

HOUSE BILL 194

R1

0lr0687
CF 0lr2719

By: **Delegates Korman, Bagnall, Bartlett, Carey, Carr, Dumais, Feldmark, Forbes, Kelly, Krimm, R. Lewis, Lisanti, Love, McIntosh, Moon, Palakovich Carr, Pena-Melnyk, Proctor, Qi, Shetty, Solomon, Stewart, Terrasa, and P. Young**
Introduced and read first time: January 16, 2020
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Highway Work Permits – Pedestrian Access**
3 **(Pedestrian Access Act of 2020)**

4 FOR the purpose of requiring a person that obtains a highway work permit from the State
5 Highway Administration to maintain pedestrian access at certain work sites;
6 requiring the Administration to adopt certain regulations governing pedestrian
7 access in areas subject to a highway work permit; defining certain terms; and
8 generally relating to pedestrian access in areas subject to a highway work permit.

9 BY repealing and reenacting, with amendments,
10 Article – Transportation
11 Section 8–646
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2019 Supplement)

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

16 **Article – Transportation**

17 8–646.

18 (a) Except as permitted by this section or in accordance with a permit obtained
19 from the Administration, a person may not:

20 (1) Make an opening in any State highway;

21 (2) Place any structure on any State highway;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



(3) Change or renew any structure placed on any State highway;

(4) Dig up any State highway for any purpose, including the placement of pipes, sewers, poles, wires, or rails;

(5) Plant or remove any tree on any State highway; or

(6) Place any obstruction or improvement on any State highway.

(b) (1) The Administration may issue a permit for work otherwise prohibited by subsection (a) of this section.

(2) Work done under the permit shall be performed to the satisfaction of the Administration and under its supervision.

(3) IF THE WORK DONE UNDER THE PERMIT WILL BE PERFORMED WITHIN 2 MILES OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY RAIL SERVICES OR TRANSIT STATIONS OR MARYLAND TRANSIT ADMINISTRATION TRANSIT STATIONS, INCLUDING MARYLAND AREA REGIONAL COMMUTER (MARC) STATIONS, THE PERSON TO WHOM THE PERMIT IS ISSUED OR BY WHOM THE WORK IS DONE SHALL MAINTAIN PEDESTRIAN ACCESS AT THE WORK SITE IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER THIS SECTION.

(4) The person to whom the permit is issued or by whom the work is done shall pay the cost of replacing the highway in as good a condition as before the work was done.

[(4)] (5) (i) The Administration shall require a nongovernment applicant for a permit issued under this subsection who is a developer to submit a performance bond, letter of credit, or other surety acceptable to the Administration.

(ii) The Administration shall require a nongovernment applicant for a permit issued under this subsection to submit a payment bond, letter of credit, or other surety acceptable to the Administration if:

1. The amount of the improvement is estimated to exceed \$100,000;

2. The project is financed, in whole or in part, by private funds; and

3. The entire improvement is located outside the applicant's property.

(c) The Administration may apply to the circuit court in the subdivision in which the violation occurred or is threatened for appropriate injunctive relief.

1 **(D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**
2 **MEANINGS INDICATED.**

3 **(II) “BIKE LANE” HAS THE MEANING STATED IN § 21-101 OF**
4 **THIS ARTICLE.**

5 **(III) “SIDEWALK SHED” MEANS A TEMPORARY STRUCTURE**
6 **ERECTED OVER A SIDEWALK OR PEDESTRIAN WALKWAY TO:**

7 **1. PROTECT PEDESTRIANS FROM DEBRIS THAT MAY**
8 **FALL FROM CONSTRUCTION WORK ABOVE THE SIDEWALK OR PEDESTRIAN**
9 **WALKWAY; AND**

10 **2. MAINTAIN PEDESTRIAN ACCESS TO THE SIDEWALK**
11 **OR PEDESTRIAN WALKWAY WHEN CONSTRUCTION OR MAINTENANCE OCCURS NEAR**
12 **THE SIDEWALK OR PEDESTRIAN WALKWAY.**

13 **(2) THE ADMINISTRATION SHALL ADOPT REGULATIONS GOVERNING**
14 **THE MAINTENANCE OF PEDESTRIAN ACCESS IN AREAS WHERE CONSTRUCTION OR**
15 **MAINTENANCE WORK IS PERFORMED IN ACCORDANCE WITH A PERMIT ISSUED**
16 **UNDER THIS SECTION.**

17 **(3) THE REGULATIONS ADOPTED UNDER PARAGRAPH (2) OF THIS**
18 **SUBSECTION SHALL:**

19 **(I) PROHIBIT THE ERECTION OF A SIDEWALK SHED UNLESS:**

20 **1. THE ADMINISTRATION HAS APPROVED THE**
21 **ERECTION OF THE SIDEWALK SHED UNDER A PERMIT ISSUED UNDER THIS SECTION;**
22 **OR**

23 **2. THE PERSON THAT WILL APPLY FOR THE PERMIT OR**
24 **DO THE WORK DETERMINES THAT IMMEDIATE ERECTION OF A SIDEWALK SHED IS**
25 **NECESSARY FOR PUBLIC SAFETY;**

26 **(II) REQUIRE THE PERSON SPECIFIED UNDER ITEM (I)2 OF THIS**
27 **PARAGRAPH TO APPLY FOR A PERMIT WITHIN 24 HOURS AFTER ERECTING THE**
28 **SIDEWALK SHED;**

29 **(III) SPECIFY STANDARDS AND REQUIREMENTS FOR SIDEWALK**
30 **SHEDS AND OTHER STRUCTURES THAT MAINTAIN PEDESTRIAN ACCESS, INCLUDING**
31 **REQUIREMENTS REGARDING:**

1 1. LENGTH, WIDTH, AND HEIGHT OF THE STRUCTURES;

2 2. LIGHTING IN AND AROUND THE STRUCTURES;

3 3. COMPLIANCE WITH THE FEDERAL AMERICANS WITH
4 DISABILITIES ACT;

5 4. THE STORAGE OF SUPPLIES AND OTHER MATERIALS
6 ON THE ROOF OF A SIDEWALK SHED;

7 5. CIRCUMSTANCES UNDER WHICH A STRUCTURE MAY
8 BLOCK OTHER HIGHWAY FEATURES, INCLUDING EXITS, ENTRANCES, LOADING
9 AREAS, AND STREET SIGNS; AND

10 6. MAINTAINING ACCESS TO BIKE LANES, IN THE
11 FOLLOWING DESCENDING ORDER OF PRIORITY:

12 A. PROVIDING A BIKE LANE ON THE SAME HIGHWAY
13 THAT THE BLOCKED BIKE LANE IS ON BY SHIFTING AND NARROWING ADJACENT
14 LANES OF TRAFFIC;

15 B. PROVIDING A BIKE LANE IN AN EXISTING LANE OF
16 TRAFFIC;

17 C. MERGING BICYCLISTS AND ADJACENT TRAFFIC INTO
18 A SHARED LANE OF TRAFFIC; AND

19 D. PROVIDING A BIKE LANE DETOUR ROUTE; AND

20 (IV) ADDRESS ANY OTHER ISSUE THE ADMINISTRATION
21 DETERMINES IS NECESSARY FOR THE MAINTENANCE OF PEDESTRIAN ACCESS IN
22 AREAS WHERE CONSTRUCTION OR MAINTENANCE WORK IS PERFORMED IN
23 ACCORDANCE WITH A PERMIT ISSUED UNDER THIS SECTION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2020.