Montgomery County Council

Committee: TE
Committee Review: At a future date
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #sidewalks

AGENDA ITEM #17
November 10, 2026
Public Hearing

SUBJECT

Bill 51-26, Streets and Roads - Public Hearing Requirements – Amendments

Lead Sponsor: Councilmember Glass

Co-Sponsors: Council President Fani-González, Councilmembers Friedson, Evans, Balcombe, Luedtke, Sayles, Stewart, Katz, Jawando, and Mink

EXPECTED ATTENDEES

Members of the Public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- To receive public testimony

DESCRIPTION/ISSUE

Bill 51-26 would:

(1) modify requirements related to public hearing for a sidewalk or side path; and
(2) generally amend the County law concerning streets and roads.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report	Pages 1-3
Bill 51-26	©1
Climate Assessment	©3
Economic Impact Statement	©6

*The Fiscal Impact Statement was not available from the Office of Management and Budget at publication of this staff report.

*The Racial Equity & Social Justice Impact Statement was not available at the time of publication of this staff report. They can be found at the below address when available: Racial Equity and Social Justice, Economic, and Climate Impact Statements - Office of Legislative Oversight- Montgomery County, Maryland (montgomerycountymd.gov)

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Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

Agenda Item #17
November 10, 2026
Public Hearing

M E M O R A N D U M

November 5, 2026

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 51-26, Streets and Roads - Public Hearing Requirements – Amendments

PURPOSE: Public Hearing – to receive testimony

Councilmember Glass is the Lead Sponsor of Bill 51-26, Streets and Roads - Public Hearing Requirements – Amendments, and it is Co-Sponsored by Council President Fani-González, Councilmembers Friedson, Evans, Balcombe, Luedtke, Sayles, Stewart, Katz, Jawando, and Mink, which was introduced on October 20, 2026. A public hearing is scheduled for November 10, 2026, and a Transportation and Environment (TE) Committee worksession will be held on November 16, 2026.

Bill 51-26 would:

(1) modify requirements related to public hearing for a sidewalk or sidepath; and
(2) generally amend the County law concerning streets and roads.

BACKGROUND

The Montgomery County Department of Transportation (MCDOT) manages and implements the Annual Sidewalk Program. As stated on MCDOT's website, the Annual Sidewalk Program installs multiple minor sidewalk projects each year to fill out missing links in existing sidewalk networks. The program's major goals are to provide safer access for people with disabilities and to improve pedestrian access to schools and nearby public transportation or public facilities.[1]

New construction already requires sidewalk installation, and the Sidewalk Program supports funding for older communities that need to comply with safety standards, address neighborhood concerns, or better meet community needs. An individual or organization can request a sidewalk.

[1] https://www.montgomerycountymd.gov/department-transportation/about-mcdot/divisions/division-transportation-engineering-dte/sidewalk-program

Under Section 49-53(d), before beginning construction of any road (a sidewalk is considered a road as defined under Section 49-26), the Director of Transportation or the Director's designee must hold a public hearing to receive comments on the proposed design of the road.

However, the law also allows the Director to waive a public hearing under certain circumstances. In 2010, the Council enacted Bill 3-10, Streets and Roads – Sidewalk – Public Hearing Requirements,[2] which waived the required public hearing for certain sidewalks and side paths. The purpose was to expedite the administrative approval process by allowing faster construction of noncontroversial sidewalks and hiker-biker paths that have substantial community support, are entirely in the public right-of-way, and don't require detailed engineering design.

Bill 51-26 seeks to further modify the public hearing requirements.

BILL SPECIFICS

Currently, under Section 49-53(e), a public hearing may be waived if:

> (1) the sidewalk or path can be constructed entirely in one or more existing public rights-of-way without a detailed engineering design;
>
> (2) (A) **[a civic association, homeowner's association, or other organization, which includes a substantial number of owners of property located on the proposed route of the sidewalk or path, has filed a notice of its support for the sidewalk or path with the Executive or a designee**]; or (B) if no such organization has filed a notice of support, a petition signed by a **[majority of owners of property**] located on the proposed route of the sidewalk or path has been filed with the Executive or a designee; and
>
> (3) the Executive finds, after the Executive's designee has given notice to and met with residents of the area, that no significant controversy has arisen that would require a public hearing to be held.

Bill 51-26 would reduce the administrative public hearing requirement under Section 49-53 for sidewalk or side path construction but still retain a community-support mechanism.

Specifically, the Bill would amend paragraph (2), as bolded above, by removing the notice-of-support requirement submitted by a civic association, homeowner's association, or other organization and instead have MCDOT determine whether the proposed sidewalk would impact private property. An impact on private property would include: 1) require the acquisition or use of private property; 2) materially impair access to private property; or 3) impose a special assessment on the affected property owner.

In addition, the Bill would lower the number of property owners required to sign a petition to waive the public hearing, from "a majority of owners of property" to at least 25% of property owners located on the proposed route of the sidewalk or path, as filed with the Executive. Therefore, lowering the petition threshold.

[2] https://apps.montgomerycountymd.gov/ccllims/BillDetailsPage?RecordId=710&fullTextSearch=3-10

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Economic Impact Statement	6

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Bill No. 51-26
Concerning: Streets and Roads – Public Hearing Requirements – Amendments
Revised: 10/15/2026 Draft No. 1
Introduced:
Expires: December 7, 2026
Enacted:
Executive:
Effective:
Sunset Date: None
Ch. ____, Laws of Mont. Co. ____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Glass
Co-Sponsors: Council President Fani-González, Councilmembers Friedson, Evans, Balcombe, Luedtke, Sayles, Stewart, Katz, Jawando, and Mink

AN ACT to:

(1) modify requirements related to public hearing for a sidewalk or sidepath; and
(2) generally amend the County law concerning streets and roads.

By amending
Montgomery County Code
Chapter 49, Streets and Roads
Section 49-53

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets**]**	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets**]]**	*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. Section 49-53 is amended as follows:

49-53. Public hearing; notice.

* * *

(d) Before beginning construction of any road, the Director of Transportation or the Director's designee must hold a public hearing to receive comments on the proposed design of the road.

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

(1) the sidewalk or path can be constructed entirely in one or more existing public rights-of-way without a detailed engineering design;

(2) **[**(A) a civic association, homeowner's association, or other organization, which includes a substantial number of owners of property located on the proposed route of the sidewalk or path, has filed a notice of its support for the sidewalk or path with the Executive or a designee;**]** the sidewalk or sidepath will not:

(A) require the acquisition or use of private property;

(B) materially impair access to private property; or

(C) impose a special assessment on an affected property owner;

(3) **[**(B) if no such organization has filed a notice of support,**]** a petition signed by **[**a majority of owners**]** at least 25% of property owners located on the proposed route of the sidewalk or path has been filed with the Executive or a designee; and

[(3)**]** (4) the Executive finds, after the Executive's designee has given notice to and met with residents of the area, that no significant controversy has arisen that would require a public hearing to be held.

Climate Assessment

Office of Legislative Oversight

BILL 51-26: STREETS AND ROADS – PUBLIC HEARING REQUIREMENTS - AMENDMENTS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Bill 51-26 will have no impact on the County's contribution to addressing climate change as it is proposing modifications to requirements for public hearings for sidewalk or side path related projects.

BACKGROUND AND PURPOSE OF BILL 51-26

Through the Annual Sidewalk Program, the Montgomery County Department of Transportation (MCDOT) installs multiple minor sidewalk projects each year. These projects fill missing links in the County's existing sidewalk networks. Annual Sidewalk Program projects aim to provide safer access for disabled community members and improve pedestrian access to schools and public transportation and facilities. Projects originate from requests made by community members and organizations.[1] MCDOT provides an interactive map that shows the location and status of sidewalk and curb ramp requests in the County.[2]

Currently, County law requires MCDOT to hold a public hearing for sidewalk or side path construction projects. However, the public hearing can be waived if a project meets the following criteria:[3]

- The sidewalk or path can be constructed entirely within an existing public right-of-way;
- A majority of property owners located along the proposed sidewalk or path have indicated their support for it; and
- The County Executive finds there is "no significant controversy" that would require a public hearing after giving notice of the sidewalk or path and meeting with residents of the area.

The purpose of Bill 51-26 is to reduce the public hearing requirement for certain sidewalk or path projects. If enacted, Bill 51-26 would add to the existing criteria to waive a public hearing, and require that a sidewalk or path will not:[4]

- Require the acquisition or use of private property;
- Materially impair access to private property; or
- Impose a special assessment on an affected property owner.

Bill 51-26 would also lower the community support requirement to waive a public hearing. Instead of a majority, it would require at least 25 percent of property owners located along a proposed sidewalk or path to indicate their support for the project.[5]

According to its lead sponsor, Bill 51-26 "removes bureaucratic hurdles and expedites project approval by removing the public hearing requirement for certain projects."[6]

The Council introduced Bill 51-26 on October 20, 2026.

ANTICIPATED IMPACTS

Sidewalks and side paths are important infrastructure for safe pedestrian travel. They can encourage residents to walk to their destination, or walk to public transit, rather than travel via personal vehicle.[7] By building infrastructure that encourages modes of transportation that are carbon free or less carbon intensive than driving a personal vehicle, it can lead to less greenhouse gas emissions associated with travel.[8] In Montgomery County, 45% of its total greenhouse gas emissions in 2023 was associated with travel.[9]

Under County law, it is required to hold a public hearing for sidewalk and side path projects, that can be waived under certain conditions. Waiving public hearings can expedite the administrative approval process. The Bill seeks to add more conditions under which public hearings could be waived, by allowing MCDOT to determine whether a proposed sidewalk would impact private property, removing the requirement for notice-of-support by a civic association, homeowner's association, or other organization, and lower the number of property owners required to sign a petition to waive the public hearing.[10]

The proposed modifications could expedite sidewalk and side path projects and allow for quicker planning and construction of pedestrian infrastructure. However, OLO cannot determine how many sidewalks would be able to be built due to the proposed changes, nor what future sidewalks will be linked to public transit. Further, while increasing pedestrian infrastructure like sidewalks can encourage residents to choose to walk to their destination or walk to public transit, OLO cannot measure the amount of greenhouse gas emissions that would be diverted by sidewalk projects exempt from public hearings under the proposed changes.

OLO anticipates Bill 51-26 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.[11] OLO does not offer recommendations or amendments as Bill 51-26 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help increase the County's community climate resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

[1] "Sidewalk Program," Montgomery County Department of Transportation; "Sidewalk Program Minor Projects," Montgomery County MD Capital Budget.
[2] "Montgomery County MD Sidewalk & Curb Ramp Requests," Montgomery County Department of Transportation.
[3] Montgomery County Code Sec. 49-53.
[4] Introduction Staff Report for Bill 51-26, Montgomery County Council, Introduced October 20, 2026.
[5] Ibid.
[6] "Councilmember Evan Glass Introduces Legislation Accelerating Sidewalk Construction and Strengthening Pedestrian Safety," Montgomery County Council, October 21, 2026.
[7] CDC, "Designing Activity-Friendly Communities", July 22, 2026.
[8] EPA, "Smart Growth and Transportation", Accessed October 21, 2026.
[9] Metropolitan Washington Council of Governments, "Community-Wide Greenhouse Gas Inventory Summary Montgomery County, Maryland", Accessed October 21, 2026.
[10] Montgomery County Government, Introduction Staff Report for Bill 51-26, Introduced October 13, 2026.
[11] Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

Economic Impact Statement

Montgomery County, Maryland

Bill 51-26, Streets and Roads - Public Hearing Requirements – Amendments

Summary

The Office of Legislative Oversight (OLO) anticipates that Bill 51-26 would have an insubstantial impact on economic conditions in the County, as assessed using the Council's priority economic indicators. The Bill would reduce the public hearing requirement for certain sidewalk or path projects with the County's Annual Sidewalk Program. While the Bill may decrease the timeline for completing some projects, it would not increase funding for the program. Therefore, it would likely have negligible economic effects on residents and private organizations in the County.

Background and Purpose of Bill 51-26

Through the Annual Sidewalk Program, the Montgomery County Department of Transportation (MCDOT) installs multiple minor sidewalk projects each year. These projects fill missing links in the County's existing sidewalk networks. Annual Sidewalk Program projects aim to provide safer access for disabled community members and improve pedestrian access to schools and public transportation and facilities. Projects originate from requests made by community members and organizations.[1] MCDOT provides an interactive map that shows the location and status of sidewalk and curb ramp requests in the County.[2]

Currently, County law requires MCDOT to hold a public hearing for sidewalk or side path construction projects. However, the public hearing can be waived if a project meets the following criteria:[3]

- The sidewalk or path can be constructed entirely within an existing public right-of-way;
- Most property owners located along the proposed sidewalk or path have indicated their support for it; and
- The County Executive finds there is "no significant controversy" that would require a public hearing after giving notice of the sidewalk or path and meeting with residents of the area.

The purpose of Bill 51-26 is to reduce the public hearing requirement for certain sidewalk or path projects. If enacted, Bill 51-26 would add to the existing criteria to waive a public hearing, and require that a sidewalk or path will not:[4]

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[1] "Sidewalk Program," Montgomery County Department of Transportation; "Sidewalk Program Minor Projects," Montgomery County MD Capital Budget.
[2] "Montgomery County MD Sidewalk & Curb Ramp Requests," Montgomery County Department of Transportation.
[3] Montgomery County Code Sec. 49-53.
[4] Introduction Staff Report for Bill 51-26, Montgomery County Council, Introduced October 20, 2026.

- Require the acquisition or use of private property;
- Materially impair access to private property; or
- Impose a special assessment on an affected property owner.

Bill 51-26 would also lower the community support requirement to waive a public hearing. Instead of a majority, it would require at least 25 percent of property owners located along a proposed sidewalk or path to indicate their support for the project.[5]

According to its lead sponsor, Bill 51-26 "removes bureaucratic hurdles and expedites project approval by removing the public hearing requirement for certain projects."[6]

The Council introduced Bill 51-26 on October 20, 2026.

Information Sources, Methodologies, and Assumptions

As required by Section 2-81B of the Montgomery County Code, this Economic Impact Statement evaluates the potential effects of Bill 51-26 on residents and private organizations, using the Council's priority economic indicators. In doing so, this analysis seeks to anticipate how the Bill could affect overall economic conditions in the County.7

Reducing the public hearing requirement for certain sidewalk or path projects with the County's Annual Sidewalk Program would not increase funding for the program. Therefore, OLO concludes that the Bill would have an insubstantial impact on economic conditions in the County, as assessed using the Council's priority economic indicators.

Variables

Not applicable

Impacts

WORKFORCE ▪ TAXATION POLICY ▪ PROPERTY VALUES ▪ INCOMES ▪ OPERATING COSTS ▪ PRIVATE SECTOR CAPITAL INVESTMENT ▪ ECONOMIC DEVELOPMENT ▪ COMPETITIVENESS

Not applicable

Discussion Items

Not applicable

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[5] Ibid.
[6] "Councilmember Evan Glass Introduces Legislation Accelerating Sidewalk Construction and Strengthening Pedestrian Safety," Montgomery County Council, October 21, 2026.
[7] Montgomery County Code, "Sec. 2-81B, Economic Impact Statements."

Caveats

Two caveats to the economic impact analysis conducted here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

Contributions

Stephen Roblin, PhD (OLO) prepared this report.