

Chapter 700

(House Bill 786)

AN ACT concerning

State Highway Administration – Sidewalk or Bicycle Pathway Construction in Priority Funding Areas

FOR the purpose of requiring the State Highway Administration to categorize in a certain manner and give certain funding priority to sidewalk or bicycle pathway construction projects ~~along urban highways~~ in priority funding areas under certain circumstances; authorizing the State to fund the entire cost of certain sidewalk or bicycle pathway construction projects; altering a certain funding formula that applies to sidewalk or bicycle pathway construction projects in priority funding areas under certain circumstances; and generally relating to sidewalk or bicycle pathway construction in priority funding areas.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–630
Annotated Code of Maryland
(2008 Replacement Volume and 2009 Supplement)

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

Article – Transportation

8–630.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Municipal corporation” has the meaning stated in Article 23A, § 9 of the Code.
- (3) “Urban highway” means a highway, other than an expressway, that is:
- (i) 1. Constructed with a curb and gutter and an enclosed type storm drainage system;
 2. Located in an urban area and on which is located a public facility that creates appreciable pedestrian traffic along the highway from adjacent areas;

- U.S. Census Bureau; or
3. Located within urban boundaries as defined by the U.S. Census Bureau; or
 4. Located within the boundaries of a municipal corporation; and
- (ii) Part of the State highway system.

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

- (i) The Administration determines that the cost or impacts of constructing the sidewalks would be too great in relation to the need for them or their probable use; or
- (ii) The local government indicates that there is no need for sidewalks.

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

~~(3) IF A LOCAL GOVERNMENT REQUESTS CONSTRUCTION OF SIDEWALKS ALONG AN URBAN HIGHWAY WITHIN AN AREA DESIGNATED AS A PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE ADJACENT ROADWAY IS NOT BEING CONCURRENTLY CONSTRUCTED OR RECONSTRUCTED, AND IF THE ADMINISTRATION DETERMINES THAT A SUBSTANTIAL PUBLIC SAFETY RISK EXISTS, THE ADMINISTRATION SHALL CATEGORIZE THE SIDEWALK CONSTRUCTION PROJECT AS "SYSTEM PRESERVATION" AND GIVE CORRESPONDING FUNDING PRIORITY TO THE SIDEWALK CONSTRUCTION PROJECT.~~

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

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

(3) If sidewalks or bicycle pathways within a designated neighborhood as defined in § 6–301 of the Housing and Community Development Article are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway may be funded entirely by the State.

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

(ii) If sidewalks or bicycle pathways within an area designated as a priority funding area under § 5–7B–02 of the State Finance and Procurement Article are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, and if the Administration determines ~~that a substantial public safety risk exists and~~ that construction would not occur under this section due to insufficient contribution of funds by the local government, the cost to construct or reconstruct the sidewalk or bicycle pathway shall be shared between the State and local government as follows:

1. 75 percent of the cost shall be funded by the State;
- and
2. 25 percent of the cost shall be funded by the local government.

(III) IF SIDEWALKS OR BICYCLE PATHWAYS WITHIN AN AREA DESIGNATED AS A PRIORITY FUNDING AREA UNDER § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE ARE CONSTRUCTED OR RECONSTRUCTED BASED ON A DETERMINATION BY THE ADMINISTRATION THAT A SUBSTANTIAL PUBLIC SAFETY RISK OR SIGNIFICANT IMPEDIMENT TO PEDESTRIAN ACCESS EXISTS AND THE ADJACENT ROADWAY IS NOT BEING CONCURRENTLY CONSTRUCTED OR RECONSTRUCTED, THEN:

1. THE ADMINISTRATION SHALL CATEGORIZE THE SIDEWALK OR BICYCLE PATHWAY CONSTRUCTION PROJECT AS “SYSTEM PRESERVATION” AND GIVE CORRESPONDING FUNDING PRIORITY TO THE PROJECT; AND

2. THE COST TO CONSTRUCT OR RECONSTRUCT THE SIDEWALK OR BICYCLE PATHWAY MAY BE FUNDED ENTIRELY BY THE STATE.

(5) If sidewalks or bicycle pathways are being constructed or reconstructed in response to a request from a local government and the adjacent

roadway is not being concurrently constructed or reconstructed, the local government shall:

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

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

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

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

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

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

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

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

(2) Exist adjacent to urban highways.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.