

Expedited Bill No. 34-16
Concerning: Streets and Roads – Design
Revised: 11/3/2016 Draft No. 5
Introduced: August 2, 2016
Enacted: November 15, 2016
Executive: _____
Effective: February 13, 2017
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Planning, Housing, and Economic Development Committee

AN EXPEDITED ACT to:

- (1) clarify that certain permanent, nonstandard structures may be installed in the public right-of-way under certain circumstances;
- (2) require a permit to close any portion of a private road;
- (3) define certain terms; and
- (4) ~~[[establish road design criteria; and]]~~
- (5) generally amend County law regarding rights-of-way and streets and roads.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Sections 49-1, 49-11, 49-26 and 49-33

And adding

Section 49-11A

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

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

Sec. 1. Sections 49-1, 49-11, 49-26 and 49-33 are amended as follows:

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

* * *

(b) The closure of any private road must meet the standards and requirements of Chapter 22, and [[a person]] the owner of the private road must obtain a permit from the Department of Permitting Services if required under Section 49-11A.

(c) The County Executive may issue regulations under method (2) to implement this Chapter, except where a different method is specified.

[(c)] (d) Any violation of this Chapter or any regulation issued under it is a Class B violation, except when expressly provided otherwise.

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

(a) Unless this Section prohibits the issuance of a permit, the Director of Permitting Services may issue a permit to:

* * *

(3) install a temporary, removable obstruction or occupation of a right-of-way; [or]

(4) close a curb lane, sidewalk, or shared use path in conjunction with the construction or reconstruction of an abutting structure[.]; or

(5) install permanent, nonstandard structures in the right-of-way that were approved by the Planning Board, the City of Rockville, or the City of Gaithersburg in a site plan as a site element of streetscape [[under Chapter 59, Section 7.3.4]]. Streetscape includes street furnishings, fixtures and elements in connection with public use of the right-of-way but does not include enclosed structures or vaults or improvements for private use. The permit

applicant must execute a declaration of covenants that runs with
 the land on which the project associated with the streetscape is
 being developed to perpetually maintain the ~~[[permanent,~~
~~nonstandard structure]]~~ permitted streetscape in a good and safe
 condition; return the right-of way to its condition before the
~~[[nonstandard structure]]~~ permitted streetscape was installed if
 the nonstandard ~~[[structure]]~~ permitted streetscape is removed;
 and indemnify the County from any cost or liability associated
 with the construction, maintenance, use or removal of the
 nonstandard ~~[[structure]]~~ permitted streetscape.

* * *

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 ~~[[impede the]]~~ interfere with use of the private road by persons ~~[[in wheelchairs]]~~ 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 ~~[[area transportation network]]~~ use of connecting public roads.
- (c) ~~[[A person]]~~ An application to close a private road may only be made by the owner of the private road. The owner must apply for a permit

on a form prescribed by the Director of Permitting Services, submit detailed ~~[[plans and specifications]]~~ information, including the locations to be closed, duration of closure, location of required temporary closure signs, purpose of closure, and use and occupancy of all buildings or structures adjacent to or abutting the private road, and any additional information as the Director may require.

(d) The Director of Permitting Services ~~[[must]]~~ may charge a fee, set by Method 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.

(e) Before the Director of Permitting Services issues a permit to close a private road in whole or in part under this Section, the Director of Transportation must review ~~[[and approve]]~~ or waive review each application ~~[[for closure of a private road]]~~ to ensure that closure will not adversely impact ~~[[the area transportation network]]~~ the use of connecting public roads. The Director of Transportation may recommend permit conditions to the Director of Permitting Services. ~~[[approve]]~~ The owner of a private road must submit a temporary traffic control plan that requires signage during closure to inform pedestrians about the duration of the closure, the permit number, and the owner's contact telephone number to call that address conditions of closure as may be required by the Director of Permitting Services.

* * *

49-26. Definitions.

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

[[AASHTO: The American Association of State Highway and Transportation Officials. The guidelines in the 2011 (6th edition) of “A Policy on Geometric Design of Highways and Streets” manual, as revised from time to time.]]

* * *

Private Road: Any street, highway, avenue, lane, alley, or viaduct, or any segment of any of them, including any pedestrian walkway adjacent to the private road that has not been deeded, dedicated or otherwise permanently appropriated to the public for public use.

* * *

49-33. Road [[Design]] and Construction requirements.

* * *

[[n) Requirements for Profiles Submitted for Approval to the Department of Permitting Services. Design requirements are:

(1) An applicant must use the vertical curve guidance in the current edition of the AASHTO, as modified below, for designing roadway profiles.

(2) The “Target Speed” for the proposed road as determined by this Chapter, Executive Regulation, or the applicable master plan, must be used as the “Design Speed” referred to in AASHTO. Unless otherwise specified in a master plan or the approved capital improvements program, the maximum target speed for a road in an urban area is 25 mph.

(3) Landing grades must be provided at all arterial roads and primary residential streets, using a 2% slope down from the center line of the road intersected to a point along the gutter line, then a 2%

slope up, providing a low point at the gutter line of the intersected arterial road or primary residential street and a short tangent grade of 2% rising to the point of tangent for the fillet curve at the intersection.

(4) Landing grades to secondary residential roads may be provided with a cross slope of 4% or less. Landing grades to tertiary residential roads may be provided with a cross slope of exceed 6% or less.

(5) The grades for arterial roads and primary residential streets must be 4% or less at any intersection with other roads.

(6) The grades for arterial roads and primary residential roads must be 8% or less, except where short theoretical tangent projections for vertical curves require a greater grade.

(7) The grades for secondary residential streets must be 10% or less, except where short theoretical projections for vertical curves require a greater grade.

(8) Maximum grades for tertiary residential streets are as follows:

(A) Where parking abuts the road - 10%;

(B) In any case - 14%; and

(C) Elsewhere, for a length of 200 feet or less (but not within 200 feet of a secondary or primary residential street nor within 250 feet of arterial or higher classification) - 12%".

(9) The minimum length for any crest or sag vertical curve is 50 feet.

(10) The calculated minimum curve lengths may be adjusted, with approval from the Department of Permitting Services, to satisfy unique site conditions or design constraints.]]

* * *

135 **Sec. 2. Expedited Effective Date.**

136 The Council declares that this legislation is necessary for the immediate
137 protection of the public interest. This Act takes effect on February 13, 2017.

138 *Approved:*

139

140 *Nancy Floreen* *November 14, 2016*

Nancy Floreen, President, County Council

Date

141 *Approved:*

142

Isiah Leggett, County Executive

Date

143 *This is a correct copy of Council action.*

144

Linda M. Lauer, Clerk of the Council

Date