

Expedited Bill No. 30-16
Concerning: Streets and Roads –
Amendments
Revised: 6/6/2016 Draft No. 1
Introduced: July 12, 2016
Enacted: August 2, 2016
Executive: August 10, 2016
Effective: August 10, 2016
Sunset Date: None
Ch. 29, Laws of Mont. Co. 2016

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the request of the County Executive

AN EXPEDITED ACT to:

- (1) clarify that a person may not exercise control over, or otherwise occupy, the public right-of-way;
- (2) define certain terms in Chapter 49; and
- (3) generally amend County law regarding rights-of-way and streets and roads.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Sections 49-10 and 49-26

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

1 **Sec. 1. Sections 49-10 and 49-26 are amended as follows:**

2 **49-10. Obstruction of public rights-of-way.**

3 Except as provided in Section 49-11, in the public right-of-way, a person must
4 not:

5 (a) place, maintain, use, or exercise control over, any object or structure in
6 the public right-of-way;

7 (b) allow any object or structure owned by the person to occupy, obstruct,
8 or encroach upon the public right-of-way;

9 [(a)] (c) [do] perform any reconstruction or maintenance work; or

10 [(b)] (d) allow the [erect] erection or [place] placement of any structure, fence,
11 post, rock, or other object in the public right-of-way, except:

12 (1) mail boxes mounted on a support that will bend or break away
13 on impact by a vehicle;

14 (2) individual residential newspaper boxes mounted on a support
15 that will bend or break away on impact by a vehicle;

16 (3) street trees placed and maintained under Section 49-33(j);

17 (4) ground cover placed and maintained under Section 49-33(k);

18 (5) a temporary, removable obstruction or occupation of a
19 right-of-way installed under a permit issued under
20 Section 49-11; or

21 (6) as otherwise permitted by law.

22 Any object placed in the public right-of-way under [this subsection] Section
23 49-10(d) must not unreasonably impede use of a sidewalk or other right-of-way by
24 pedestrians or persons in wheelchairs, or impede or endanger automobiles or other
25 vehicles.

26 * * *

27 **49-26. Definitions.**

28 *Bikeway*: any area expressly intended for bicycle travel, including any:

29 (a) *Shared use path*: A paved path that abuts, is contiguous with, and is a
30 part of the right-of-way for a County road or street, that is typically 10
31 feet wide, but can vary between 8 feet and 14 feet wide, designated for
32 bicycles and pedestrians, and that is separated from motorized traffic
33 by a curb, barrier, or landscape panel.

34 (b) *Shared use trail*: A paved or unpaved trail designated for bicycles and
35 pedestrians, that is not part of the right-of-way for a County road or
36 street because the trail does not abut and lie contiguous with the right
37 of way for a County road or street.

38 [(b)] (c) *Bike lane*: A portion of a roadway designated by striping, signing, or
39 pavement markings for the preferential or exclusive use of bicycles, and
40 on which through-travel by motor vehicles is not allowed.

41 [(c)] (d) *Shared use roadway*: A roadway open to both bicycle and motor
42 vehicle travel and which is designated as a preferred route for bicycle
43 use by warning or informational signs.

44 [(d)] (e) *Separated bike lane*, also known as a protected bike lane or cycle
45 track: a bikeway that is physically separated from motor vehicles and
46 pedestrian facilities. The separation may be vertical, such as a curb;
47 horizontal, such as a landscape panel or parking lane; or a
48 combination. A separated bike lane may be in a one-way or two-way
49 configuration.

50 [(e)] (f) *Buffered bike lane*: a bikeway separated from a motor vehicle travel
51 lane with an area of striped pavement.

52 * * *

53 Road: any road, street, highway, avenue, lane, alley, [or viaduct, or any segment
54 of any of them.] bridge, shared use path, sidewalk, viaduct, or any segment of any of
55 them, and any related storm drain and stormwater management facility.

56 * * *

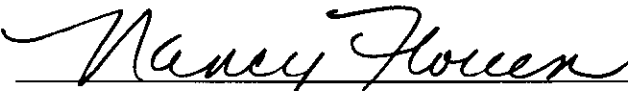
57 Sidewalk: any portion of the right-of-way for a County road or street that is
58 expressly intended as a pedestrian walkway [that fronts a road].

59 * * *


60 **Sec. 2. Expedited Effective Date.**

61 The Council declares that this legislation is necessary for the immediate
62 protection of the public interest. This Act takes effect on the date on which it becomes
63 law.

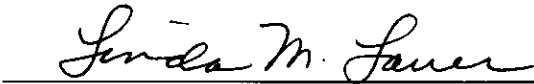
64 *Approved:*

65
66  August 2, 2016
Nancy Floreen, President, County Council Date

67 *Approved:*

68  August 10, 2016
Isiah Leggett, County Executive Date

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

70  Aug 12, 2016
Linda M. Lauer, Clerk of the Council Date