TE Item #1
November 16, 2026
Worksession

M E M O R A N D U M

November 12, 2026

TO: Transportation and Environment Committee

FROM: Ludeen McCartney-Green, Legislative Attorney

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

PURPOSE: Worksession – to receive a Committee recommendation

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 and Evans, Council Vice President Balcombe, Councilmembers Luedtke, Sayles, Stewart, Katz, Jawando, and Mink, which was introduced on October 20, 2026. A public hearing was held on November 10, 2026, with 13 speakers providing testimony. 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

Legislative History – Executive Public Hearing Requirement

Under 49-53(a), before an assessment for road construction is authorized, the County Executive or the Executive's designee must hold a public hearing. Any person who would be subject to an assessment or otherwise affected by the location or construction of the road is entitled to be heard at the hearing.

Under Section 49-26, a *road* means any street, road, street, highway, avenue, boulevard, lane, alley, bridge, **sidepath**, **sidewalk**, viaduct, or any segment of any of them, and any related storm drain and stormwater management facility.

Under this statutory requirement, all road construction projects (including sidewalks or sidepaths) are subject to a public hearing. The law created an administrative burden that delayed sidewalk decision-making. In 2009, the former Councilmember Valerie Ervin requested the then-Transportation, Infrastructure, Energy, and Environment Committee to "explore means to expedite the decision-making process regarding sidewalks under the Annual Sidewalk Program." *See*, © 15 Staff Report dated December 7, 2009, Page 1.

As a result of the 2009 Transportation Committee's commission, MCDOT identified that it would take up to 88 workdays, or 18 weeks, to complete the decision-making process for sidewalks built under the Annual Sidewalk Program, and this was on the short end. The Committee then questioned whether a public hearing was legally required for smaller, simpler sidewalks and shared-use paths. As cited on Page 2 of the December 7 Staff Report:

> "***Executive public hearing requirement***. The current law requires the Executive to hold a public hearing before any road construction or cost assessment is authorized; at the direction of the County Attorney about a decade ago, sidewalks and hiker-biker paths are considered under this same provision. **During deliberation over the Road Code bill in 2007, Executive staff recommended that the Executive be required to hold a public hearing only if an assessment is authorized, which historically was the reason for the legal requirement in the first place. Because any road (or sidewalk or path) to be constructed will have been the subject of at least one Council public hearing before its inclusion in a Capital Improvements Program, Council staff concurred that a subsequent Executive hearing is unnecessary. It was pointed out that these hearings rarely, if ever, result in a decision not to proceed with the project, or even a material change to it.** Nevertheless, when the then-President of the Montgomery County Civic Federation argued against removing the hearing requirement as an infringement of the public's opportunity to comment, the Council decided not to remove the requirement for an Executive hearing."

The sole legal requirement for an executive public hearing is when an assessment is authorized, or if a private property owner would be impacted. In the context of sidewalk construction, a cost assessment generally refers to a process by which the government determines the portion of the construction cost that may be charged to, or assessed against, benefiting property owners.[2]

[2] *Montgomery County v. Schultze*, 57 Md.App. 781, 471 A.2d 1129 (1984)

For example, when MCDOT constructs a sidewalk along a residential street, the County may determine whether adjacent property owners should bear some or all of the construction cost through a special assessment.

This is different from the County simply paying for sidewalk construction through its general capital improvement budget.

Current Sidewalk Approval Process

Even though there is no legal requirement for an executive public hearing for the Annual Sidewalk Program. The 2009 Transportation Committee decided to independently create a process, in law, that would allow a public hearing to be waived under certain circumstances. This gave rise to Bill 3-10, Streets and Roads Requirement – Sidewalks,[3] *See,* on © Staff Report dated March 2, 2010. This leads us to the current administrative approval process, under Section 49-53(e), which allows faster construction of noncontroversial sidewalks and hiker-biker paths with substantial community support that are entirely in the public right-of-way and don't require detailed engineering design.

Council staff review of the legislative history implies that the current process is not rooted in law, but rather as a good measure for community input and engagement by the former 2009 Transportation Committee members. For these reasons, the Council may choose to keep the current process, amend it as provided in Bill 51-26, remove the requirement, or provide an entirely different proposal.

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

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

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.

SUMMARY OF IMPACT STATEMENTS

Fiscal Impact. According to the Office of Management and Budget, "Bill 51-26 is not expected to have a fiscal impact. The bill does not require any new expenditures or impact existing revenues."

Economic Impact. 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."

Racial Equity and Social Justice Impact. OLO "anticipates Bill 51-26 could have a positive impact on racial equity and social justice (RESJ) in the County. Black, Indigenous, and other People of Color (BIPOC) community members could disproportionately benefit from expediting sidewalk projects that could improve street safety conditions for pedestrians within a shorter timeframe."

Climate Assessment. "OLO anticipates that Bill 51-26 will have no impact on the County's contribution to addressing climate change…"

SUMMARY OF PUBLIC HEARING

A public hearing for Bill 51-26 was held on November 10, 2026, with 13 speakers who largely spoke in support of the bill. The Council also received written testimony as part of the record; see here.

Testimony largely supported the bill and came from individuals, transit and bicyclist advocacy organizations, and disability services providers, including the League of Women Voters of Montgomery County, the Action Committee for Transit, the Washington Area Bicyclist Association, and Greater Washington, among others. Supporters argued that the current process creates unnecessary bureaucratic barriers that delay the construction of basic pedestrian infrastructure, particularly in areas with demonstrated safety needs. Supporters highlighted rising pedestrian injury and fatality rates and argued that the ability of a small number of property owners

to block or delay a sidewalk under current law is itself harmful to public safety. Testimony also emphasized the importance of sidewalks for people with disabilities, older adults, and children who rely on walking as their primary mode of travel. Several supporters proposed amendments to strengthen the bill, including allowing renters to sign petitions; exempting Safe Routes to School projects and sidewalks already included in approved master or sector plans from the hearing requirement; and automatically waiving the hearing requirement on any block where a pedestrian or bicyclist has been struck.

Several Silver Spring residents submitted testimony in opposition, many of whom live in neighborhoods currently under review for sidewalk construction associated with the Purple Line. Opponents raised concerns that reducing the petition threshold from a majority to 25 percent of property owners is undemocratic and would allow a small minority of residents to waive a public hearing over the objections of the majority. Opponents also argued that eliminating the notice-of-support requirement from neighborhood or civic associations removes an important community check. Several opponents pointed to environmental impacts that public hearings help surface. Others expressed concern that the term "significant controversy" is left undefined, leaving too much discretion to the Director of Transportation and the County Executive

ISSUES FOR COMMITTEE'S DISCUSSION

As mentioned above under the *Legislative History* (page 1), Council staff's review of the legislative history of the executive public hearing requirement for minor sidewalk and side path projects implies that the current process is not rooted in law, but rather as a good measure to maintain community input and engagement, as recommended by the former 2009 Transportation Committee members and adopted by that Council.

For these reasons, the Committee may choose to amend the process, as provided in Bill 51-26, remove the requirement altogether due to significant interpretation and application of the law, or provide an entirely different proposal.

With the options presented above, the Council has received several amendments for consideration, specifically from the sponsor of the bill, Councilmember Evan Glass (© 40), MCDOT (© 41), the Planning Board (© 44), advocates, and residents during public testimony.

The TE committee may decide which amendments to consider.

1. Chair Glass Proposed Amendments.

Chair Glass may choose to introduce an amendment that would remove the current process under Section 49-53(e) and the proposed amendments introduced under Bill 51-26 and replace it with a straightforward notice-and-30-day comment period approach.

> ***Notice and comment period for sidewalks and sidepath***. The public hearing requirement under subsection (d) does not apply to the construction of a sidewalk or

sidepath if the construction is not subject to a cost assessment authorized under applicable law or impacts a private property owner; and

(1) the Director sends written notice by mail to each property owner along the proposed route and to each civic association and homeowners association serving the area;

(2) the notice describes the proposed sidewalk or side path construction and identifies the proposed route;

(3) the Director provides the property owners, civic associations, and homeowners associations at least 30 days after the date of mailing to submit written comments, concerns, or other relevant information to the Director; and

(4) the Director must consider all comments received before authorizing construction of the sidewalk or side path.

Decision Point#1: Whether to adopt Chair Glass's amendment as described above?

2. Other proposed amendments.

If the Committee rejects Chair Glass's amendments, the Committee may consider other proposals (MCDOT, Planning Board, public testimony).

Next Steps: Whether the TE Committee recommends for enactment Bill 51-26, as amended?

This packet contains:	Circle #
Bill 51-26	1
Climate Assessment	3
Economic Impact Statement	6
Fiscal Impact Statement	9
Racial Equity & Social Justice Impact Statement	10
Staff Report Dated December 7, 2009	15
Staff Report Dated March 2, 2010 (pages 1-6)	34
Councilmember Glass Amendments	40
MCDOT Amendments	41
Planning Amendments	44

Bill No. 51-26
Concerning: Streets and Roads – Public Hearing Requirements – Amendments
Revised: 10/15/2026 Draft No. 1
Introduced: October 20,2026
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 and Evans, Council Vice President Balcombe, Councilmembers 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.

Fiscal Impact Statement

Office of Management and Budget

Bill 51-26	**Streets and Roads - Public Hearing Requirements - Amendments**
Bill Summary	Bill 51-26 would modify the requirements related to public hearings for a sidewalk or sidepath. Specifically, it would remove the notice-of-support requirement submitted by a civic association, homeowner's association, or other organization and instead have Montgomery County Department of Transportation (MCDOT) determine whether the proposed sidewalk would impact private property. Additionally, this 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 percent of property owners located on the proposed route of the sidewalk or path, as filed with the Executive.
Fiscal Impact Summary	Bill 51-26 is not expected to have a fiscal impact. The bill does not require any new expenditures or impact existing revenues.
Fiscal Impact Analysis	Bill 51-26 makes it easier for MCDOT to waive public hearings in certain circumstances, but it does not require the Department to waive the hearing in those circumstances. MCDOT indicates that many (if not all) sidewalk public hearings held each year already meet some or all of the requirements in Section 49-53 (e) to allow a public hearing waiver. However, MCDOT typically proceeds with the public hearing regardless due to "significant controversy". MCDOT anticipates no fiscal impact and minimal changes in practices as a result of Bill 51-26 since opponents of proposed sidewalk installations often request a public hearing when one is not scheduled automatically.
Staff Impact	The bill is not expected to impact staff time or duties.
Actuarial Analysis	The bill is not expected to impact retiree pension or group insurance costs.
Information Technology Impact	The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.
Other Information	
Later actions that may impact revenue or expenditures if future spending is projected	The bill does not authorize future spending.
Contributors	Haley Peckett, Department of Transportation Lori Main, Department of Transportation Khursheed Bilgami, Department of Transportation Gregory Bruno, Office of Management and Budget

Racial Equity and Social Justice (RESJ) Impact Statement

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 could have a positive impact on racial equity and social justice (RESJ) in the County. Black, Indigenous, and other People of Color (BIPOC) community members could disproportionately benefit from expediting sidewalk projects that could improve street safety conditions for pedestrians within a shorter timeframe.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.[1] This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.[2]

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. 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.[3] MCDOT provides an interactive map that shows the location and status of sidewalk and curb ramp requests in the County.[4]

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:[5]

- 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:[6]

- 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.[7]

According to its lead sponsor, Bill 51-26 "removes bureaucratic hurdles and expedites project approval by removing the public hearing requirement for certain projects."[8]

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

This RESJIS builds on the ones for:

- Bill 24-22, Streets and Roads, published in August 2022, which provides RESJ context on transportation infrastructure;[9]
- Bill 28-25, Motor Vehicles and Traffic – Parking in Bikeways – Prohibited, published in September 2025, which provides RESJ context on traffic safety.[10]

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 51-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

OLO identified the following groups who would be impacted by Bill 51-26:

Community members living in areas that need sidewalk improvements, especially pedestrians, could benefit from removing the public hearing requirement for certain sidewalk projects. This could help projects get underway more quickly and improve street safety in their communities in a shorter timeframe.

Figure A and Table A (Appendix) show MCDOT's pending sidewalk projects by Council district. Table A also describes community members overrepresented in each district by race and ethnicity. These show there are notable geographic disparities in prospective sidewalk projects. However, when considering the racial and ethnic demographics of districts, sidewalk projects appear to be more proportionately distributed. Table A shows 44 percent of pending sidewalk projects are in four districts where Black, Latinx, or Asian community members are overrepresented (Districts 2, 3, 5, & 6). Conversely, 24 percent of projects are in a district where White community members are overrepresented (District 1), while 32 percent are in districts where no community members are overrepresented by race or ethnicity (Districts 4 & 7).

Notably, BIPOC community members in the County are more likely to be pedestrians. Census estimates suggest Black and Latinx community members are two times more likely than White community members to not have access to a vehicle (Table B, Appendix). Further, because of racial inequities like segregation, BIPOC and low-income communities are often characterized by unsafe street infrastructure that put BIPOC at higher risk of traffic injuries and deaths.[11] As such, BIPOC could disproportionately benefit from expediting MCDOT sidewalk projects.

Property owners living near prospective sidewalk projects could be burdened by reducing the community support requirement to waive a public hearing. This could make it more likely that sidewalk projects near their property do not

have a public hearing and give them less avenues to provide input. Locally, homeowners in the County are more likely to be White and Asian (Table C, Appendix).

Taken together, OLO anticipates Bill 51-26 could have a positive impact on RESJ in the County. BIPOC community members could disproportionately benefit from expediting MCDOT sidewalk projects that could improve street safety conditions for pedestrians within a shorter timeframe.

RECOMMENDED AMENDMENTS

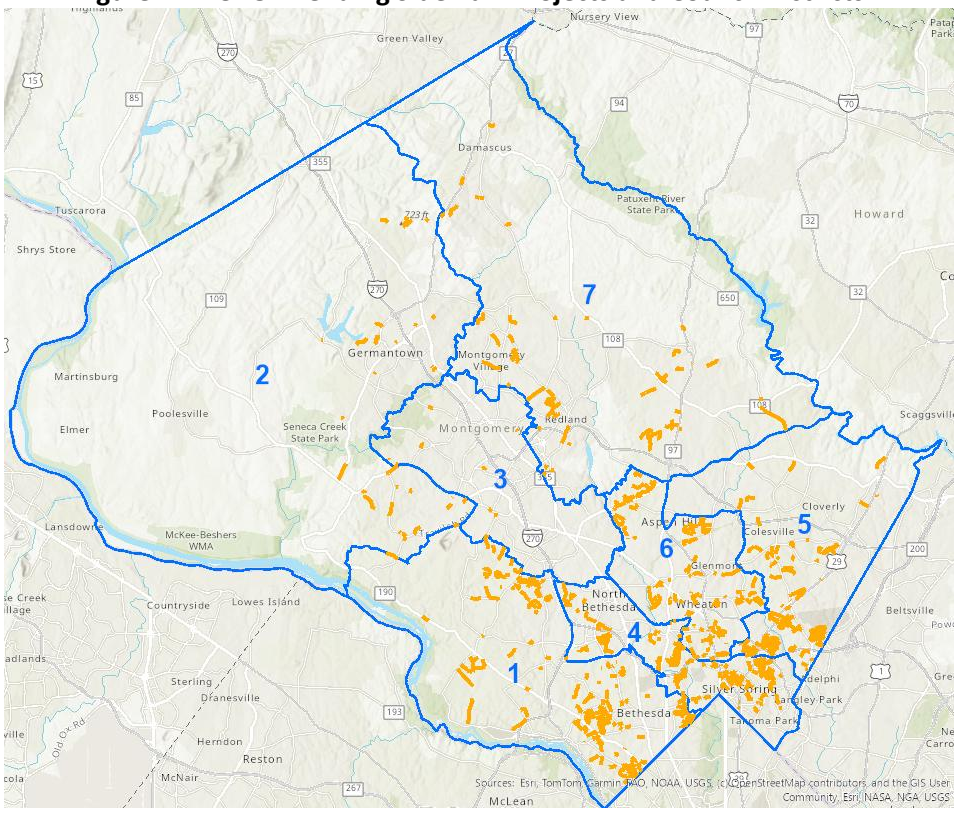
The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.[12] OLO anticipates Bill 51-26 could have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

APPENDIX

Figure A. MCDOT Pending Sidewalk Projects and Council Districts[13]



Source: OLO analysis of MCDOT Sidewalk and Curb Requests Map.

Table A. MCDOT Pending Sidewalk Projects per Council District

Council District	Number of Pending Sidewalk Projects[14]	Percent of Pending Sidewalk Projects	Overrepresented Community Members by Race & Ethnicity
1	178	24.4	White
2	36	4.9	Asian
3	12	1.6	Asian
4	166	22.7	None
5	133	18.2	Black
6	140	19.2	Latinx
7	66	9.0	None

Source: OLO analysis of MCDOT Sidewalk and Curb Requests Map and Demographic Profile of Districts, Montgomery County, MD (2022), Montgomery Planning.

Table B. Share of Households Without a Vehicle by Race and Ethnicity, Montgomery County[15]

Race or ethnicity	Households with No Vehicle
Asian	7.5
Black	14.2
White	5.3
Latinx	10.1
County	8.4

Source: Table S0201, 2025 American Community Survey 1-Year Estimates, Census Bureau.

Table C. Homeownership and Rental Rates by Race and Ethnicity, Montgomery County[16]

Race or ethnicity	Owner-Occupied Households	Renter-Occupied Households
Asian	69.6	30.4
Black	39.1	60.9
White	76.3	23.7
Latinx	52.5	47.5
County	64.1	35.9

Source: Table S0201, 2025 American Community Survey 1-Year Estimates, Census Bureau.

[1] Definition of racial equity and social justice adopted from M. Gamblin et al., "Applying Racial Equity to U.S. Federal Nutrition Programs," Bread for the World and Racial Equity Tools.
[2] Ibid.
[3] "Sidewalk Program," Montgomery County Department of Transportation; "Sidewalk Program Minor Projects," Montgomery County MD Capital Budget.
[4] "Montgomery County MD Sidewalk & Curb Ramp Requests," Montgomery County Department of Transportation.
[5] Montgomery County Code Sec. 49-53.
[6] Introduction Staff Report for Bill 51-26, Montgomery County Council, Introduced October 20, 2026.
[7] Ibid.

[8] "Councilmember Evan Glass Introduces Legislation Accelerating Sidewalk Construction and Strengthening Pedestrian Safety," Montgomery County Council, October 21, 2026.
[9] RESJIS for Bill 24-22, Office of Legislative Oversight, August 22, 2022.
[10] RESJIS for Bill 28-25, Office of Legislative Oversight, September 10, 2025.
[11] Ibid.
[12] Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council.
[13] Map filtered to only include sidewalk projects labeled as 'Investigation Complete – In Queue Awaiting Proposal.'
[14] As of OLO's analysis on November 9, 2026, MCDOT had 724 sidewalk projects labeled as 'Investigation Complete – In Queue Awaiting Proposal.' Some projects counted in this table are duplicated since they cross multiple districts.
[15] Race is inclusive of Latinx origin for all data points in this RESJIS. Estimates for Native American and Pacific Islander community members are not available for all data points.
[16] Race is inclusive of Latinx origin for all data points in this RESJIS. Estimates for Native American and Pacific Islander community members are not available for all data points.

T&E COMMITTEE #2
December 7, 2009

MEMORANDUM

December 3, 2009

TO: Transportation, Infrastructure, Energy and Environment Committee

FROM: Glenn Orlin, Deputy Council Staff Director

SUBJECT: Discussion—sidewalk program

Councilmember Ervin has asked the Committee to explore means to expedite the decision-making process regarding sidewalks built under the Annual Sidewalk Program. She notes concerns raised by residents about how long this process has taken, and she encourages expediting the process in order to deliver these sidewalks more quickly (©1).

The Annual Sidewalk Program. This is a capital project which funds the design and construction of smaller, simpler sidewalks, primarily within residential neighborhoods. The Council has programmed $13.3 million for this project in the FY09-14 CIP period, $2.55 million in FY10 alone (©2). The sidewalk projects that either have had or are awaiting a public hearing are on ©3-4, and those either under investigation or pending investigation are on ©5-12.

The Annual Sidewalk Program is not the only capital project that funds sidewalks. There are sidewalk projects of sufficient complexity and cost to warrant their own project description forms: Dale Drive - $4.9 million; Greentree Road - $3.3 million; US 29 - $5.6 million; plus several others currently in facility planning. In addition there are hiker-biker trails that double as sidewalks and bikeways, as well as sidewalks built as part of projects that build or widen roads. However, as a result of their cost and complexity, these other sidewalks deserve and get a public—and Council—review commensurate with their scope. The question is whether there is too much process for smaller, simpler sidewalks and shared use paths (hiker-biker paths).

Administrative process. The Department of Transportation's evaluation criteria and process, as well as its decision-making process is described on ©13. On ©14 are timelines for two sidewalks built under the Annual Sidewalk Program, one representing the shortest duration (88 work days, or about 18 weeks) and the second representing the longest duration (321 days, or about 64 weeks). These timelines *do not* represent the time between the DOT's first field visit and its decision that it wishes to proceed with the sidewalk—given the time needed to work with affected property owners, this period is not likely to be shortened. These timelines *do* represent, however, the duration between DOT's decision to proceed and when the sidewalk is completed; what is referred to here as the "administrative process."

These timelines are instructive in two ways. First note that the period of construction was 5 days for the simplest sidewalk and 30 days for the most complex, representing only 6% and 9% of their respective administrative process durations. Second, the public hearing portion of the administrative process—from the scheduling of the hearing to the receipt of the hearing officer's recommendation—was 70 days for the simplest sidewalk and 260 days for the most complex, representing in both cases about 80% of the administrative process duration. Therefore, the public hearing requirement is, by far, the largest contributor to the length of the administrative process.

Executive public hearing requirement. The current law requires the Executive to hold a public hearing before any road construction or cost assessment is authorized; at the direction of the County Attorney about a decade ago, sidewalks and hiker-biker paths are considered under this same provision. During deliberation over the Road Code bill in 2007, Executive staff recommended that the Executive be required to hold a public hearing only if an assessment is authorized, which historically was the reason for the legal requirement in the first place. Because any road (or sidewalk or path) to be constructed will have been the subject of at least one Council public hearing before its inclusion in a Capital Improvements Program, Council staff concurred that a subsequent Executive hearing is unnecessary. It was pointed out that these hearings rarely, if ever, result in a decision not to proceed with the project, or even a material change to it. Nevertheless, when the then-President of the Montgomery County Civic Federation argued against removing the hearing requirement as an infringement of the public's opportunity to comment, the Council decided not to remove the requirement for an Executive hearing.

Draft proposal. DOT has worked with Council staff on another idea about how to modify the hearing requirement. Rather than the 2007 proposal to repeal the hearing requirement for all transportation projects (unless there were an assessment), this new proposal would exempt only a certain sidewalk or shared use path project that is: (1) entirely in the County right-of-way, and (2) either is within a school's official "walking area" or, if not, at least has the support of the applicable citizen's association, homeowner's association, etc. (©15). Council staff believes this is a reasonable compromise that would allow these smaller neighborhood sidewalks and paths to be built months sooner without a real diminution of due process.

Another advantage of this proposal is that it would save the County money and time. DOT recently has reduced its advertising costs associated with these small sidewalk projects by consolidating several hearings into one day-long set of hearings, with an ad for each set. For example, a hearing on six sidewalks will be held on December 14; its November 3 ad in The Washington Post is on ©16. Nevertheless, for public hearings an ad must appear at least twice in each of two newspapers with a general circulation. The cost of an ad such as the one on ©16 is $700-725, and the cost of a similar ad in The Examiner is $625-650. The overall advertising cost for this hearing, therefore, is about $2,700, or $450 per sidewalk. The more significant use of resources, of course, is staff time consumed by these hearings: time to prepare and purchase the ads, the staffing of the hearings, and the hearing examiner time to write a hearing report on each sidewalk or path.

The cost and staff time for these hearings would be worthwhile if they were meaningful means for public input. But nearly all those who testify at these hearings—when there are any that testify—are affected property owners with whom DOT has already engaged. Whether they are there in support of the project as designed or in opposition to it or some aspects of it, those testifying generally have already had sufficient communication and coordination with DOT.

Implementing this proposal or a version of it requires passage of a bill amending Chapter 49 of the County Code. If the Committee or a Councilmember so requests, Council staff will draft such a bill for introduction early next year.

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MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

VALERIE ERVIN
COUNCILMEMBER
DISTRICT 5

Memorandum

To: Councilmember Nancy Floreen, Chair, Transportation, Infrastructure, Energy and Environment (T&E) Committee

From: Councilmember Valerie Ervin

Date: November 9, 2009

Subject: Sidewalk Process

As the Chair of the Education Committee and as the Council's representative to the Pedestrian and Traffic Safety Advisory Committee, I recognize the importance of sidewalks in providing safe access for pedestrians, such as keeping children safe on their way to school.

The Annual Sidewalk Program is an ongoing Capital Improvement Project, and has an FY10 budget of $2.35 million. According to the County's Department of Transportation (DOT), sidewalks funded under this program are relatively simple to construct and require little to no engineering design. Further, DOT coordinates with and involves the community regarding sidewalk installation. However, I have heard from residents that the administrative processes required to approve the construction of a sidewalk can add anywhere from three to nine months before a sidewalk can be installed. I am in favor of expediting this process so that the County will be able to construct sidewalks more quickly throughout our streets and neighborhoods.

I would like to request the Transportation, Infrastructure, Energy and Environment (T&E) Committee take up sidewalks and the process in which sidewalks are requested, designed, and constructed at an upcoming worksession. Please feel free to contact my office with any questions.

Sincerely,

Valerie Ervin

Valerie Ervin
Councilmember – District 5

(1)

Annual Sidewalk Program -- No. 506747

Category	**Transportation**	Date Last Modified	**May 14, 2009**
Subcategory	**Pedestrian Facilities/Bikeways**	Required Adequate Public Facility	**No**
Administering Agency	**Transportation**	Relocation Impact	**None.**
Planning Area	**Countywide**	Status	**On-going**

EXPENDITURE SCHEDULE ($000)

Cost Element	Total	Thru FY08	Rem. FY08	Total 6 Years	FY09	FY10	FY11	FY12	FY13	FY14	Beyond 6 Years
Planning, Design, and Supervision	2,602	0	78	2,524	379	629	379	379	379	379	0
Land	40	0	10	30	5	5	5	5	5	5	0
Site Improvements and Utilities	273	0	15	258	43	43	43	43	43	43	0
Construction	10,546	0	58	10,488	923	1,873	1,923	1,923	1,923	1,923	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total	**13,461**	**0**	**161**	**13,300**	**1,350**	**2,550**	**2,350**	**2,350**	**2,350**	**2,350**	*

FUNDING SCHEDULE ($000)

G.O. Bonds	12,827	0	127	12,700	1,250	2,450	2,250	2,250	2,250	2,250	0
State Aid	634	0	34	600	100	100	100	100	100	100	0
Total	**13,461**	**0**	**161**	**13,300**	**1,350**	**2,550**	**2,350**	**2,350**	**2,350**	**2,350**	**0**

DESCRIPTION

This pedestrian access improvement program provides sidewalks and bus pads on County-owned roads and some State-maintained roadways under the Maryland State Highway retrofit sidewalk program. Some funds from this project will go to support the Renew Montgomery program. The Department of Transportation maintains an official list of all outstanding sidewalk requests. Future projects are evaluated and selected from this list, which is continually updated with new requests. In addition, projects identified by the Citizens' Advisory Boards are placed on the list. One aspect of this project will focus on improving pedestrian walkability by creating a safer walking environment, utilizing selected engineering technologies, and ensuring ADA compliance.

COST CHANGE

Add funds in FY10 for Pedestrian Safety Initiative for enhanced sidewalk construction

JUSTIFICATION

In addition to connecting existing sidewalks, these projects increase pedestrian safety and facilitate walking to: Metrorail stations; bus stops; shopping and medical centers; employment, recreational, and school sites. The average rate of requests for sidewalks has been between 80-100 per year over the last two years. A backlog of over 100 requests remains.

OTHER

Projects implemented under this project originate from private citizens, citizen associations, and public agencies. Projects are evaluated and scheduled using sidewalk prioritization procedures.

OTHER DISCLOSURES

- A pedestrian impact analysis has been completed for this project.
- The Executive asserts that this project conforms to the requirements of relevant local plans, as required by the Maryland Economic Growth, Resource Protection and Planning Act.
- * Expenditures will continue indefinitely.

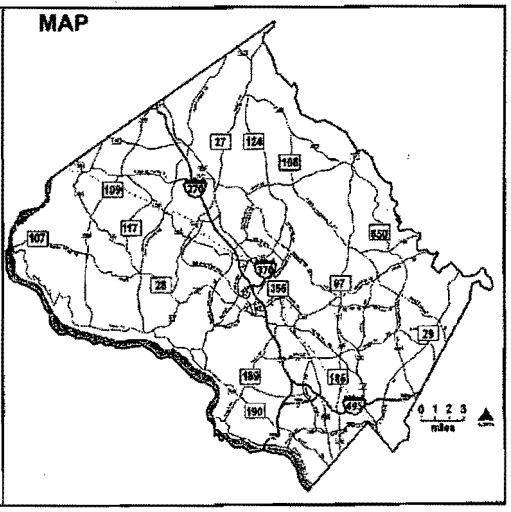
APPROPRIATION AND EXPENDITURE DATA

		($000)
Date First Appropriation	FY87	
First Cost Estimate Current Scope	FY10	13,461
Last FY's Cost Estimate		13,606
Appropriation Request	FY10	2,550
Supplemental Appropriation Request		0
Transfer		0
Cumulative Appropriation		1,511
Expenditures / Encumbrances		1,152
Unencumbered Balance		359
Partial Closeout Thru	FY07	23,418
New Partial Closeout	FY08	1,345
Total Partial Closeout		24,763

COORDINATION

Renew Montgomery program
Maryland-National Capital Park and Planning Commission
Maryland State Highway Administration
Montgomery County Public Schools
Washington Metropolitan Area Transit Authority
Sidewalk and Infrastructure Revitalization
Maryland Mass Transit Administration
Montgomery County Pedestrian Safety Advisory Committee
Commission on People with Disabilities

MAP



DOT Annual Sidewalk Program CIP 506747
PUBLIC HEARING SCHEDULE FY10

STREET NAME	*FROM*	*TO*	*COST*	*PUBLIC HEARNG DATE*	*STATUS*
Liberty La	Coldstream Dr	Falls Rd	$74,250.00	8/19/2009	Awaiting Hearing Examiners Reco
Franklin Avenue	Edgefield Road	Beach Drive/Park Ent.	$34,685.04	8/19/2009	Awaiting Hearing Examiners Reco
Elm Street	Clarendon Road	Arlington Road/Freedland	$40,324.80	8/19/2009	Awaiting Hearing Examiners Reco
Parkwood Drive	Franklin Avenue	Cedar Street	$103,589.40	8/25/2009	Awaiting Hearing Examiners Reco
Democracy Lane	Bells Mill Rd	Democracy BLVD	$155,049.24	8/25/2009	Awaiting Hearing Examiners Reco
MD 547 (Knowles Avenue)	Summit Avenue	4210 Knowles Avenue	$76,039.00	8/25/2009	Received Hearing Examiners Rec
West Old Baltimore Rd	12700 W Old Baltimore Rd	Rt 355	$163,027.80	12/14/2009	Public Hearing Scheduled
Vital Way	Randolph Rd	New Hampshire Avenue	$35,647.20	12/14/2009	Public Hearing Scheduled
Manchester Road	Piney Branch Road	Bradford Road	$76,630.26	12/14/2009	Public Hearing Scheduled
Catoctin Drive	Bonifant Road	Catoctin Court	$23,094.00	12/14/2009	Public Hearing Scheduled
Locust Avenue	Acacia Avenue	West Cedar Lane	$28,581.77	12/14/2009	Public Hearing Scheduled
College View Drive	Newport Mill Road	Gail Street	$99,672.30	12/14/2009	Public Hearing Scheduled
Brightview Street	entire length		$17,450.00	12/16/2009	Public Hearing Scheduled
Jones Lane	Darnestown Road	Doe La	$156,796.80	12/16/2009	Public Hearing Scheduled
Keystone Ave	North Brooke Lane	Battery Lane	$24,619.50	12/16/2009	Public Hearing Scheduled
Quinton Road	Sundale Drive	Maywood Avenue	$11,275.92	12/16/2009	Public Hearing Scheduled
Noyes Dr	First Ave	Second Ave	$48,926.94	12/16/2009	Public Hearing Scheduled
Dimona Drive	Olney Mill Road	Goldmine Road	$51,093.00	12/16/2009	Public Hearing Scheduled
MD 190 (River Road)	River Oaks Lane	Riverwood Drive	$31,478.00	1/26/2010	Public Hearing Scheduled
Nolan Dr	Travilah Rd	Existing SW on Nolan Dr	$55,137.60	1/26/2010	Public Hearing Scheduled

(3)

STREET NAME	*FROM*	*TO*	*COST*	*PUBLIC HEARNG DATE*	*STATUS*
Log House Road	Woodfield Road	Bush Hill Road	$103,540.00	1/26/2010	Public Hearing Scheduled
Marywood Rd/Kirkdale Road	Fernwood Rd	Wilmett Road	$58,149.60	1/26/2010	Public Hearing Scheduled
MD 614 (Goldsboro Road)	Goldsboro Court	MD191 (Bradley Blvd.)	$23,000.00	1/26/2010	Public Hearing Scheduled
MD 28 (Darnestown Road)	Shady Grove Road	Key West Hwy	$55,104.96	1/26/2010	Public Hearing Scheduled
		TOTAL COST:	**$1,547,163.13**		

DOT Annual Sidewalk Program CIP 506747
Open Request List

STREET NAME	*FROM*	*TO*	*STATUS*
Roosevelt Street	#5418 Roosevelt St	existing park path	Investigation Complete
Beech Ave	Old Georgetown Rd	Page Ave	Investigation Complete
Hermleigh Road	Kemp Mill Road	Auth Street	Investigation Complete
16 th Street	2nd Ave	Spring St	Investigation Complete
MD 410 (East West Highway)	Rocton Ave.	Brookville Road	Investigation Complete
Ambleside DR	Glen Rd	St James Rd	Investigation Complete
Old Columbia Pike	@ entrances of Paint Branch HS		Pending Investigation
Musgrove Road	Fairland Rd	Marlow	Pending Investigation
Darby Road	entire length		Pending Investigation
Neelsville Church Road	MD355	Church Bend Ct	Pending Investigation
MD 355	Monaco Circle	Wood Road	Pending Investigation
Second Avenue	Glen Ross Rd	Sixteenth St	Pending Investigation
Old Baltimore Road	MD 355	Diller La	Pending Investigation
Decatur Avenue	3900 block		Pending Investigation
Emory Lane	Norbeck Road	cul-de-sac	Pending Investigation
Boswell Lane	Piney Meetinghouse Rd	Glen Mill Rd.	Pending Investigation
Garland Avenue	Piney Branch Rd	Domer Ave	Pending Investigation
513 Forest Glen Road	Lorain Avenue	Sutherland Road	Pending Investigation
Brierly Road	Dundee Dr	Woodhollow Rd	Pending Investigation
Gardiner Avenue	entire length		Pending Investigation
Pearl Street	East-West Hwy	BCC H.S.	Pending Investigation
Dubarry Lane	entire length		Pending Investigation

STREET NAME	*FROM*	*TO*	*STATUS*
Lindale Drive	@park entrance		Pending Investigation
Windham Lane	@Glen Haven Park	leading into park	Pending Investigation
Sangamore Road	Massachusetts Ave	Madawaska Rd	Pending Investigation
Glen Mill Road	Sandringham Ct	Circle Dr.	Pending Investigation
Oak Drive	entire length		Pending Investigation
MD 547 (Strathmore Avenue)	AHC	Garrett Park	Pending Investigation
Dayton Street	Georgia Avenue	Amherst Avenue	Pending Investigation
Needwood Road	Deer Lake Road	Redland Road	Pending Investigation
MD 190 (River Road)	Riverwood Drive	Norton Road	Pending Investigation
Warfield Road	Apollo Lane	Park entrance	Pending Investigation
Dunrobbin Drive	Church of the Redeemer	Barr Road	Pending Investigation
Kings Valley Road	Foundes Way	Damascus Regional Park	Pending Investigation
Old Columbia Pike	Fairland Road	Briggs Chaney Road	Pending Investigation
MD 28 (Darnestown Road)	Shady Grove Road	Glen Mill Road	Pending Investigation
Blackburn Road	Graybill Drive	US 29	Pending Investigation
Grubb Road	Ashboro Drive	Washington Ave.	Pending Investigation
Windsor Lane	entire length		Pending Investigation
Capitol View Avenue	Georgia Avenue	Connecticut Avenue	Pending Investigation
Layhill Road	Baughman Drive	Longmeade Crossing Drive	Pending Investigation
Tuckerman Lane	Post Oak Road	Falls Road	Pending Investigation
MD 97 (Georgia Ave)	Prince Phillip Drive	Tidewater Court	Pending Investigation
Hampden Lane	7405 Denton	5109 Hampden	Pending Investigation
Persimmon Tree Lane	Persimmon Tree Rd	Carderock Springs Elem.	Pending Investigation
Bells Mill Road	Gainsborough Road	Pebble Brooke Lane	Pending Investigation
Founders Way	Founders Place	Tot lot / Community field	Pending Investigation

STREET NAME	*FROM*	*TO*	*STATUS*
Newcastle Avenue	Linden Lane	Forsythe Avenue	Pending Investigation
Sangamore Road	Massachusetts Ave	Madawaska Rd	Pending Investigation
16th Street	@East-West Highway	1 mile	Pending Investigation
Levelle Drive	Forsyth Drive	Parallel to Creek	Pending Investigation
Abbey Manor Drive	Civitan Club Place	Abbey Manor Circle	Pending Investigation
Hartsdale Avenue	Madison Street	Hempstead Avenue	Pending Investigation
Madison Street	Garfield Street	Hempstead Street	Pending Investigation
Offut Street	Morgan Drive	Derussey	Pending Investigation
Morgan Drive	4800 block		Pending Investigation
Pauline Drive	3218 Pauline Drive	3220 Paulne Drive	Pending Investigation
Daniel Road	Western Ave	Wyndale Road	Pending Investigation
Hitching Post Lane	Farmland Drive	Old Gate Road	Pending Investigation
Farmland Dr	Old Club Road	Old Stage Road	Pending Investigation
Diamondback Drive	Story Dr.	Muddy Branch Rd.	Pending Investigation
New Castle St.	Forest GlenRd.	Beech Dr.	Pending Investigation
Windmill Lane	Good Hope Drive	Windmill Terrace	Pending Investigation
Derwood Street			Pending Investigation
Derwood Road			Pending Investigation
Esquire Court			Pending Investigation
Query Mill Road			Pending Investigation
Windsor View Drive	Bells Mill Road	Gainsborough	Pending Investigation
Club View Drive	Bush Hill Rd.	Log House Rd.	Pending Investigation
Tuckerman Lane	existing path @ Hoover M.S.	Falls Rd. (MD189)	Pending Investigation
Plyers Mill Road2	Amherst Avenue	Georgia Avenue	Pending Investigation
Amherst Avenue	Dayton Street	Plyers Mill Road	Pending Investigation

STREET NAME	*FROM*	*TO*	*STATUS*
Linden Lane	Linden Lane	Geo. Town Bke. Tr.	Pending Investigation
Sweepstakes Road	Showbarn Circle		Pending Investigation
Fernwood Road	Tusculum Road	Democracy Blvd.	Pending Investigation
Wheaton Lane	Jewitt Lane	Sligo Creek Park	Pending Investigation
DuFief Drive	missing section		Pending Investigation
Chestnut Oak Drive	MD 28 (Darnestown Rd)	Ancient Oak Drive	Pending Investigation
Wye Oak Drive	MD 28 (Darnestown Rd)	Chestnut Oak Drive	Pending Investigation
Kensington Blvd	Murdoch Rd	Einstein HS	Pending Investigation
Belle Chase Dr	Fieldcrest Rd.	Sweet Meadow La.	Pending Investigation
Fieldcrest Road	MD 124 (Woodfield)	MD 108 (Olney-Laytonsville Road)	Pending Investigation
Wyngate Drive	Entire Length		Pending Investigation
Milstead/Lindale Drives right-	9519-9517 Milstead Drive	9504-9502 Lindale Drive	Pending Investigation
MD 124 (Woodfield Road)	Gue Road	Horsebarn	Pending Investigation
Tulip Hill Terrace	Bent Branch Rd.	Goldsboro Rd.	Pending Investigation
Peach Orchard Road	MD198	Seibel Drive	Pending Investigation
Muncaster Mill Road	7800 Muncaster Mill Rd		Pending Investigation
Grande Vista Drive	Redland Road	Needwood Road	Pending Investigation
Panorama Drive	Redland Road	Wick Lane	Pending Investigation
Oakmont Avenue	entire length		Pending Investigation
Thompson Road	Peach Orchard Road	existing s/w	Pending Investigation
Hopefield Road	Kingshouse Road	Good Hope Road/existing s/w	Pending Investigation
Good Hope Road	Rt. 198 (Spencerville road)	Bridge @ Hopefield Road	Pending Investigation
Spring Meadows Drive	Darnestown Road	Seneca Road	Pending Investigation
MD 410 (East-West Highway)	Glengalen Lane	Beach Drive	Pending Investigation
Sweepstakes Road	Club View Dr	Woodfield (Rt. 124)	Pending Investigation

STREET NAME	FROM	TO	STATUS
Powder Mill Road	1712 Powder Mill Road	Naval Base	Pending Investigation
Coldchester Drive	Ewell Street	Parkwood Road	Pending Investigation
Windsor Lane	Wisconsin Avenue	Lynwood Road	Pending Investigation
Fernwood Road	Michaels Road	Marywood Road	Pending Investigation
Eggert Drive	Persimmon tree Road	MacArthur Boulveard	Pending Investigation
Walnut Hill Rd	North Westland Drive	South Westland Drive	Pending Investigation
North Westland Drive	Frederick Avenue	Chestnut Street	Pending Investigation
Woodbine Street	Brookville Rd	Beach Dr	Pending Investigation
New Hampshire Avenue	Tanley Road	Quaint Acres Drive	Pending Investigation
Leland Street	Brookville Rd	Rollingwood Dr	Pending Investigation
South Westland Drive	Frederick Avenue	Chestnut Street	Pending Investigation
Hildarose Drive	Greeley Ave	Gardiner Street	Pending Investigation
Merrifields Drive			Pending Investigation
Delano Street	Foley Street	Connecticut Avenue	Pending Investigation
Muncaster Mill Road	bus stop	Woodfield Rorad	Pending Investigation
Brandy Hall Lane	Dufief Drive	Dufief Drive	Pending Investigation
Stratford Road	DeRussey Pkwy	Norwood Drive	Pending Investigation
Bruce Drive	St Andrews Way	Grandview Drive	Pending Investigation
MD 28 (Darnestown Road)	Riffleford Road	Jones Lane	Pending Investigation
Fairland Road	Cedar Creek Lane	Serpentine Way	Pending Investigation
Cornish Road	Burling Terrace	Glenbrook Road	Pending Investigation
Veirs Mill Road	Turkey Branch Parkway	Havard Street	Pending Investigation
Veirs Mill Road	Norris Street	Newport Mill RD	Pending Investigation
Ridge Road	Ridge Place	Valley Road	Pending Investigation
Norbeck Road	Baltimore Road	Bauer Drive	Pending Investigation

STREET NAME	FROM	TO	STATUS
Forsythe Avenue	Jones Mill Rd	Woodstock Ave-Linden La	Pending Investigation
Tanterra Circle			Pending Investigation
MD 410 East West Highway	Beach Drive	Brookville Road	Pending Investigation
Roseland Drive	Old Georgetown Road	Tilden Lane	Pending Investigation
Fairland Road	at bridge east of Tamarack		Pending Investigation
16th Street	2nd Avenue	Hanover Street	Pending Investigation
Ashburton Lane	Bells Mill Road	Loan Oak Drive	Pending Investigation
Old Columbia Pike	Industrial Pkwy	Cliftondale Drive	Pending Investigation
Kingswood Road	Hurst St	Broad St	Pending Investigation
Rolling Road	Leland St	Rollingwood Dr	Pending Investigation
Strathmore Avenue	Rockville Pike		Pending Investigation
Ridge Road	Hillmead Park	Ridge Place	Pending Investigation
Cornflower Road	@18402 Cornflower Road		Pending Investigation
Howard Avenue	Summitt Ave	Knowles Ave	Pending Investigation
Cheshire Drive	entire length		Pending Investigation
Falls Bridge Lane	Falls Road	Logan Drive	Pending Investigation
Glen Mill Road	Cavanaugh Drive	Veirs Road	Pending Investigation
MD 97 Georgia Avenue	Queen Elizabeth Drive	MD108	Pending Investigation
West Old Baltimore Road	Frederick Road	Ivy Leaf Drive	Pending Investigation
Massachusetts Avenue	@Onondaga Road		Pending Investigation
Eastern Avenue	8250 block		Pending Investigation
Norwood Road	Blake H.S.	New Hampshire Avenue/MD650	Pending Investigation
MD 118 (Germantown Road)	Charity Lane	Richter Farm Road	Pending Investigation
Landon Lane			Pending Investigation
MD 28 (Darnestown Road)	Key West Avenue	Great Seneca Highway	Pending Investigation

STREET NAME	*FROM*	*TO*	*STATUS*
Aspen Hill Road	Near Iris Street		Pending Investigation
Southwick Street	5600 Southwick St	Garfield Steet	Pending Investigation
MD 108 (Olney-Sandy Spring	@SHS		Pending Investigation
Burnt Mills Road	US 29	Wheeler Drive	Pending Investigation
Blackburn Road	Old Columbia Pike to Tolson Place	US29	Pending Investigation
Kings Valley Road	Rt. 27	Kings Valley Park	Pending Investigation
Manchester Road	at Piney Branch Rd		Pending Investigation
Liberty Lane	Falls Rd	Coldstream Dr	Pending Investigation
Gracefield Road	Cherry Hill Road	ex. Walk on Gracefield Rd	Pending Investigation
Holman Avenue	Rosensteel	Hollow Glen	Pending Investigation
MacArthur Boulevard	near Ridge Drive		Pending Investigation
Washington Avenue	entire length?		Pending Investigation
Edgewood Road	Drumm	Grant	Pending Investigation
Radnor Road	Old Chester	Goldsboro	Pending Investigation
Columbia Pike	Eastwood Avenue	WSSC bldg.	Pending Investigation
MD 547 (Knowles Avenue	at Library		Under Investigation
Brixton Lane	Fernwood Road	Greyswood Road	Under Investigation
Old Columbia Pike	Industrial Prky	Amberston Ct	Under Investigation
MD 410 (East West Highway)	Brookville Road	Curtis Street	Under Investigation
Congressional Prky			Under Investigation
Pershing Dr	Dale Dr	Existing S/W/@Private School	Under Investigation
Brunswick Avenue	Plyers Mill Road	Jennings Road	Under Investigation
MD 650 (New Hampshire Ave	near Norwood Road	Briggs Chaney Rd	Under Investigation
Bruce Drive	St Andrews Way	Granville Dr	Under Investigation
Jone Mill Rd	W Coquolin Ter	East West Hwy	Under Investigation

STREET NAME	FROM	TO	STATUS
Travilah Road	Piney Meetinghouse Rd	Darnestown Road (MD28)	Under Investigation
Hyde Road	existing walks	Lovejoy	Under Investigation
Pierce Drive	University Blvd.	Colesville Road	Under Investigation
1st Avenue	Ballard Street	Noyes Street	Under Investigation
Sidney Road	missing section		Under Investigation
Greenbrier Drive	Dale Dr	Wayne Ave	Under Investigation
Holborn S	Fulham ST	N Belgrade RD	Under Investigation
Kershey Rd	Fulham St	Arcola Ave	Under Investigation
Warren St	Brookville Rd	Montgomery St	Under Investigation
Spring Meadows Dr	R t 28	Seneca Rd	Under Investigation
Venice Dr	New Hampshire Ave	Downs Dr	Under Investigation
Stateside Drive	Avenel Road	Stateside Court	Under Investigation
Forest Glen Road	Glen Avenue	Rosensteel Avenue	Under Investigation
Clopper Road	Kingsview Road	Steeple Road	Under Investigation
Drumm Ave	Fayette Rd	Blueford Rd	Under Investigation
Langley Drive	University Boulevard	Miles Street	Under Investigation
Seven Locks Rd	Rose Hill Dr	Bradley Blvd	Under Investigation
Epping Road	Georgia Ave	Flack Street	Under Investigation
Spring Valley Road extended	crosswalk @ Rec Cntr		Under Investigation
Stonegate DR	Whitegate Rd	New Hampshire Ave	Under Investigation
Johnson Avenue	5500 block	5800 block	Under Investigation
Lexinton Drive	University Blvd.	Colesville Road	Under Investigation
Downs Drive	Entire Length	Martin L King Park	Under Investigation
Kings Valley Rd	Hailey Dr	Red Blaze DR	Under Investigation
Schaeffer Road	Leaman Farm Rd	Clopper Rd	Under Investigation

(12)

EVALUATION CRITERIA

To provide safer access throughout Montgomery County for pedestrians and the handicap by retro-fitting new sidewalks in communities and other areas that have already been developed.

- Will installation of a sidewalk meet a purpose and provide a public need for the community-at-large?
- Is there available public right-of-way?
- Can the sidewalk be constructed without engineering design?
- Do associated costs fall within the program's criteria?

EVALUATION PROCESS

Evaluation:

DOT evaluates all requests and conducts an on-site investigation to determine the following factors:

- Will installation of a sidewalk meet a purpose and provide a public need for the community-at-large?
- Is there available public right-of-way?
- Can the sidewalk be constructed without engineering design?
- Do associated costs fall within the program's criteria?

Notification:

DOT limits notification for a requested sidewalk project to property owners residing adjacent to the proposed construction and to a HOA (if applicable). A letter is sent to residents with the following information included:

- Location Map to identify the proposed project
- Construction Impacts details construction impacts to the public right-of-way for sidewalk installation
- Comments & Feedback Survey Form to be returned to MCDOT to address any concerns regarding the proposed construction

FINAL DECISION

A public hearing is required by law if DOT determines that the proposed sidewalk meets the program's criteria and appears to serve a public need.

- DOT will notify residents and HOA/CA (if applicable) of the scheduled public hearing date/time/location.
- The hearing allows citizens an opportunity to present oral and written testimony to a Public Hearing Officer for support or opposition to the proposed project. The Hearing Officer considers all the information presented and recommends to the County Executive whether or not the project should be authorized for construction.

Notification to community of final decision by the Public Hearing Officer.

- DOT will promptly notify the community of the Hearing Officer's recommendation. If construction is authorized by the County Executive, MCDOT will inform residents of the pending construction.

DOT will coordinate the sidewalk installation with property owners.

- DOT will send notification to property owners regarding the scheduled sidewalk construction.
- DOT will post notification on-site of upcoming construction.
- A construction inspector will be available on-site throughout the construction phase to resolve any concerns that may arise with the sidewalk installation.

Annual Sidewalk Program

Administrative Process

Task	Shortest Duration	Longest Duration
Schedule Public Hearing	1 day	2 day
Prepare Executive Order #1 to hold PH	1 day	3 day
County Attorney review EO#1/PH	3 days	5-7 days
Director's Office review/approve EO#1/PH	1 day	4-5 days
A-CAO review/approve EO#1/PH	3 days	7-8 days
Send EO#1/PH advertisements to Post/Examiner	1 day	1 day
Send notices to residents	1 day	2 days
Public Hearing advertised	14 days	21 days
Public Hearing	1 day	1 day
Record held open	14 days	30 days
Hearing officer's recommendation	30 days	180 days
Prepare Executive Order #2 for construction	1 day	2 days
County Attorney review EO#2/Construction	5 days	7-8 days
Director's Office review/approve EO#2/const.	1 day	4-5 days
A-CAO review/approve EO#2/const.	3 days	7-8 days
Notice sent to residents with EO#2/const.	1 day	2 days
Schedule construction/work with residents	2 days	5 days*
Construct sidewalk	5 days	30 days
TOTAL	**88 days** ≈18 weeks	**321 days** ≈64 weeks

*Duration varies based on total properties impacted and complexity of the project: removal and/or relocation of tree(s), and landscaping, retaining wall(s), etc.

(14)

DRAFT PROPOSAL

CRITERIA FOR WAIVER OF PUBLIC HEARING PROCESS FOR CERTAIN SIDEWALKS AND SHARED USE PATHS

A proposed sidewalk or shared use path project is exempt from the public hearing process if it meets the following criteria:

1. The proposed project can be constructed entirely within the existing public right-of-way without the need for detailed engineering design (such as retaining walls, utility relocation, storm drain, etc.); AND

2. (a) The proposed project is located within the "walking area" of a school, or provides pedestrian access to public transportation, public shopping areas, public recreation, community centers or places of worship; OR

   (b) The proposed project has the support of a Citizen Association, Homeowner's Association, or some other group representing the community.

Note: ADA-compliant sidewalk ramps will be constructed at all locations where the proposed sidewalk/shared use path intersects a street.

(15)

NOTICE OF SIX (6) PUBLIC HEARINGS FOR PROPOSED SIDEWALK CONSTRUCTION

Pursuant to Section 49-53 of the Montgomery County Code (2004) as amended, six (6) public hearings shall be held before the County Executive (or his designee) on **MONDAY, DECEMBER 14, 2009**, in the first floor auditorium of the **COUNCIL OFFICE BUILDING (COB)** located at 100 Maryland Avenue in Rockville, Maryland. The purpose of these hearings is to consider proposals to provide safer access for the disabled and improve pedestrian travel to schools and public facilities. The public hearings will begin at 9:00 a.m. and continue to 5:30 p.m. The scheduled hearings allow citizens an opportunity to present oral/written comments and information to a public hearing officer. The sole purpose of the hearings is to obtain information to assist in determining whether or not to recommend constructing any or all of the following proposed projects:

9:00 a.m.	**CATOCTIN DRIVE / Silver Spring, Maryland** Catoctin Court to Bonifant Road
9:45 a.m	**VITAL WAY / Silver Spring, Maryland** New Hampshire Avenue/MD650 to Randolph Road
10:30 a.m.	**MANCHESTER ROAD / Silver Spring, Maryland** Piney Branch Road/MD320 to Bradford Road
11:15 a.m	**LOCUST AVENUE / Bethesda, Maryland** 5209 to 5221 Locust Avenue
1:30 p.m.	**COLLEGE VIEW DRIVE / Wheaton, Maryland** Newport Mill Road to Gail Street
3:15 p.m.	**LOG HOUSE ROAD / Damascus, Maryland** Bush Hill Road to Woodfield Road/MD124

Project files are available for examination in the offices of the Department of Transportation, Division of Transportation Engineering (DTE), 4th Floor, 100 Edison Park Drive, Gaithersburg, Maryland. You can call 240-777-7270 for an appointment to review project files, obtain information related to an upcoming hearing or reserve time to present testimony at a scheduled hearing. Written comments for consideration by the Public Hearing Officer may be submitted to Bruce E. Johnston, Chief, Division of Transportation Engineering, 100 Edison Park Drive, Gaithersburg, Maryland 20878. Interpreter services are available for deaf and hearing impaired citizens. These services can only be guaranteed within five (5) days advance notice. The COB facility is accessible to the handicapped. DEPT: DOT/ Division of Transportation Engineering FULL MAIL ADDRESS: 100 Edison Park Drive, Gaithersburg, Maryland 20878; PHONE NUMBER: 240-777-7270

16

Agenda Item 5
March 2, 2010
Action

MEMORANDUM

TO: County Council

FROM: Michael Faden, Senior Legislative Attorney
Glenn Orlin, Deputy Council Staff Director

SUBJECT: **Action:** Expedited Bill 3-10, Streets and roads – Sidewalks – Public hearing requirement

Transportation, Infrastructure, Energy and Environment Committee recommendation (2-1, Councilmember Berliner dissenting): enact with amendments.

Expedited Bill 3-10, Streets and roads – Sidewalks – Public hearing requirement, sponsored by Council President Floreen, Councilmember Leventhal, Councilmember Berliner, and Council Vice President Ervin, was introduced on January 19, 2010. Councilmember Berliner later withdrew his sponsorship. A public hearing was held on February 9 and a Transportation, Infrastructure, Energy and Environment Committee worksession was held on February 18.

Summary/background

Bill 3-10 would waive the required public hearing under certain circumstances before certain sidewalks or shared use paths are approved. Its purpose is to expedite the administrative approval process to allow quicker construction of sidewalks and hiker-biker paths that are noncontroversial, have substantial community support, would be placed entirely in the public right-of-way, and don't require a detailed engineering design. The Transportation, Infrastructure, Energy, and Environment Committee considered this issue on December 7 and assigned Council staff to draft this bill.

Councilmember Ervin originally asked the Committee to explore means to expedite the decision-making process regarding sidewalks built under the Annual Sidewalk Program. She noted concerns raised by residents about how long this process has taken, and she encouraged expediting the process in order to deliver these sidewalks more quickly.

The ***Annual Sidewalk Program*** is a capital project which funds the design and construction of smaller, simpler sidewalks, primarily in residential neighborhoods. The Council programmed $13.3 million for this project in the FY09-14 CIP period, $2.55 million in FY10 alone. The sidewalk projects that either have had or are awaiting a public hearing are on ©14-15, and those either under investigation or pending investigation are on ©8-13.

The Annual Sidewalk Program is not the only capital project that funds sidewalks. Some sidewalk projects are sufficiently complex and costly to warrant their own project description forms: Dale Drive ($4.9 million); Greentree Road ($3.3 million); US 29 ($5.6 million); plus several others currently in facility planning. In addition some hiker-biker trails double as sidewalks and bikeways, and sidewalks are built as part of projects that build or widen roads. However, as a result of their cost and complexity, these other sidewalks receive a public and Council review commensurate with their scope. The question is whether the law requires too much process for smaller, simpler sidewalks and shared use paths (hiker-biker paths)[1].

Current sidewalk approval process The County Department of Transportation's (DOT) evaluation criteria and process, as well as its decision-making process, is described on ©7. On ©6 are timelines for two sidewalks built under the Annual Sidewalk Program, one representing the shortest duration (88 work days, or about 18 weeks) and the second representing the longest duration (321 days, or about 64 weeks). These timelines *do not* represent the time between the DOT's first field visit and its decision to proceed with a sidewalk; given the time needed to work with affected property owners, this period is not likely to be shortened. These timelines *do* represent, however, the duration between DOT's decision to proceed and when the sidewalk is completed -- what is referred to here as the "administrative process".

These timelines are instructive in two ways. First note that the period of construction was 5 days for the simplest sidewalk and 30 days for the most complex, representing only 6% and 9% of their respective administrative processes. Second, the public hearing portion of the administrative process -- from the scheduling of the hearing to the receipt of the hearing officer's recommendation -- was 70 days for the simplest sidewalk and 260 days for the most complex, representing in both cases about 80% of the administrative process. Therefore, the public hearing requirement is, by far, the largest contributor to the length of the administrative process.

Executive public hearing requirement The current law (County Code §49-53) directs the Executive to hold a public hearing before any road construction or cost assessment is authorized. At the direction of the County Attorney about a decade ago, sidewalks and hiker-biker paths are treated like roads under this provision. During deliberation over the road code bill in 2007, Executive staff recommended that the Executive be required to hold a public hearing only if a cost assessment is authorized, which historically was the reason for the legal requirement in the first place. Because any road (or sidewalk or path) to be constructed will have been the subject of at least one Council public hearing before it is included in a Capital Improvements Program, Council staff concurred that another Executive hearing is unnecessary. Staff pointed out that these hearings rarely, if ever, result in a decision not to proceed with the project or even a material change to it. Nevertheless, when the then-President of the County Civic Federation argued against repealing the hearing requirement as an infringement of the

[1]In the rest of this memo, shared use paths are included in the term "sidewalks".

public's opportunity to comment, the Council decided not to remove the requirement for an Executive hearing.

Alternative proposal Rather than the 2007 proposal to repeal the hearing requirement for all transportation projects (unless a cost assessment is involved), DOT staff proposed to exempt only a certain sidewalk or shared use path project that is: (1) entirely in the County right-of-way, and (2) either is within a school's official "walking area" or, if not, at least has the support of the applicable civic or homeowner's association. Council staff concurred that DOT's approach would be a reasonable compromise that would allow smaller neighborhood sidewalks and paths to be built months sooner without a real loss of due process. At its December 7 worksession, this Committee modified DOT's proposal by deleting the reference to schools, and directed Council staff to draft the attached bill.

As noted in the fiscal impact statement on ©5, another advantage of this proposal is that it would save the County money and time. DOT recently reduced its advertising costs associated with small sidewalk projects by consolidating several hearings into one day-long set of hearings, with an ad for each set. Nevertheless, for each public hearing an ad must appear at least twice in each of two newspapers with a general circulation. The cost of an ad in the *Washington Post* is $700-725, and the cost of a similar ad in *The Examiner* is $625-650. The overall advertising cost for a large hearing, therefore, is about $2,700, or $450 per sidewalk. The more significant use of resources, of course, is staff time consumed by these hearings: time to draft and buy the ads, staffing the hearings, and the hearing officer's time to write a report on each sidewalk.

The cost and staff time for these hearings would be worthwhile if they were meaningful means for public input. But nearly all those who testify at these hearings -- when any persons do testify -- are affected property owners with whom DOT has already engaged. Whether they support the project as designed or oppose all or some aspect of it, those testifying generally have already had sufficient communication and coordination with DOT.

Fiscal impact: savings of $38,000 plus staff time. See fiscal impact statement, ©5. **Economic impact**: not discussed, but probably minimal.

Issues/Committee recommendations

How to measure community support? Bill 3-10 (see ©2, lines 4-24) would allow the Executive to proceed without holding the required public hearing if:

- the sidewalk can be built in one or more existing public rights-of-way without a detailed engineering design;
- significant community support is shown, either by a notice of support from a civic or homeowners' association or other neighborhood organization, or a petition from property owners who would be benefited by the sidewalk; and
- the Executive finds no significant issues would require a public hearing to be held.

The most controversial criterion has been the second element regarding community support. (See selected letters, ©26-34.) DOT staff say they intend to use this provision, if it is

enacted, sparingly and waive the required hearing only in cases where the sidewalk is not controversial and no germane issues have been raised. However, some civic commenters, particularly several from the Bethesda neighborhood of Springfield, read the Bill's language more broadly and worry that it would give Executive staff too much leeway.

The questions raised about the community support element can be broken down into:

1) What is a "substantial number of property owners", the term used on ©2, lines 10-11 and 15? Is this term quantifiable? If so, how much is enough? Should anyone's support be mandatory (i.e. would any property owner have a veto)?

2) Which property owners' support should count? Those who would be affected by the sidewalk, or only those actually on its route?

3) What kind of notice to neighborhood property owners, if any, should be given before the decision to waive the hearing is made?

The Committee reviewed each of these issues:

1) What is a "substantial number of property owners"? Is this term quantifiable? If so, how much is enough? Should anyone's support be mandatory (i.e. would any property owner have a veto)?

In the Bill as introduced, this standard applies to both the homeowners' association or other organization which submits a letter of support, and to the petition signed by property owners if no such letter is filed with the Executive (see ©2, lines 9-20). In Council staff's view, the term need not be quantified further because it is part of an overall qualitative standard: is the proposed sidewalk non-controversial? In Justice Stewart's famous phrase, this is a "you know it when you see it" situation, where a bright-line eligibility test would not add anything.

If, however, some quantitative standard is needed, then several options exist:

- support from 100% of the immediate property owners. This was recommended by the Civic Federation (see ©25). It would effectively allow a single property owner to demand a hearing on each proposed sidewalk.
- support from 80% or a similar super-majority of the affected homeowners. This was suggested by Bethesda resident James Coffman (see ©26-28), who likened this requirement to the 80% standard in current County regulations for neighborhood approval of speed humps.
- support from a majority of the property owners on the proposed route. This was suggested by one of the commenters on the County PTA's email string collected by Councilmember Ervin's office (see ©37).

Council staff recommendation: retain "substantial number of property owners". If a quantitative standard is necessary, require a show of support from a majority of the property owners on the proposed route. (In any case, the Executive could still hold a hearing if significant opposition or issues arise.)

Committee recommendation: require the homeowners' or civic association to include a substantial number of owners of property located on the proposed route of the sidewalk. Require the petition filed when no homeowners' or civic association has filed a notice of support to be signed by a majority of owners of property on the proposed route.

2) Which property owners' support should count? Those who would be affected by the sidewalk, or only those actually on its route?

As the last discussion indicates, one issue is which property owners should have a say in whether a hearing must be held on each proposed sidewalk. Bill 3-10 refers to "property owners who would be benefited by construction of the sidewalk", repeating the term used in the current law for those properties that would be subject to an assessment for the costs of construction.[2] This means the properties along the route of the sidewalk, rather than also (as some commenters assumed) those in the surrounding neighborhood whose occupants could use the sidewalk.

The 2 options to define which property owners have a say in this decision (whether to hold a hearing) are;

- only property owners on the proposed route; or
- also property owners in the surrounding area, who would reasonably be expected to use the sidewalk.

Council staff recommendation: limit this term to property owners on the proposed route, who would lose some of their front yard and become obligated to clear snow from the sidewalk.

Committee recommendation: as noted in Issue 1, limit this term to property owners on the proposed route.

3) What kind of notice to neighborhood property owners, if any, should be given before the decision to waive the hearing is made?

The Planning Board (see ©24) supported this Bill but recommended that the Executive be required to notify the public of upcoming sidewalk projects for which a hearing would not be held unless a request is made. The Board did not specify the form of notice.

As previously noted, by this point in the process DOT staff will have already reviewed the proposed sidewalk with neighborhood residents and associations. However, assuming that some further notice is needed, we see at least 4 options for the type of notice:

- newspaper advertisement, as when a hearing is held;
- notice published in the monthly County Register;
- County press release; or

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[2]See, e.g., County Code §49-53(b)(6):

(b) Each notice issued under this Section must contain:

* * *

(6) The location of the real property that will be benefited by the construction.

However, the County has not used front-foot assessments to pay for roads or sidewalks for several decades.

- notice mailed or delivered to each house on the proposed route.

Council staff recommendation: publish the notice in the County Register and send a press release to civic and homeowners' associations in the area who are on the Planning Board's list of civic organizations. Newspaper ads cost too much, and direct mail or personal delivery could also be costly, depending on the length of the sidewalk or path.

Committee recommendation: require the Executive's designee to have given notice to and met with residents of the area before the Executive finds that no significant controversy has arisen that would require a public hearing. The form of notice is not specified.

Overall Committee recommendation: enact Bill 3-10 with amendments (Councilmember Berliner dissenting).

This packet contains:	Circle #
Expedited Bill 3-10 with Committee amendments	1
Legislative Request Report	4
Fiscal impact statement	5
Sidewalk construction administrative process/timeline	6
Lists of proposed sidewalks	8
Planning Board recommendation	24
Civic Federation recommendation	25
Selected correspondence	26
Pedestrian and traffic Safety Advisory Committee letter	39

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AMENDMENT
BY
COUNCILMEMBER GLASS

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

Beginning on page 2 of the original bill, strike lines 7-27, and replace, as follows:

49-53. Public hearing; notice.

* * *

(e) *Notice and comment period for sidewalks and sidepath.* The public hearing requirement under subsection (d) does not apply to the construction of a sidewalk or sidepath if the construction is not subject to a cost assessment authorized under applicable law or impacts a private property owner; and

(1) the Director sends written notice by mail to each property owner along the proposed route and to each civic association and homeowners association serving the area;

(2) the notice describes the proposed sidewalk or side path construction and identifies the proposed route;

(3) the Director provides the property owners, civic associations, and homeowners associations at least 30 days after the date of mailing to submit written comments, concerns, or other relevant information to the Director; and

(4) the Director must consider all comments received before authorizing construction of the sidewalk or side path.

DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

MEMORANDUM

November 10, 2026

TO: Evan Glass, Chair, Transportation and Environment Committee
Montgomery County Council

FROM: Christopher R. Conklin, Director
Department of Transportation

SUBJECT: Proposed Amendments to Bill 51-26

Montgomery County Department of Transportation (MCDOT) supports the intent of Bill 51-26, which amends Chapter 49 of County Code to make it easier to waive the public hearing requirement for sidewalks and sidepaths. Sidewalks and sidepaths are critical safety infrastructure, facilitating safe residential access to schools, businesses/retail, and jobs and making neighborhoods more accessible to people of all ages and abilities. The Department expends significant resources in engaging with residents about new sidewalks, and we appreciate the sponsors' intent to balance the need for engagement with expedited sidewalk delivery.

In reviewing the proposed Bill language against the Department's current practices, we believe amendments would align the sponsors' intent with current challenges experienced with sidewalk projects.

1. Requirement to waive public hearing

Bill text line 7 reads, "The Director need not hold a hearing under subsection (d) before a sidewalk or sidepath is constructed if [conditions 1-4 are met]." In the Department's current practice, we nearly always hold a public hearing even when the conditions of Section 49-53 are met, as "significant controversy" (see next proposed amendment) is an undefined term and subject to differing interpretation. As written in the original bill, line 7 leaves the public hearing waiver to the Director's discretion. However, the Director may continue to choose to hold a public hearing, even when all other conditions are met, to avoid procedural disputes with residents.

The Department would have a stronger directive to waive public hearings if line 7 were amended as follows: "The Director shall not hold a hearing…"

Should the Committee accept this amendment, the Department further suggests the Committee also add an item (5) under 49-53 (e) to include a different form of public engagement. Suggested language may be, "When the Department does not hold a public hearing under section (e), the Department must notify affected residents and businesses of the project, provide information about the purpose and design of the project, and provide opportunity for public input and comments about the project."

2. Define significant controversy

As noted, the Department's current practice is to hold a public hearing for any project in which there may be controversy. Since there is no definition of "significant controversy" in Section 49-53, staff have practically defined this term as a single resident who has contacted an elected official about the sidewalk project. We do not believe this is aligned with the intent of the Bill.

Therefore, we recommend that the Committee provide a clearer definition of "significant controversy."

We have not found a Maryland or federal statute or regulation that applies a definitive or quantitative definition of "substantial controversy". However, the Committee may define "significant controversy" using or modifying elements of the following definitions, which are generally taken from Federal Highway Administration standards under the National Environmental Policy Act:

1. A County or State elected official representing the location where the proposed sidewalk is located submits a letter requesting that a public hearing be held before construction of the sidewalk proceeds.
2. A letter of opposition is received from another State or Local government agency that clearly states (1) the relevance of the sidewalk to the agency's jurisdiction or operations and (2) clearly substantiates the reason(s) the agency opposes the project.

The letter of request from an elected official or letter of opposition from a government agency removes the discretion from the MCDOT Director about whether the hearing is held. Elected representatives or other agencies will need to identify the need for a public hearing, and MCDOT will conduct the hearing as occurs now, if needed. Under this approach, the Director will still be responsible for weighing the significance of the objections raised compared to the broad public interest of having sidewalks in reviewing the hearing record and determining whether the project should proceed.

3. Minor amendments

For clarity, we suggest considering modifying line 21 to read "a petition <u>of support</u> signed by…"

Thank you for your consideration, and we look forward to working with you to advance safe pedestrian infrastructure in the County.

cc: Marilyn Balcombe, Council Vice President, Montgomery County Council
Kate Stewart, Councilmember, Montgomery County Council

Ludeen McCartney-Green, Legislative Attorney, Montgomery County Council
Ken Hartman-Espada, Assistant Chief Administrative Officer, Office of the County Executive
Tricia Swanson, Director of Strategic Partnerships, Office of the County Executive
Haley Peckett, Deputy Director, Transportation Policy and Planning, Montgomery County Department of Transportation
Joseph Moges, Chief, Division of Transportation Engineering, Montgomery County Department of Transportation
Michael Paylor, Chief, Division of Traffic Engineering and Operations, Montgomery County Department of Transportation
Corey Pitts, Manager, Transportation Policy and Planning, Montgomery County Department of Transportation

Montgomery County Planning Board
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

2425 Reedie Drive
Floor 14
Wheaton, MD 20902

MontgomeryPlanningBoard.org

November 6, 2026

The Honorable Natali Fani-González
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

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

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on November 5, 2026, and voted 5:0 to support Bill 51-26 with modifications.

Bill 51-26 will allow sidewalks and pathways to be constructed more expeditiously if they are constructed entirely within the existing public right-of-way, do not require detailed engineering, and do not require acquisition of private property or create permanent impacts to private property. Property owners would continue to be contacted and engaged by MCDOT as projects move forward. That process provides opportunities to discuss site-specific concerns and potential design refinements, such as adjusting sidewalk alignment to avoid mature trees, minimize impacts to on-street parking, or address other local conditions.

The Planning Board supports this legislation because reducing the administrative public hearing requirement for sidewalk and sidepath construction allows more pedestrian pathways to be built faster. Building out a connected network of sidewalks is essential to creating the walkable communities envisioned in *Thrive Montgomery 2050*. The proposed legislation will improve connectivity, accessibility, and safety— advancing the county's Vision Zero goals and implementing the 2023 *Pedestrian Master Plan*. Specifically, the proposed legislation will support Pedestrian Master Plan Key Action B-1b: Reimagine public engagement for sidewalk construction to ensure that community members can share valuable local perspectives while pedestrian safety and connectivity improvements are not delayed.

BOARD MODIFICATIONS

While the Board supports Bill 51-26, it recommends strengthening the bill by eliminating the requirement in Section (e)(3) that ties the Director of Transportation's authority to waive a public hearing to a threshold of 25 percent of property owner support along the proposed sidewalk or path.

At a minimum, this requirement should be eliminated for proposed sidewalks and paths within public school walk zones.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report, and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, Thursday, November 5, 2026.

Sincerely,



Artie L. Harris
Chair