sidewalk, shared use path, curb and gutter, driveway, or drainage structure; begin any such construction (including clearing, grading, and tree cutting); or perform any tree work on any roadside tree (including removing a stump on a County right-of-way), without a permit] permit is required from the Director of Permitting Services for any work within the public right-of-way. Any permit issued for roadside tree work must comply with Section 49-36A. In this Article, “roadside tree” means any plant that has a woody stem or trunk which grows all, or in part, in the right-of-way of any County public road.
- (2) In this Section and Sections 49-36, 49-36A, and 49-37, unless otherwise specified, Director refers to the Director of Permitting Services and Department refers to the Department of Permitting Services.
- (3) [A person must apply for a permit on] Permit applicants must use forms prescribed by the Director, submit detailed plans and specifications, and include locations and record plats approved by the Department and the Planning Board.
- (4) If the proposed activity requires a sediment control permit, the Department must issue the permit before any activity occurs under a permit issued under this subsection. The State Highway Administration must approve any action under its jurisdiction before the Director may approve the permit.

- 1280 (5) As a requirement to issue a permit under this Section, the Director  
 1281 may require the applicant to designate and bond a haul route for  
 1282 construction materials, as described in Section 49-8.
- 1283 (b) The Director must collect a fee, set by Method 3 regulation, for each  
 1284 right-of-way permit application. However, the Director must not collect  
 1285 a fee for any permit to:
- 1286 (1) remove or prune a tree that endangers a person or property;  
 1287 (2) remove a stump in the right-of-way; [or]  
 1288 (3) plant a tree; or  
 1289 [(3)][4] install a sign identifying a geographic area in the right-of-way if:
- 1290 (A) the primary applicant is an unincorporated or non-profit  
 1291 civic or homeowners' organization that is either:
- 1292 (i) listed on the Planning Board's most recent list of  
 1293 civic and homeowners associations; or  
 1294 (ii) exempt from federal income taxes and shows that its  
 1295 annual revenue during its most recent fiscal year did  
 1296 not exceed an amount set by a regulation;
- 1297 (B) in a homeowners' association, maintenance responsibility  
 1298 of all common areas has been transferred from the  
 1299 developer; and
- 1300 (C) the proposed sign would be smaller than a maximum size  
 1301 set by regulation.
- 1302 (c) Before an applicant begins any road, sidewalk, sidepath, bikeway, curb  
 1303 and gutter, driveway, retaining wall, steps, or drainage project, on a road  
 1304 or within the boundaries of a dedication to public use, the applicant for a  
 1305 permit to undertake any such project must pay to the County an inspection

and engineering fee set by the County Executive by [method] Method (3) regulation.

(d) If any such project is solely a grading project, the applicant must pay an inspection and engineering fee to the County if Department staff does the engineering work on the project and an inspection fee if the applicant submits the engineering work.

(e) Any violation of this Section is a Class A violation.

(f) The Director must refund half the fees required by this Section to the applicant if a permit is rejected or withdrawn before construction begins. If an applicant proposes to undertake a project using materials, standards, or specifications superior to those required under this Article, the fees charged must be computed on the estimated cost of the project as if it met those requirements.

(g) A person, including any utility corporation, must not cut [a road] within the right-of-way to install, replace, or maintain or connect any underground gas, electric power, or telephone line, or any other underground infrastructure, without a permit from the Director. The Director must supervise all backfilling and repaving of utility trenches to assure that the permittee complies with all applicable specifications. The permittee must restore the right-of-way to its prior condition.

\* \* \*

**Sec. 49-36. Permit conditions and procedures.**

Each permit issued under Section 49-35 must be subject to the following conditions[, which the permit must specify]:

\* \* \*

**Sec. 49-36A. Roadside tree work.**

\* \* \*

(b) *Applicability; exceptions.*

(1) A person [(including a government agency)] may receive a right-of-way permit to perform tree work on a roadside tree if the person:

\* \* \*

**Sec. 49-37. Street and road bonds.**

\* \* \*

(d) (1) If the Director finds a violation of an applicable law or regulation, or a default in the performance of any term or condition of the permit or accepted security, the Director must give written notice of the violation or default to the principal and to the surety of the accepted security. The notice must specify the work to be done, the estimated cost of the work, and the period of time the Director finds reasonably necessary to complete the work.

(2) If a cash bond has been posted, the Director must give notice of default to the principal; and if compliance is not [achieved] achieved within the time specified, the Director may, without delay and without further notice or proceedings, use the cash deposited, or any portion of the deposit, to cause the required work to be performed by contract or otherwise in the Director's discretion. After any default in the performance of any term or condition of the permit or accepted security, the County, the surety, and any person employed or engaged on their behalf may enter the site to complete the required work.

\* \* \*

**Sec. 49-38. Acceptance of roads.**

\* \* \*

- (b) Any action by the County to accept a road must be in writing and fully identify the portion accepted. Any accepted road must conform to [the standards and specifications of] this Chapter and all other applicable laws in force at the time of acceptance.

\* \* \*

**Sec. 49-39. Pre-acceptance review by County.**

\* \* \*

- (b) After completion and final inspection of a road, the County must either accept the road, if the Director of Permitting Services finds that its construction has met all requirements of this Article, and release the bond, or the Director must reject the road by written notice to the permittee and surety, where an acceptable security was posted, specifying the reasons for rejection by reference to the particular requirement which has been violated, and allow a specified reasonable time for the permittee or surety to comply with all applicable [requiements] requirements.

\* \* \*

**Sec. 49-40. Waivers of requirements of Article.**

- (a) The Director of Permitting Services may waive any requirement of this Article for sidewalks, bikeways, rights-of-way widths, grade percentages, full-width grading, and the construction of both roadways of a dual road, or any combination of them, as allowed in this Section, for any road constructed by the County or a permittee.
- (b) The Director must apply the following standards for granting or denying waivers:
- (1) *Sidewalks and Sidepaths.*

(A) *Waiver authority.* The Director, after consultation with the staff of the Planning Board, may waive any requirement, subject to (B), to install sidewalks or sidepaths if:

- (i) the lots abutting the right-of-way are unimproved;
- (ii) the street was lawfully graded before August 15, 1950, and the terrain is so steep and uneven that grading for sidewalks or sidepaths cannot be done except at excessive cost, or
- (iii) houses or buildings abutting the right-of-way which were constructed before August 15, 1950, are so situated, and the property upon which those houses or buildings are located is so graded, that the construction of sidewalks or sidepaths is undesirable.

(B) *Waivers not allowed.* [Notwithstanding the preceding subparagraph, the] The Director [may] must deny a waiver if:

- (i) the street involved is [a Primary Residential Street] an Area Connector, Neighborhood Connector, Industrial Street, [Business District Street, Minor Arterial or Arterial, Major Highway] Downtown Street, Town Center Street, Downtown Boulevard, Town Center Boulevard, Boulevard, or Controlled Major Highway; or
- (ii) the required sidewalks or bikeways are necessary or desirable to provide safe access for pedestrians and/or bicyclists.



(C) *Waiver and fee payment.* As an alternative to building a sidewalk or bikeway on an existing or proposed street, the Director ~~[[may allow]]~~ must require an applicant to pay a fee if the applicant shows that building a sidewalk or bikeway as required would cause extreme hardship or if the Director finds that it would cause significant environmental impact. The sidewalk or bikeway that would be waived must not connect to another existing or proposed sidewalk, [shared use path] bikeway, bus stop, school, or other public [faciity] facility. The fee must equal the full cost to build the sidewalk or bikeway, including the design and supervision costs. This fee must be paid, any necessary right-of-way must be dedicated, and any necessary perpetual easement must be recorded before the Director issues any road construction permit for the proposed public street. The revenue from these fees must be assigned to a capital account for sidewalk or bikeway construction and may be spent as appropriated by the County Council.

\* \* \*

(4) *Full-width grading.* The Director may waive or reduce any requirement for full-width grading if:

\* \* \*

(C) for a [Secondary Residential or Tertiary Residential] Neighborhood Street or Neighborhood Yield Street, the applicant proposes to extend an existing paved road which ends short of an intersection, the right-of-way containing the

existing paved road is not graded to its full width and the  
waiver does not apply beyond the intersection.

\* \* \*

# **ARTICLE 4. ACQUISITION OF LAND.**

## **Sec. 49-45. Authority to acquire land for transportation purposes.**

The County may buy land which is needed in connection with:

- (a) the opening of any new road, [shared use path] bikeway, or sidewalk,

\* \* \*

## **Sec. 49-50. Optional method of condemnation of land for streets or roads.**

As authorized by Section 40A of Article III of the Maryland Constitution, the County may acquire any land or interest in land required for a right-of-way for a County road or street by using the following procedure:

\* \* \*

- (b) (1) Promptly after being appointed, the broker or appraiser must estimate the fair market value of the property or interest and submit a written report to the County.

- (2) The County then may be petition, naming the owner and all persons of record whose interest in the property would be taken, pay to the Circuit Court the amount estimated by the broker or appraiser to be the fair market value of the property, and record a copy of the resolution of taking in the County land records. A copy of the resolution must be attached to the petition and filed with the Circuit Court. A copy of the petition and resolution must be [served on] sent to each person named in the petition.

\* \* \*

**ARTICLE 5. COUNTY ROADS – AUTHORITY AND FUNDING.**

**Sec. 49-51. [Definitions] Reserved.**

[As used in this Article:

*Construction* means construction or reconstruction (but not maintenance), and includes grading, installation of drainage structures, and paving.

*Road*: includes any road, street, highway, avenue, lane, alley, bridge, shared use path, sidewalk, viaduct, and any related storm drain and stormwater management facility.]

\* \* \*

**Sec. 49-53. Public hearing; notice.**

\* \* \*

(e) The Director need not hold a hearing under subsection (d) before a sidewalk or [shared use path] sidepath is constructed if:

\* \* \*

**Sec. 49-57. Roads partly in unincorporated area and partly in city or town.**

(a) *Building roads.*

(1) If a road, bridge, storm drain, sidewalk, [shared use path] sidepath, transitway, or other transportation facility is located partly in the unincorporated area of the [county] County and partly in a municipality or special taxing district that is authorized by law to build or maintain that part of the facility that is located in the municipality, either the County or the municipality or special taxing district may improve the entire facility according to applicable County laws or any law or regulation that applies in the municipality or special taxing district, respectively, as if the facility

were completely located in the unincorporated area of the [county]  
County or in the municipality or special taxing district.

\* \* \*

(3) The County may build or improve a road, bridge, storm drain,  
sidewalk, [shared use path] sidepath, bikeway, transitway, or other  
transportation facility which it is authorized by law to construct  
and maintain, including when the facility is located partly or  
entirely in a municipality or special taxing district. Before taking  
any action under this paragraph, the Executive must consult each  
affected municipality.

\* \* \*

## ARTICLE 6. ABANDONMENT AND CLOSING OF RIGHTS-OF-WAY.

### Sec. 49-62. Abandonment authority; scope of Article; procedures.

(a) *Authority.* The County Council, by adopting a resolution, may close to  
public use or abandon the County's right to use any right-of-way. As  
used in this Article, *right-of-way* means any road, [street, alley,  
crosswalk, pedestrian walkway, shared use path] sidewalk, bikeway,  
crosswalk, water main, sanitary sewer, storm sewer, or storm drainage  
right-of-way used at any time by the public, including use by pedestrians  
and bicyclists. This Article applies to all rights-of-way except as  
provided in subsection (j) and State road rights-of-way, and may apply to  
a State road right-of-way if the appropriate State agency expressly  
consents. Before the Council adopts a resolution under this Article, the  
procedures in this Article must be followed.

\* \* \*

(h) *Agencies.* The government agencies and other parties from which the Executive must solicit a response are:

(1) the Department of Transportation;

(2) the Department of Permitting Services;

~~[(2)]~~(3) the Maryland-National Capital Park and Planning Commission;

~~[(3)]~~(4) the Washington Suburban Sanitary Commission, if any part of

the right-of-way is located in the Washington Suburban Sanitary

District;

~~[(4)]~~(5) each public utility authorized by the Public Service Commission

to operate in the area and which has any overhead or underground

facilities in the vicinity;

~~[(5)]~~(6) the governing body of each incorporated municipality or special

taxing district in which any of the right-of-way is located;

~~[(6)]~~(7) ~~[The]~~ the Police Department;

~~[(7)]~~(8) the County Fire and Rescue Service; and

~~[(8)]~~(9) ~~[Any]~~ any grantee of a franchise under Article 2, if the franchise

authorizes the grantee to install or use any facility in, over, or under

the affected right-of-way.

(i) *Temporary closure.* This Article does not apply to any temporary closure required by a construction traffic control plan if the closure does not last longer than 12 months. If special circumstances require that a temporary closure last longer than 12 months, the Director of Transportation must apply to the Council for approval to extend the closure [for a specified period that does not exceed 24 months]. The Council, by resolution, may approve an extended temporary closure under this subsection without following the procedures in this Article.

\* \* \*

**ARTICLE 8. RUSTIC ROADS PROGRAM.**

\* \* \*

**Sec. 49-77. Definitions.**

In this Article, the following terms have the meanings indicated:

*Committee* means the Rustic Roads Advisory Committee.

*Exceptional rustic road* means an existing public road or road segment which is so classified under Section 49-78.

[*Master Plan of Highways* means the Master Plan of Highways Within Montgomery County, an amendment to the General Plan for the Physical Development of the Maryland-Washington Regional District.]

*Public utility* means any private company or public agency that is regulated as a public utility under state law, or otherwise provides water, sewer, electric, gas, telephone, or cable service (as defined in Chapter 8A) in the County.

*Rustic road* means an existing public road or road segment which is so classified under Section 49-78.

**Sec. 49-78. Rustic road classification and reclassification.**

(a) *Classification.* The County Council may classify, reclassify, or revoke the classification of an existing public road or road segment as a rustic road or an exceptional rustic road by approving an amendment to the [Master Plan of Highways] functional plan and the relevant area [Master Plan] master plan.

\* \* \*

(b) *Criteria for rustic road.* Before classifying a road as rustic, the Council must find that an existing public road or road segment:

\* \* \*

1564                   (5)    the history of vehicle and pedestrian [[accidents]] crashes on  
 1565                                   the road in its current configuration does not suggest unsafe  
 1566                                   conditions.

1567   \*           \*           \*

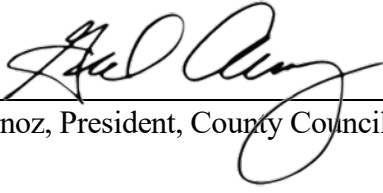
1568   **Sec. 49-80. Rustic Roads Advisory Committee.**

1569   \*           \*           \*

1570                   (f)    *Advocacy.* The [[Commission]] Committee must not engage in any  
 1571                                   advocacy activity at the State or federal levels unless that activity is  
 1572                                   approved by the Office of Intergovernmental Relations.

1573   \*           \*           \*

*Approved:*



Gabriel Albornoz, President, County Council

10/26/2022

Date

*Approved:*

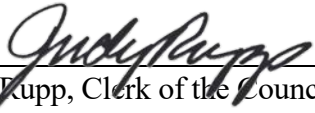


Marc Elrich, County Executive

11/7/2022

Date

*This is a correct copy of Council action.*



Judy K. Rupp, Clerk of the Council

11/7/2022

Date