

Bill No. Bill 24-22
Concerning: Streets and Roads
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Executive: _____
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Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) amend Chapter 49 to incorporate complete streets principles into the design and construction of roads; and,
- (2) generally amend Chapter 49 to modernize the street and road standards.

By amending

Montgomery County Code

Chapter 49, Streets and Roads

Sections 49-1, 49-2, 49-3, 49-4, 49-5, 49-6, 49-7, 49-9, 49-10, 49-11, 49-11A, 49-12, 49-14, 49-17, 49-19, 49-19A, 49-19B, 49-20, 49-21, 49-22, 49-23, 49-25, 49-26, 49-27, 49-28, 49-29, 49-30, 49-31, 49-32, 49-33, 49-34, 49-35, 49-36, 49-36A, 49-37, 49-38, 49-39, 49-40, 49-45, 49-50, 49-51, 49-53, 49-57, 49-62, 49-77 and 49-78

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:

27 in the County[,] to participate in the cost of any [street] road, including any sidewalk,
 28 bikeway, gutter, curb or drainage construction, landscaping, traffic control device,
 29 bikeshare station, electric vehicle charging station, or placement of utilities, conduits,
 30 or other amenities in a [street or] road dedicated to public use.

31 **Sec. 49-5. Right to drain dedicated roads without liability to abutting owners.**

32 If any road is dedicated to the use of the public by a private grant, the grant must
 33 include the right [at all times] to properly drain the road, including a grant to the County
 34 of any necessary easements, without liability of the County to any abutting owner for
 35 any resulting injury.

36 **Sec. 49-6. Roads used for 20 years may be declared public highways.**

37 [(a)] Whenever any road has been used by the public for 20 or more years,
 38 though the road may never have been condemned or granted as a public
 39 [highway] road and regardless of whether the road termini are public, the
 40 County Executive may by Executive order published in the County
 41 Register declare the road to be [a] public [highway].

42 [(b)] The public right-of-way of a road declared as a public highway under
 43 subsection (a) must include permanent maintenance easements which
 44 extend 10 feet beyond each pavement edge.]

45 **Sec. 49-7. Authority of special taxing districts to regulate streets and roads.**

46 [(a)] Any special taxing district which has the authority to pave and maintain
 47 streets and roads may adopt and amend reasonable regulations under
 48 Method (2) governing the construction, maintenance, improvement,
 49 grading, and repairing of the roads and streets in the district, including
 50 those dedicated for public use.

51 [(b)] In adopting regulations, the special taxing district may, by resolution,
 52 incorporate any similar County regulation.]

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Sec. 49-9. Removal of items that obstruct the vision of motorists on public highways or interfere with the use of public rights-of-way.

(a) Notice to owner of property. If the Director of Transportation finds that any tree, bush, vine, undergrowth, or other obstruction, except a building or similar structure affixed to the ground, on private property poses a threat to public safety by obstructing the vision of operators of vehicles traveling on any public [street,] road[, or highway,] interfering with the public rights-of-way as a traffic hazard, limiting access by Fire and Rescue Service vehicles, or restricting the use by pedestrians or bicyclists of the public rights-of-way, the Director promptly must serve on the owner, agent, lessee or any other person supervising the property a written notice that:

* * *

Sec. 49-10. Obstruction of public rights-of-way.

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

- (a) place, maintain, use, permit, allow, or exercise control over, any object or structure [in the public right-of-way];
- [(b) allow any object or structure owned by the person to occupy, obstruct, or encroach upon the public right-of-way;]
- [(c)](b) perform any reconstruction or maintenance work; or
- [(d)](c) allow the erection or placement of any structure, fence, post, rock, or other object [in the public right-of-way], except:
 - (1) [mail boxes] mailboxes mounted on a support that will bend or break away on impact by a vehicle;

- 79 (2) individual residential newspaper boxes mounted on a support that
- 80 will bend or break away on impact by a vehicle;
- 81 (3) street trees placed and maintained under Section 49-33(j);
- 82 (4) ground cover placed and maintained under Section 49-33(k);
- 83 (5) a temporary, removable obstruction or occupation of a right-of-
- 84 way installed under a permit issued under Section 49-11; or
- 85 (6) as otherwise permitted by law.

86 Any object placed in the public right-of-way under Section 49-10[(d)](c) must
 87 not [unreasonably] impede use of a sidewalk or other right-of-way by pedestrians or
 88 persons in wheelchairs, or impede or endanger automobiles or other vehicles.

89 **Sec. 49-11. Permit to obstruct public rights-of-way.**

90 (a) *Definitions.* In this [section] Section, the following terms have the
 91 meanings indicated.

92 *Public* includes pedestrians, bicyclists, and transit users.

93 *Safe alternative path* means an alternate [walkway or shared use path]
 94 sidewalk or sidepath that:

- 95 (A) is on the same side of the street as a temporary closure; and
- 96 (B) provides safe access and passage to pedestrians.

97 *Temporary closure* means a temporary obstruction, blockage, or
 98 occupation of a right-of-way under a permit issued by the Director of
 99 Permitting Services under this Section.

100 (b) [Notwithstanding Section 49-10, and subject] Subject to subsections (c)
 101 and (d) of this Section, the Director of Permitting Services may issue a
 102 permit to:

- 103 (1) reconstruct or repair a sidewalk, [shared use path] sidepath,
- 104 driveway, curb, or other structure;

- 105 (2) repair, locate, or replace underground utilities or infrastructure
 106 under a sidewalk or [shared use path] sidepath;
- 107 (3) install a temporary, removable obstruction or occupation of a right-
 108 of-way;
- 109 (4) close a curb lane, sidewalk, or [shared use path] sidepath in
 110 conjunction with the construction or reconstruction of an abutting
 111 structure;
- 112 (5) install permanent, nonstandard structures in the right-of-way that
 113 were approved by the Planning Board, the City of Rockville, or the
 114 City of Gaithersburg in a site plan as a site element of streetscape.
 115 Streetscape [includes] means street furnishings[,] and fixtures [and
 116 elements in connection with] used by the public [use of] in the
 117 right-of-way but does not include [enclosed] structures [or vaults]
 118 or improvements for private use. The permit applicant must
 119 execute a declaration of covenants that runs with the land on which
 120 [the project associated with] the streetscape [is being developed]
 121 will be installed to perpetually maintain the permitted streetscape
 122 in a good and safe condition; return the right-of-way to its
 123 condition before the permitted streetscape was installed if the
 124 nonstandard permitted streetscape is removed; and indemnify the
 125 County from any cost or liability associated with the construction,
 126 maintenance, use or removal of the nonstandard permitted
 127 streetscape; or
- 128 (6) install a private, non-commercial structure that is accessory to a
 129 residential use. The permittee must execute a maintenance and

130 liability agreement that is approved by the Director of the
131 Department of Permitting Services.

132 * * *

133 (d) *Time limits for temporary closures without safe alternative paths.* Except
134 as provided in subsections (e) and (f):

135 (1) a temporary closure to reconstruct or repair a sidewalk or [shared
136 use path] sidepath must not exceed 6 months without the provision
137 of a safe alternative path; and

138 (2) any other temporary closure must not exceed 15 days without
139 provision of a safe alternative path.

140 * * *

141 (f) *Short extensions for hardship.*

142 (1) The Director may grant one extension of a time period under
143 subsection (d), for no more than 15 days, on a showing [of
144 extreme] by the applicant of undue hardship involving significant
145 difficulty or expense.

146 (2) The Executive must adopt regulations under Method [(2)] (3) to
147 specify the standards a permittee must meet to demonstrate
148 [extreme] undue hardship involving significant difficulty or
149 expense.

150 * * *

151 **Sec. 49-11A. Permit to temporarily obstruct private roads.**

152 (a) A person must not close any portion of a private road that is an urban road
153 as defined in Section 49-32 without a permit from the Director of
154 Permitting Services.

155 (b) The Director of Permitting Services may issue a permit for the complete
156 or partial closure of a private road on a temporary basis if the closure does
157 not:

- 158 (1) violate Chapter 22;
- 159 (2) [unreasonably] interfere with use of the private road by persons
160 with disabilities;
- 161 (3) [unreasonably] impede or endanger the users of any building or
162 structure adjacent to or abutting the private road; or
- 163 (4) adversely impact the use of connecting public roads.

164 * * *

165 (d) The Director of Permitting Services may charge a fee, set by Method [3]
166 (3) regulation, for the permit application and may include conditions in
167 each permit that provide for the safety of any user of a building or
168 structure adjacent to or abutting the private road, including providing for
169 safe alternate access to and egress from any building or structure.

170 * * *

171 **Sec. 49-12. Exemptions from Sections 49-10 and 49-11.**

172 (a) Subject to paragraphs (1) and (2), Sections 49-10 and 49-11 do not apply
173 to, and no permit under those Sections is required of, any municipality,
174 special taxing district or government agency [authorized by law] to
175 construct streets, roads, sewers, or drainage facilities in the County over
176 which the entity has jurisdiction. However:

- 177 (1) Sections 49-10 and 49-11 apply to any road that is located in a
178 municipality and owned or maintained by the County; and
- 179 (2) if the County owns or maintains a right-of-way, Section 49-11
180 applies to any temporary closure of the right-of-way [in connection

181 with construction or reconstruction on abutting property owned by
182 the County].

183 [(b) Sections 49-10 and 49-11 do not apply to any vehicle operated by a fire
184 department, public utility, or first aid provider, while that vehicle is being
185 used to provide emergency services.]

186 * * *

187 **Sec. 49-14. Debris likely to injure persons, animals, or vehicles.**

188 A person must not place or leave in or on any public [highway or street] road,
189 any debris liable to cause injury or damage to any vehicle or personal property. Any
190 violation of this Section is a Class C violation.

191 * * *

192 **Sec. 49-17. Accumulation of snow and ice on property prohibited.**

193 (a) *Legislative [Findings] findings.*

194 (1) During significant winter storm events, Montgomery County’s
195 sidewalks often become impassable and covered in piles of snow
196 that are pushed aside from the road as a result of County and State
197 snowplows. The scope of the problem is prevalent on
198 Montgomery County’s busiest roads, where sidewalks are often
199 within an arm’s reach of traffic.

200 (2) These blocked sidewalks often persist for days following the end
201 of a snowstorm, creating a significant pedestrian safety hazard that
202 often forces pedestrians to walk in a lawn with oncoming traffic.

203 (3) County law allocates the responsibility of property owners to clear
204 snow on a public sidewalk fronting their property within 24 hours
205 of the end of snowfall. However, such clearing rarely occurs due

206 to a variety of reasons, including the difficulty of removing the
 207 large piles of compacted snow and ice created by plow trucks.

208 (4) The County, in its current operation, clears sidewalks in urban
 209 districts and approximately sixty (60) miles of sidewalks with no
 210 adjacent residential or commercial property owner outside of such
 211 areas.

212 (5) Snow-covered and icy sidewalks adversely affect essential
 213 workers and commuters, who often travel by foot or public
 214 transportation, and must walk along high-traffic roads to get to bus
 215 stops and retail stores.

216 (6) It is in the best interest of the County to adopt fair, reasonable and
 217 equitable legislation to address safety hazards and increase
 218 walkability access on sidewalks for pedestrians during winter
 219 storms.

220 (b) (1) *Definitions.* In this Section:

221 (A) *Commercial property* means real property that either:

- 222 (i) is not designed for or intended for human habitation;
- 223 or

- 224 (ii) contains a multi-family dwelling of four or more
- 225 units.

226 (B) *Residential property* means real property containing either:

- 227 (i) a [single family] single-family dwelling; or

- 228 (ii) a [multifamily] multi-family dwelling of three or
- 229 fewer units.

230 (C) *Department* means the Department of Transportation.

231 (D) [*Non-Buffered Sidewalk*] Non-buffered sidewalk means a
 232 sidewalk along a roadway that does not contain a grass strip
 233 or other physical separation between the sidewalk and the
 234 adjacent curb or road edge.

235 (E) *Orphan [Sidewalk]* sidewalk means a sidewalk either
 236 abutting a State or County road and be located:

- 237 (i) adjacent to a vacant lot;
- 238 (ii) an overpass with no adjacent commercial or
 239 residential property adjoined; or
- 240 (iii) behind a residential or commercial property that is
 241 not directly accessible from the owner’s property and
 242 is separated from the sidewalk by a fence, guardrail,
 243 or change in elevation grade.

244 (2) A person is responsible for removing snow and ice on any
 245 sidewalk, sidepath, other [walkway] areas intended for public
 246 pedestrian access, [shared use path,] or parking area on or adjacent
 247 to property that the person owns, leases, or manages, [including
 248 any walkway in the public right-of-way,] to provide a pathway
 249 wide enough for safe pedestrian and wheelchair use. For purposes
 250 of this Section, commonly owned property between a single-
 251 family residential lot and a common [walkway] sidewalk or
 252 sidepath is considered part of the lot if the intervening common
 253 property includes a [walkway] sidewalk, sidepath, or driveway that
 254 serves only that lot.

- 255 (3) Except as provided in paragraph (5), each owner, tenant, or
 256 manager is jointly and severally responsible for clearing snow and
 257 ice from the property and complying with Section 31-26A(d).
- 258 (4) The requirements of this Section do not apply to:
- 259 (A) an unpaved [walkway] sidewalk;
- 260 (B) a private [walkway] sidewalk or parking area on the
 261 property of a single-family residence;
- 262 (C) a public [walkway] sidewalk or sidepath behind a single-
 263 family residence that is not directly accessible from the
 264 owner's property;
- 265 (D) a [walkway] sidewalk that:
- 266 (i) is at least 25 feet from vehicular traffic;
- 267 (ii) serves only pedestrian destinations that are also
 268 accessible by another [walkway] sidewalk that this
 269 Section requires to be cleared;
- 270 (iii) was not routinely cleared of snow and ice after
 271 August 1999; and
- 272 (iv) is not the primary route for pedestrian access to a
 273 winter recreational facility open to the public; or
- 274 (E) any non-buffered sidewalk or path as specified under
 275 Section 49-17(j), regardless if the private property is
 276 fronting or abutting the sidewalk.
- 277 (5) (A) An individual who lives in a multi-family residential
 278 property is not responsible for removing snow and ice from
 279 a common [walkway] sidewalk, sidepath, or parking area.

280 (B) A homeowners' association, as that term is used in State
 281 law, is not responsible for removing snow and ice from a
 282 [walkway] sidewalk or sidepath adjacent to a single-family
 283 residential lot, if the lot owner is responsible under
 284 paragraph (1) for removing snow and ice from that
 285 [walkway] sidewalk or sidepath.

286 (c) If ice or hardpacked snow is impossible or unreasonably difficult to
 287 remove, the person is responsible for applying sufficient sand, other
 288 abrasives, or salt to provide safe pedestrian use.

289 (d) The person is responsible for removing snow and ice within 24 hours after
 290 the end of the precipitation that caused the condition. If a snowplow
 291 redeposits snow or ice on a sidewalk, sidepath or other [walkway] area
 292 intended for pedestrian access after a person has complied with this
 293 Section, the person is not responsible for clearing the [walkway] area
 294 until 24 hours after the snowplow redeposited the snow or ice.

295 (e) The County Executive must designate a department to enforce this
 296 Section and may designate other County employees or contractors to
 297 enforce this Section.

298 (f) The Executive may order a different deadline or conditions for
 299 removing snow and ice during or immediately after a severe or unusual
 300 storm or other public-safety condition.

301 (g) In addition to any other remedy or penalty for a violation of this
 302 Section, the County may clear the snow and ice and charge the
 303 responsible property owner for the cost, which the County may collect
 304 in the same manner as property taxes.

305 (h) *Violations.*

306 * * *

307 (i) *Sidewalk [Snow Removal Plan] snow removal plan.*

308 * * *

309 (j) *Sidewalk [Snow Removal] snow removal – Required.* The Executive
310 must implement a plan and require the Department to remove or cause
311 to be removed snow and ice accumulation from the last day of
312 precipitation within the following designated areas:

313 * * *

314 **Sec. 49-19. Conversion of overhead lines to underground locations.**

315 If the construction or improvement of any County road requires any person to
316 relocate any overhead electric, telephone, or other overhead line or related facility in
317 any County road right-of-way, the County Executive must, by regulation adopted
318 under [method] Method (3), require that any affected line must be installed
319 underground if the Executive finds that underground installation is desirable after
320 considering the following factors:

321 * * *

322 Any regulation to implement this Section must require the replacement of any
323 street light removed during the [conversion of any line to an underground location]
324 installation of underground facilities.

325 **Sec. 49-19A. [Energy-efficient street lights.**

326 (a) *Definitions.* In this Section, the following words have the meanings
327 indicated:

328 *Director* means the Director of the Department of Transportation.

329 *Light-emitting diode* or *LED light* means a semiconductor device that
330 produces visible light when an electrical current is passed through it.

331 (b) When any contract to maintain street lights owned by the County in effect
 332 on January 21, 2014, expires, any later maintenance contract must be with
 333 a company that commits to install LED lights or another energy-efficient
 334 technology that the Director finds is equivalent or superior to LED lights.

335 **Sec. 49-19B] Permit exemption for the Purple Line.**

336 (a) The State of Maryland, including its agencies and divisions, is exempt
 337 from any permitting requirement in Chapters 8 (“Buildings”), 17
 338 (“Electricity”), 22 (“Fire Safety Code”), and 49 (“Streets and Roads”) for
 339 the construction of:

- 340 (1) any portion of the Purple Line that is located within the public
 341 right-of-way under a valid franchise agreement approved by the
 342 County Council under Section 49-21; and
- 343 (2) any structure related to the Purple Line owned by the State of
 344 Maryland or its agencies or divisions, including any hiker/biker
 345 trail that will be owned or maintained by the County.

346 (b) However, the State of Maryland, and its agencies, divisions, and
 347 contractors, must obtain any permit required under Chapter 8, 17, 22, and
 348 49 for the construction or alteration of any structure owned by the County,
 349 except the hiker/biker trail, or by a private person or entity.

350 **ARTICLE 2. FRANCHISES.**

351 **Sec. 49-20. Franchises for use of street; procedure for granting; notice and**
 352 **hearing.**

353 The Council [must not grant any] may approve a franchise [in relation to] for
 354 the occupation of any [highway, avenue, street, lane, alley,] road or other right-of-way,
 355 either on, above, or below the surface[, until all requirements of this Article have been
 356 met] if the following requirements are met:

- 357 (a) *Application to be published.* The applicant must publish notice of each
 358 application for [any] a franchise once a week for 3 successive weeks in
 359 one or more newspapers of general circulation in the County, specifying:
- 360 (1) [the essential] a summary of terms of the proposed franchise;
 - 361 (2) the compensation the County [will] may receive, [which may take
 362 the form of] including in-kind goods and services [as well as cash
 363 payments]; and
 - 364 (3) the location, character, and extent of the use of the right-of-way.
- 365 (b) *Inquiry as to value.* [After the notice required by subsection (a) is
 366 published, the] The County Executive or a designee [must] may
 367 investigate the value of the proposed franchise and the adequacy of the
 368 compensation proposed to be paid for it.
- 369 (c) *Hearing on objections.* If any taxpayer, or any property owner whose
 370 property [right] rights may be affected by the grant of the franchise, files
 371 an objection to the granting of the franchise in writing with the County
 372 Executive within 10 days after the last notice required by subsection (a)
 373 appears, the County Executive or a designee must hold a hearing within
 374 15 days after the objection is filed on the proposed franchise and any
 375 objections to it.
- 376 (d) *Recommendations of County Executive.* The County Executive must, [in
 377 each case,] after any hearings required by this Article, forward to the
 378 Council written recommendations concerning the proposed franchise,
 379 including the Executive’s findings as to the value of the proposed
 380 franchise, any response to objections which have been raised, and any
 381 other relevant issues.

382 * * *

383 **Sec. 49-21. Council action.**

384 (a) [If the Council finds that granting the franchise is expedient and proper,
 385 the] The Council may grant [such] a franchise for such compensation as
 386 it, after considering the recommendations of the County Executive, finds
 387 proper, for a period not longer than 25 years. If the franchise allows the
 388 location of a permanent structure with a useful life [substantially] longer
 389 than 25 years in the County right-of-way, the initial term of the franchise
 390 may exceed 25 years.

391 (b) [At the option of the Council, the approved] The franchise may allow the
 392 [grantee] franchisee to renew the franchise, after [a fair revaluation,] the
 393 County determines the value of the renewed franchise [including the
 394 value, if any, derived from the franchise or renewals,] for one or more
 395 terms that each do not cumulatively exceed [another] 25 years.

396 (c) Every grant of any franchise must provide, by forfeiture of the grant, for
 397 compelling compliance with its terms [and to secure efficiency of public
 398 service at reasonable rates] and the maintenance of the [property] right-
 399 of-way in good condition, throughout the grant. [Each grant must also
 400 specify:

- 401 (1) the mode of determining any valuation and revaluation under this
- 402 Article,
- 403 (2) the time limit to exercise the rights given, and
- 404 (3) the procedure for default for a lapse of the franchise.]

405 * * *

406 **Sec. 49-22. County [Council] to retain [municipal] control.**

407 When the Council grants a franchise under this Article, the [Council]
 408 County must [not part with, but must expressly reserve, the right and duty at all times]

409 continue to exercise full [municipal] control [and regulation in respect to all matters
 410 connected with the franchise not inconsistent with its terms] over the franchised right-
 411 of-way.

412 **Sec. 49-23. Certain private rights not affected.**

413 Nothing in this Article is intended to affect any private right, [including the right
 414 of any adjacent property owner held by law in 1910,] except as necessary to comply
 415 with this Chapter.

416 **ARTICLE 3. ROAD DESIGN AND CONSTRUCTION CODE.**

417 **Sec. 49-25. Complete streets policy and standards.**

418 This Article is intended to guide the planning, design, and construction of
 419 transportation facilities in the public right-of-way. Each transportation facility in the
 420 County must be planned and designed to:

- 421 (a) maximize the choice, safety, convenience, and mobility of all users,
 422 regardless of age, ability, or mode of transportation,
- 423 (b) maintain or expand connectivity for users,
- 424 (c) respect and maintain the [particular character of] master plan
 425 recommendations for the community where it is located,
- 426 (d) ensure access, convenience, safety, and investment of resources are
 427 equitably applied,
- 428 [(d)](e) minimize stormwater runoff and otherwise preserve the natural
 429 environment, and
- 430 [(e)](f) facilitate, to the maximum extent possible, the future accommodation
 431 of improved transportation technology elements, such as intelligent
 432 signals, smart parking meters, electric vehicle charging, car- and bicycle-
 433 sharing, and way-finding systems.

434 To achieve these goals, each County road and street must be designed so that
 435 the safety and convenience of all intended users of the roadway system [– including
 436 pedestrians, bicyclists, transit users, automobile drivers, commercial vehicles and
 437 freight haulers, and emergency service vehicles –] is accommodated. [Each road and
 438 street must facilitate multi-modal use and assure that all users can travel safely in the
 439 public right of way. A specified quantity of stormwater must be managed and treated
 440 on-site, in the road or street right-of-way, including through the use of vegetation-based
 441 infiltration techniques.] Complete streets function as a road transportation network
 442 that is safe and convenient for all intended users, regardless of mode. Stormwater
 443 management requirements, including vegetated and structural practices, may be met
 444 on-site and within the public right-of-way. [These context-sensitive] Complete streets
 445 policies must be employed in all phases of publicly or privately funded facility
 446 development, including planning, design, construction, reconstruction, and
 447 streetscaping. [Each transportation project must incorporate complete streets
 448 infrastructure sufficient to promote safe and convenient travel along and across the
 449 right-of-way for all users.]

450 The County Executive must adopt under Method ~~[(3)]~~ (2) a Complete Streets
 451 Design regulation that provides guidance on the planning, design, and operation of
 452 roadways for all intended users.

453 This Article may be cited as the “Montgomery County Road Design and
 454 Construction Code.”

455 **Sec. 49-26. Definitions.**

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

458 Bikeway[:] means any area expressly intended for bicycle travel, including
 459 associated curbs and gutters and any:

- 460 [(a) *Shared use path*: A paved path that abuts, is contiguous with, and is a
 461 part of the right-of-way for a County road or street, that is typically 10
 462 feet wide but can vary between 8 feet and 14 feet wide, designated for
 463 bicycles and pedestrians, that is separated from motorized traffic by a
 464 curb, barrier, or landscape panel.
- 465 (b) *Shared use trail*: A paved or unpaved trail designated for bicycles and
 466 pedestrians, that is not part of the right-of-way for a County road or street
 467 because the trail does not abut and lie contiguous with the right of way
 468 for a County road or street.
- 469 (c) *Bike lane*: A portion of a roadway designated by striping, signing, or
 470 pavement markings for the preferential or exclusive use of bicycles, and
 471 on which through-travel by motor vehicles is not allowed.]
- 472 (a) *Bike lane* means a portion of a roadway designated by striping, signing,
 473 or pavement markings for the preferential or exclusive use of bicycles,
 474 and on which travel by motor vehicles is not allowed.
- 475 (b) *Off-street trail* means paths located outside of the road right-of-way that
 476 provide two-way travel for people walking, bicycling and using other
 477 non-motorized modes. This facility was formerly referred to as a “shared
 478 use trail.”
- 479 (c) *Separated bike lane*, also known as a *protected bike lane* or *cycle track*
 480 means an exclusive bikeway that is physically separated from motor
 481 vehicles and distinct from the sidewalk. A separated bike lane may be in
 482 a one-way or two-way configuration.
- 483 (d) *Shared use roadway*[:] means [A] a roadway open to both bicycle and
 484 motor vehicle travel and which is designated as a preferred route for
 485 bicycle use by warning or informational signs.

486 [(e) *Separated bike lane*, also known as a protected bike lane or cycle track:
 487 a bikeway that is physically separated from motor vehicles and pedestrian
 488 facilities. The separation may be vertical, such as a curb; horizontal, such
 489 as a landscape panel or parking lane; or a combination. A separated bike
 490 lane may be in a one-way or two-way configuration.

491 (f) *Buffered bike lane*: a bikeway separated from a motor vehicle travel lane
 492 with an area of striped pavement.]

493 (e) *Sidepath* means a paved path that is located parallel to and within the road
 494 right-of-way. Sidepaths provide two-way travel routes designated for
 495 walking, bicycling, jogging and skating. Sidepaths are separated from
 496 motorized traffic by a curb, barrier, or landscape panel. This facility was
 497 formerly referred to as a “shared use path”.

498 *Complete streets*[:] means streets that are planned, designed, and constructed to
 499 enable safe access for all intended users, including pedestrians, bicyclists, motorists,
 500 and transit riders of all ages and abilities, commercial vehicles, freight haulers, and
 501 emergency service vehicles.

502 *Complete streets infrastructure*[:] means any design feature that contributes to
 503 a safe, convenient, and comfortable travel experience, which may include such features
 504 as sidewalks; [shared use paths] sidepaths, bike lanes, and separated bike lanes; bike
 505 stations and bike storage facilities; narrow motor vehicle lanes and tight curb radii;
 506 street trees, planting strips, and other right-of-way landscaping; curbs and accessible
 507 curb ramps; curb extensions, crosswalks, and refuge islands; raised medians;
 508 pedestrian and traffic signals, including countdown and accessible signals; signage;
 509 streetlighting; street furniture; bicycle parking facilities; stormwater management;
 510 public transportation stops and shelters; dedicated transit lanes; and traffic calming
 511 devices.

512 *Construction* and *constructed* include “reconstruction” and “reconstructed” but
513 not “maintenance,” and include grading, installation of drainage structures, paving,
514 curbs and gutters, curb returns, sidewalks and other areas intended for pedestrian
515 access, bikeways, driveway entrances, guardrails, retaining walls, sodding, and
516 planting.

517 *Curb extension*[:] means an area that extends the line of a curb into a parking
518 lane, reducing the width of a street.

519 *Curbside Width*[:] means the area beyond each curb necessary for sidewalks,
520 [shared use paths] sidepaths, street trees and other landscaping, streetlights, utilities,
521 and other elements.

522 *Dedication plat*[:] means [Any] any plat conforming to law, duly recorded in
523 the County land records, which has the legal effect of dedicating one or more rights-
524 of-way to public use. If the plat was recorded after the Maryland-National Capital Park
525 and Planning Commission was created, and the property is located in the
526 Commission’s jurisdiction, the Commission must have approved the plat.

527 *Design standard*[:] means the standard adopted by regulation under this Article
528 for each type of road, as defined in Section 49-31, except Freeways and Controlled
529 Major Highways, which shows typical cross-sections and other dimensions to which
530 the road must conform.

531 *Director*[:] means [The] the Director of Transportation or the Director of
532 Permitting Services, as specified, and each Director’s designee.

533 *Drainage structure*[:] means [Any] any culvert, bridge, storm drain, storm
534 sewer, catch basin, canal, channel, inlet, ditch, or subsurface drain, and any other
535 structure or watercourse designed to convey surface or other waters.

536 *Dual road*[:] means [Any] any road in which the travel directions are separated
537 by a median.

538 *Forest conservation plan*[:] means [A] a plan for the retention, afforestation, or
 539 reforestation of forest and trees approved under Chapter 22A.

540 *Ground cover*[:] means [Low] low-maintenance, non-invasive, leafy, grassy, or
 541 woody vegetation that covers and holds soil.

542 *Maximum target speed*[:] means the maximum speed at which vehicles should
 543 operate on a thoroughfare in a specific context, consistent with the level or multimodal
 544 activity generated by adjacent land uses, to provide mobility for motor vehicles and a
 545 safe environment for pedestrians and bicyclists.

546 [*Pedestrian walkway*: Any sidewalk, and any other land, way, or path
 547 designated by appropriate signs for a pedestrian route.]

548 *Private road*[:] means [Any] any road [street, highway, avenue, lane, alley, or
 549 viaduct,] or any segment of [any of them] a road, including any [pedestrian walkway]
 550 sidewalk, sidepath, or other area intended for pedestrian access adjacent to the private
 551 road that has not been deeded, dedicated or otherwise permanently appropriated to the
 552 public for public use or County maintenance.

553 *Protected Crossing* means specific traffic control devices that improve the
 554 safety and comfort of pedestrians and bicyclists crossing streets by reducing or
 555 eliminating conflicts, as well as increasing stopping and yielding for pedestrians and
 556 bicyclists, using measures such as traffic signals (full signals with pedestrian signals),
 557 pedestrian hybrid (HAWK) beacons, all-way stop control, or grade-separated
 558 crossings.

559 *Reconstruct* and *reconstruction* include any change in the width, alignment, or
 560 design of a road or other structural features within or along a roadway [– that is, the
 561 width of the pavement or the area between curbs –] but [do] does not include
 562 resurfacing a road, bikeway, or sidewalk without any change in its width.

563 *Road*[:] means [Any] any road, street, highway, avenue, boulevard, lane, alley,
 564 bridge, [shared use path] sidepath, sidewalk, viaduct, or any segment of any of them,
 565 and any related storm drain and stormwater management facility.

566 *Rural area* means an area designated as the Rural East and Rural West policy
 567 areas in the Growth and Infrastructure Policy.

568 *Sidewalk*[:] means any portion of the right-of-way for a County road [or street]
 569 that is expressly intended [as a pedestrian walkway] for pedestrians, including
 570 pedestrian ramps.

571 *Specimen tree*[:] means [Any] any tree with a diameter measured at 4.5 feet
 572 above the ground of 30 inches or more, or any tree with 75% or more of the diameter
 573 of the current champion tree of that species, as designated by the County Forest
 574 Conservation District Board.

575 *Speed hump* means a parabolic or flat-top device used to create vertical
 576 deflection along a roadway for traffic calming purposes. These may include wheel
 577 gaps that allow target vehicles to pass through unaffected or flat-top devices may
 578 include crosswalks.

579 *Street tree*[:] means [A] a tree that is listed in the design standards as acceptable
 580 for planting in a public right-of-way. In a private road right-of-way or easement, a tree
 581 listed as acceptable for planting in the Planning Board technical manual for forest
 582 conservation.

583 *Subdivision*[:] means [The] the division or [partition] assemblage of a lot, tract
 584 or parcel of land into [2] one or more lots, plots, sites, tracts, parcels, or other divisions
 585 for immediate or future rental, sale, or building development. *Subdivision* includes a
 586 re-subdivision, but not a division or partition of land for agricultural purposes.

587 *Transitway*[:] means a right-of-way for use exclusively by public transit
 588 vehicles.

589 Urban area means areas depicted ~~[[by Appendix E]]~~ in the Master Plan of
 590 Highways and Transitways as amended, or by any replacement functional, master, or
 591 sector plan that defines urban areas or urban road code boundaries.

592 **Sec. 49-27. Applicability of Article.**

593 This Article applies to all roads in the County, except any:

- 594 (a) [State] state road;
- 595 (b) [Federal] federal road;[.]
- 596 (c) [Road] road located in any part under the jurisdiction of the Maryland-
 597 National Capital Park and Planning Commission;
- 598 (d) [Private] private road; or
- 599 (e) [Municipally] municipally owned and maintained road.

600 Nothing in this Article prevents the County from building, and assessing the cost
 601 of, any drainage structure, curb or gutter, sidewalk, [shared use path] sidepath, curb
 602 return, or sidewalk and driveway entrance, along a [State] state or [Federal] federal
 603 road.

604 **Sec. 49-28. Standards and specifications.**

- 605 (a) Except as otherwise provided in this Article, the construction of all roads
 606 must conform to the standards[, criteria] and specifications in this Article
 607 or any regulation adopted under this Article. As used in this Article,
 608 “standards” means County design standards including the regulation
 609 adopting the ~~[[Complete]]~~ complete streets design, and “specifications”
 610 means the most recent [State] state standard specifications for road
 611 construction and materials. When no County standards or specifications
 612 are applicable, the County will apply the current guidance published by
 613 the American Association of State and Highway Transportation Officials

614 (AASHTO) or National Association of City Transportation Officials
 615 (NACTO).

616 (b) The [Director of Transportation] Executive may set a fee by [method 2]
 617 Method (3) regulation for the review of any plan or document submitted
 618 under Chapter 50 or this Chapter. Each fee must be based on the costs of
 619 reviewing any plan or document and any staff participation in the
 620 subdivision process. The Department must provide a copy of each fee
 621 regulation to the Planning Board.

622 (c) The Department of Transportation must make available to the public, free
 623 or at a reasonable cost, an up-to-date copy of all applicable County road
 624 design standards and specifications.

625 **Sec. 49-29. Pedestrian [walkways] sidewalks, bikeways, and wheelchair traffic.**

626 (a) The County must construct bikeways [[Bikeways]] and [walkways]
 627 sidewalks [[must be constructed]] when [[any County road]] it is
 628 [[constructed, reconstructed, or relocated]] constructing, reconstructing,
 629 or relocating a County road, except [any walkway]:

630 (1) any sidewalk or sidepath in front of a lot that is larger than 25,000
 631 square feet for a single-family detached dwelling in a rural zone;

632 (2) any sidewalk or sidepath on any roadway that is classified as
 633 [exceptional rustic, rustic, country arterial, or country road] rustic
 634 or exceptional rustic;

635 (3) any sidewalk or sidepath on a [tertiary residential] neighborhood
 636 street or neighborhood yield street serving fewer than 75 dwelling
 637 units if the Planning Board and Department of Transportation
 638 [finds] find that a sidewalk is not expected to be [unnecessary]
 639 necessary for pedestrian movement[, or];

640 (4) any sidewalk if the site is located in an environmentally sensitive
 641 area with limits on the amount of impervious surface allowed. [.]

642 [[; or]]

643 [[(5) where the Department of Permitting Services finds that a bikeway
 644 or sidewalk is infeasible because it will not connect to any destination
 645 within the foreseeable future, or the facility qualifies for fee payments in
 646 lieu of construction under Section 49-40.]]

647 Each bikeway and [walkway] sidewalk must conform to approved capital
 648 improvements programs and be consistent with applicable area master
 649 plans and transportation plans adopted by the Planning Board.

650 (b) To promote the safety of bicycle and wheelchair travel throughout the
 651 County, the County Executive must adopt, by Method (3) regulation,
 652 standards and specifications to build and maintain ramps at curbed
 653 intersections and [storm water] stormwater gratings and other openings
 654 along roads and streets, in each case of a design and type that is not a
 655 hazard to bicycle and wheelchair traffic and is consistent with Americans
 656 with Disabilities Act best practices guidelines published by the United
 657 States Department of Justice. These ramps, gratings, and openings must
 658 be built and maintained as part of each project under subsection (a).

659 **Sec. 49-30. Traffic [Calming] calming.**

660 (a) The Director of Transportation must consider installing traffic calming
 661 and bicycle- and pedestrian-friendly design features [in] on any
 662 [residential] area connector, neighborhood connector, neighborhood
 663 street, or neighborhood yield street over 1,000 feet long, [minor arterial,
 664 business district street] downtown street, town center street, and industrial
 665 street. Traffic calming features include raised crosswalks and raised

666 intersections, traffic [circle] circles, medians, pedestrian refuge islands,
 667 ~~[[chokers]]~~ curb extensions, smaller centerline radii, parking cut-outs,
 668 chicanes, other forms of horizontal or vertical deflection, and special
 669 paving and streetscaping in central business districts or other commercial
 670 areas.

671 (b) [Speed humps that are 12 feet wide may be built on any principal
 672 secondary residential street, secondary residential street, tertiary
 673 residential street, or alley, but must be spaced at least 500 feet from any
 674 other hump and 200 feet from any intersection. Speed humps that are 22
 675 feet wide may be built on any primary residential street, but must be
 676 spaced at last 500 feet from any other hump and 200 feet from any
 677 intersection. Speed humps that are 22 feet wide may be built on a minor
 678 arterial, but must be spaced at least 750 feet from any other hump and
 679 300 feet from any intersection. Before speed humps are installed in any
 680 road, all other requirements specified in applicable regulations must be
 681 met.] Speed hump location and placement:

682 (1) speed humps that are 12 feet wide may be built on any
 683 neighborhood street, neighborhood yield street, or alley, but must
 684 be spaced at least 500 feet from any other hump and 200 feet from
 685 any intersection;

686 (2) speed humps that are 22 feet wide may be built on any downtown
 687 street, town center street, or shared street, but must be spaced at
 688 least 500 feet from any other hump and 200 feet from any
 689 intersection;

690 (3) speed humps that are 22 feet wide may be built on a downtown
 691 boulevard, town center boulevard, area connector, neighborhood

692 connector, rustic or exceptional rustic road, or industrial street, but
 693 must be spaced at least 750 feet from any other hump and 300 feet
 694 from any intersection; and

695 (4) before speed humps are installed in any road, all other
 696 requirements specified in applicable regulations must be met.

697 **Sec. 49-31. Classification of roads.**

698 [Each road, except those listed in subsections (m)-(n), must be classified as
 699 designated in the applicable master or sector plan. This Section defines the vehicular
 700 functions of each road classification.

701 (a) A Freeway is a road meant exclusively for through movement of vehicles
 702 at a high speed. Access must be limited to grade-separated interchanges.

703 (b) A Controlled Major Highway is a road meant exclusively for through
 704 movement of vehicles at a lower speed than a Freeway. Access must be
 705 limited to grade-separated interchanges or at-grade intersections with
 706 public roads.

707 (c) A Major Highway is a road meant nearly exclusively for through
 708 movement of vehicles at a moderate speed. Access must be primarily
 709 from grade-separated interchanges and at-grade intersections with public
 710 roads, although driveway access is acceptable in urban and denser
 711 suburban settings.

712 (d) A Parkway is a road meant exclusively for through movement of vehicles
 713 at a moderate speed. Access must be limited to grade-separated
 714 interchanges and at-grade intersections. Any truck with more than 4
 715 wheels must not use a Parkway, except in an emergency or if the trust is
 716 engaged in Parkway maintenance.

- 717 (e) An Arterial is a road meant primarily for through movement of vehicles
 718 at a moderate speed, although some access to abutting property is
 719 expected.
- 720 (f) A Country Arterial is an Arterial, typically in the County’s agricultural
 721 reserve.
- 722 (g) A Minor Arterial is a 2-land Arterial meant nearly equally for through
 723 movement of vehicles and access to abutting property.
- 724 (h) A Business District Street is a road meant for circulation in commercial
 725 and mixed-use zones.
- 726 (i) An Industrial Street is a road meant for circulation in industrial zones.
- 727 (j) A Primary Residential Street is a road meant primarily for circulation in
 728 residential zones, although some through traffic is expected.
- 729 (k) A Country Road is a road that has the function of a Primary Residential
 730 Street, typically in the County’s agricultural reserve.
- 731 (l) A Principal Secondary Residential Street is a Secondary Residential
 732 Street meant to carry somewhat more through traffic.
- 733 (m) A Secondary Residential Street is a road meant to provide access between
 734 a residential development with fewer than 200 dwelling units and one or
 735 more higher classification roads as defined in subsections (b) through (l).
- 736 (n) A Tertiary Residential Street is a road meant to provide direct access to a
 737 residential development with 75 or fewer dwelling units. A Tertiary
 738 Residential Street must not be built unless the Planning Board allows its
 739 use when the Board approves a preliminary subdivision plan or site plan.
- 740 (o) A Rustic Road or an Exceptional Rustic Road means a road classified as
 741 either under Article 8.

742 (p) An Alley is a right-of-way intended to provide secondary service access
 743 to the rear or side of lots or buildings and not intended for transporting
 744 through traffic. An alley may be used to provide primary vehicular access
 745 if the Planning Board and the Director of Transportation concur that the
 746 dimensions and specifications proposed in a project, preliminary
 747 subdivision, or site plan would provide adequate primary vehicular
 748 access.]

749 (a) In this Article and the regulations adopted under it. County area types
 750 are as follows until subsequently designated by functional plans, master
 751 plans, or sector plans:

752 (1) A downtown area consists of areas with the highest intensity of
 753 development. These areas are:

- 754 (A) Bethesda CBD;
- 755 (B) Friendship Heights CBD;
- 756 (C) Silver Spring CBD;
- 757 (D) Wheaton CBD;
- 758 (E) White Flint Sector Plan area; [[and]]
- 759 (F) White Flint 2 Sector Plan area west of the CSX
 760 Metropolitan Branch[.];
- 761 (G) Life Science/FDA Village area of the 2014 White Oak
 762 Science Gateway Master Plan;
- 763 (H) Life Science Center Districts in the 2010 Great Seneca
 764 Science Corridor Master Plan: LSC Belward, LSC North,
 765 LSC Central and LSC West districts; and
- 766 (I) Rock Spring Sector Plan.

- 767 (2) A town center area consists of areas with moderate to high
 768 development intensity. These areas are:
- 769 (A) Burtonsville Town Center;
 770 (B) Cabin Branch;
 771 (C) Chevy Chase Lake;
 772 ~~[(B)]~~(D) Clarksburg Town Center;
 773 ~~[(C)]~~(E) Damascus Town Center;
 774 ~~[(D)]~~(F) Germantown Town Center;
 775 (G) Glenmont Sector Plan Area;
 776 (H) Grosvenor-Strathmore Sector Plan Area;
 777 ~~[(E)]~~(I) Kensington Town Center;
 778 (J) Langley Crossroads;
 779 (K) Lyttonsville Purple Line Station;
 780 (L) Montgomery Hills;
 781 ~~[(F)]~~(M) Olney Town Center;[[and]]
 782 (N) Piney Branch;
 783 (O) Shady Grove Sector Plan Area
 784 (P) Twinbrook Sector Plan Area
 785 (Q) Westbard;
 786 (R) White Flint 2 Sector Plan area east of the CSX Metropolitan
 787 Branch; and
 788 ~~[(G)]~~(S) Woodside Purple Line Station.
- 789 (3) A country area is located within the designated Rural area.
- 790 (4) An industrial area is an area with predominantly industrial zoning.

791 ~~[(4)]~~(5) A *suburban* area is an area with predominantly residential
 792 zoning that is not already a downtown, town center, industrial, or
 793 country area.

794 ~~[(5)]~~(6) These areas may be created, eliminated or modified by
 795 functional plans, master plans, or sector plans.

796 ~~[(6)]~~(7) Roads are included in the area within which they are
 797 located. Roads bordering on two areas will be assigned to the area
 798 with the greater development intensity.

799 (b) Each road must be assigned a County classification and a federal
 800 classification. Federal classifications are assigned in accordance with the
 801 most recent edition of the Federal Highway Administration Highway
 802 Functional Classification typologies.

803 (c) County classifications are:

804 (1) A *Freeway* is a road meant exclusively for through movement of
 805 vehicles at a high speed. Access must be limited to grade-
 806 separated interchanges.

807 (2) A *Controlled Major Highway* is a road meant exclusively for
 808 through movement of vehicles at a lower speed than a Freeway.
 809 Access must be limited to grade-separated interchanges or at-grade
 810 intersections with public roads.

811 (3) A *Parkway* is a road meant exclusively for through movement of
 812 vehicles at a moderate speed. Access must be limited to grade-
 813 separated interchanges and at-grade intersections. Any truck with
 814 more than four wheels must not use a Parkway, except in an
 815 emergency or if the truck is engaged in Parkway maintenance.

- 816 (4) A *Downtown Boulevard* is a road in a downtown area that serves
817 a high volume of vehicles, pedestrians, bicyclists, or transit users.
818 Access to abutting properties is allowed but not preferable. These
819 roads were previously classified as major highways and arterials.
- 820 (5) A *Downtown Street* is a road in a downtown area that serves a large
821 share of pedestrians, bicyclists, or transit users. This road type is
822 meant for circulation in commercial and mixed-use zones. Access
823 to abutting properties is expected. These roads were previously
824 classified as business streets.
- 825 (6) A *Boulevard* is a road that typically connects employment and
826 entertainment centers, civic, commercial, and institutional land
827 uses, and may also provide ~~[[cross-country]]~~ cross-county and
828 regional connections. Pedestrian, bicycle, and transit users are to
829 be accommodated. Some access to abutting properties is expected.
830 These roads were previously classified as major highways and
831 arterials.
- 832 (7) A *Town Center Boulevard* is a road in a town center area that
833 serves a moderate to high volume of vehicles, pedestrians,
834 bicyclists, or transit users. Access to abutting properties is allowed
835 but generally not preferable. These roads were previously
836 classified as major highways and arterials.
- 837 (8) A *Town Center Street* is a road in a town center area that serves a
838 larger share of pedestrians, bicyclists, or transit users. This road
839 type is meant for circulation in commercial and mixed-use zones.
840 Access to abutting properties is expected. These roads were
841 previously classified as business streets.

- 842 (9) An Area Connector is a two-lane street in a suburban area that
843 typically connects employment and entertainment centers, civic,
844 commercial, and institutional land uses, and may also provide
845 limited regional connectivity and serve primary circulation in
846 residential zones. These roads were previously classified as minor
847 arterials.
- 848 (10) A Neighborhood Connector is a street in a suburban area providing
849 primary circulation in residential zones and may also enable traffic
850 to pass through a neighborhood. These streets were previously
851 classified as primary residential streets.
- 852 (11) A Neighborhood Street is a street that provides internal circulation
853 within suburban areas. Access to abutting properties is expected.
854 These streets were previously classified as secondary and tertiary
855 residential streets.
- 856 (12) A Neighborhood Yield Street is a Neighborhood Street that is
857 designed as a bi-directional one-lane street.
- 858 (13) An Industrial Street is a road meant for circulation in areas
859 consisting predominantly of industrial zones.
- 860 (14) A Country Connector is a road in a country area that was
861 previously classified as major highways, arterials, or country
862 arterials.
- 863 (15) A Country Road is a low intensity road in a country area.
- 864 (16) An Alley is a right-of-way intended to provide secondary access to
865 the rear or side of lots or buildings and not intended for
866 transporting through traffic. An alley may be used to provide
867 primary vehicular access if the Planning Board and the Director of

868 Transportation concur that the dimensions and specifications
869 proposed in a project, preliminary subdivision, or site plan would
870 provide adequate primary vehicular access. An Alley is a
871 Residential Alley if serving only residential zones, or a
872 Commercial Alley if serving any non-residential zones.

873 (17) A Rustic Road or an Exceptional Rustic Road means a road
874 classified as such under Article 8.

875 (18) A Residential Shared Street or Commercial Shared Street is a
876 street designed to create a shared traffic environment where
877 pedestrians, bicyclists, and other non-motorized traffic may
878 comfortably occupy the same space as motor vehicle traffic. These
879 streets prioritize pedestrian and bicycle movement by slowing
880 vehicular speeds and communicating clearly through design
881 features that motorists must yield to all other users. A Shared
882 Street is a Residential Shared Street if serving only residential
883 zones, or a Commercial Shared Street is serving any non-
884 residential zones.

885 (d) County classifications are assigned as follows until the roads are re-
886 designated by functional plans, master plans, or sector plans. The number
887 of lanes is defined as the number of through lanes for motor vehicles and
888 is tallied based on the number of planned lanes for that road, or the
889 number of existing lanes if not specified by any functional plan, master
890 plan, or sector plan.

891 (1) Freeways retain their classifications as Freeways.

892 (2) Controlled Major Highways retain their classifications as
893 Controlled Major Highways.

- 894 (3) Parkways retain their classifications as Parkways.
- 895 (4) Major highways:
- 896 (A) Major highways located in a downtown area are classified
897 as Downtown Boulevards.
- 898 (B) Major Highways located in a town center area are classified
899 as Town Center Boulevards.
- 900 (C) Two-lane Major Highways located in a country area are
901 classified as Country Connectors.
- 902 (D) Two-lane Major Highways located in a suburban area are
903 classified as Area Connectors.
- 904 (E) All Major Highways not addressed by (A) through (D) are
905 classified as Boulevards.
- 906 (5) Arterials:
- 907 (A) Arterials with four or more lanes located in a downtown area
908 are classified as Downtown Boulevards.
- 909 (B) Arterials with fewer than four lanes located in a downtown
910 area are classified as Downtown Streets.
- 911 (C) Arterials with more than two lanes located in a town center
912 area are classified as Town Center Boulevards.
- 913 (D) Arterials with two lanes located in a town center area are
914 classified as Town Center Streets.
- 915 (E) Arterials located within a country area are classified as
916 Country Connectors.
- 917 (F) Two-lane Arterials located in a suburban area are classified
918 as Area Connectors.

- 919 (G) All Arterials not addressed by (A) through (F) are classified
 920 as Boulevards.
- 921 (6) Minor Arterials:
- 922 (A) Minor Arterials with four or more lanes located in a
 923 downtown area are classified as Downtown Boulevards.
- 924 (B) Minor Arterials with fewer than four lanes located in a
 925 downtown area are classified as Downtown Streets.
- 926 (C) Minor Arterials with more than two lanes located in a town
 927 center area are classified as Town Center Boulevards.
- 928 (D) Minor Arterials with two lanes located in a town center area
 929 are classified as Town Center Streets.
- 930 (E) Minor Arterials located within a country area are classified
 931 as Country Connectors.
- 932 (F) All Minor Arterials not addressed by (A) through (E) are
 933 classified as Area Connectors.
- 934 (7) Business District Streets:
- 935 (A) Business District Streets with four or more lanes located in
 936 a downtown area are classified as Downtown Boulevards.
- 937 (B) Business District Streets with fewer than four lanes located
 938 in a downtown area are classified as Downtown Streets.
- 939 (C) Business District Streets with more than two lanes that are
 940 not located in a downtown area are classified as Town
 941 Center Boulevards.
- 942 (D) Business District Streets with two lanes that are not located
 943 in a downtown area are classified as Town Center Streets.
- 944 (8) Industrial Streets retain their classification as Industrial Streets.

- 945 (9) Primary Residential Streets:
- 946 (A) Primary Residential Streets located in a country area are
- 947 classified as Country ~~[[Connectors]] Roads.~~
- 948 (B) Primary Residential Streets not located in a country area are
- 949 classified as Neighborhood Connectors.
- 950 (10) Secondary Residential Streets are classified as Neighborhood
- 951 Streets.
- 952 (11) Tertiary Residential Streets are classified as Neighborhood Streets.
- 953 (12) Country Arterials are classified as Country Connectors.
- 954 (13) Country Roads retain their classifications as Country Roads.
- 955 (14) Shared Streets with entirely residential zoning along its frontage
- 956 are classified as a Residential Shared Street.
- 957 (15) Shared Streets with any non-residential zoning along its frontage
- 958 are classified as a Commercial Shared Street.
- 959 (16) Alleys retain their classifications as Alleys.
- 960 (17) Rustic Roads retain their classifications as Rustic Roads.
- 961 (18) Exceptional Rustic Roads retain their classifications as
- 962 Exceptional Rustic Roads.
- 963 ~~[(19) Transitions along continuous roadways:~~
- 964 (A) If a Downtown road type changes classification to or from
- 965 a non-Downtown road type: the Downtown classification
- 966 will extend to the next master planned cross-street, not to
- 967 exceed 500 feet beyond the limits of the downtown area.
- 968 (B) If a Town Center road type changes classification to or from
- 969 a non-Downtown and non-Town Center road type: the
- 970 Town Center classification will extend to the next master

971 planned cross-street, not to exceed 500 feet beyond the
972 limits of the town center area.

973 (C) If a Downtown Boulevard, Town Center Boulevard, or
974 Boulevard change classification to or from any other type:
975 the Downtown Boulevard, Town Center Boulevard, or
976 Boulevard classification will extend to the next master
977 planned cross-street, not to exceed 500 feet beyond the
978 initial transition point.

979 (D) The transition areas noted in (A) through (C) are not
980 additive; if the roadway meets multiple transition criteria the
981 transition area will remain to the next master planned cross-
982 street, not to exceed 500 feet from the nearest of either the
983 limits of the downtown or town center area, or the initial
984 transition point.]]

985 ~~[(20)]~~(19) If, after consultation with the staff of the Planning Board,
986 the Department of Transportation determines that the
987 criteria under (d)(1) through ~~[(d)(19)]~~ (d)(18) are not
988 suitable for a particular road, the Department may determine
989 that a more context-sensitive classification or transition
990 length applies in lieu of the default classifications.

991 **Sec. 49-32. Design standards for types of roads.**

992 * * *

993 [(c) In this Article and the standards adopted under it:

- 994 (1) an ‘urban’ road is a road segment in or abutting a Metro Station
995 Policy Area, Town Center Policy Area, or other urban area
996 expressly identified in a Council resolution;

- 997 (2) a ‘rural’ road is a road segment located in a rural policy area as
- 998 defined in the County Growth Policy; and
- 999 (3) a ‘suburban’ road is a road segment located elsewhere in the
- 1000 County.]

1001 ~~[(d)]~~(c) The minimum right-of-way for a road may be specified in the most

1002 recent applicable functional plan, master plan, or sector plan for the area

1003 where the road is located. Minimum rights-of-way generally do not

1004 include continuous features along a typical section, and account for

1005 parking, drainage and stormwater management, spot conditions such as

1006 auxiliary lanes or transit stations, or infrastructure at intersections such as

1007 signal equipment and protected intersections. If a minimum right-of-way

1008 for a particular road is not specified [n] in a functional plan, master plan,

1009 or sector plan, the minimum right-of-way must be:

- 1010 [(1) 80 feet for a Business District Street or Industrial Street;
- 1011 (2) 100 feet for a Primary Residential Street with a median;
- 1012 (3) 70 feet for a Primary Residential Street without a median;
- 1013 (4) 60 feet for a Principal Secondary Residential Street or Secondary
- 1014 Residential Street;
- 1015 (5) 50 feet for a standard Tertiary Residential Street;
- 1016 (6) 27 feet, 4 inches for a reduced-width Tertiary Residential Street
- 1017 with two-way traffic;
- 1018 (7) 21 feet, 4 inches for a reduced-width Tertiary Residential Street
- 1019 with one-way traffic; and
- 1020 (8) 20 feet for an Alley.]
- 1021 (1) 80 feet for a Downtown Street;
- 1022 (2) 80 feet for a Town Center Street;

- 1023 (3) 70 feet for an Area Connector;
- 1024 (4) 70 feet for a Neighborhood Connector;
- 1025 (5) 60 feet for a Neighborhood Street;
- 1026 (6) 50 feet for a Neighborhood Yield Street;
- 1027 (7) 80 feet for an Industrial Street;
- 1028 (8) 74 feet for a Country Connector;
- 1029 (9) 70 feet for a Country Road;
- 1030 (10) 20 feet for an Alley serving any non-residential zoning;
- 1031 (11) 16 feet for an Alley serving only residential zoning;
- 1032 (12) 40 feet for a Commercial Shared Street;
- 1033 (13) 40 feet for a Residential Shared Street.

1034 [(e)](d) Grass shoulders must be load bearing at any specific location designated
 1035 by the Director of Permitting Services after consulting the Fire Chief and
 1036 Director of Transportation.

1037 [(f)](e) Unless otherwise specified in this Article, each grading, drainage
 1038 structure, paving, shoulder, landscaping, and traffic control must be
 1039 installed as provided in the latest applicable County design standards,
 1040 storm drain criteria, and specification. Unless extenuating circumstances
 1041 would result in a safety hazard, when a road is resurfaced the road must
 1042 also be restriped to meet any applicable lane width standard and may
 1043 include bike lanes where appropriate.

1044 [(g) Each through travel or turning lane on an urban road must be no wider
 1045 than 10 feet, except that a single travel lane adjacent to a parking lane
 1046 must be no wider than 11 feet and a through travel or turning lane abutting
 1047 an outside curb must be no wider than 11 feet, including the gutter pan.
 1048 Each parking lane on an urban road must be no wider than 8 feet,

1049 including the gutter pan. The standards in this subsection do not apply if,
 1050 for a road improvement required as a result of approving a subdivision or
 1051 site plan, the Executive or the Executive’s designee concludes that
 1052 applying a specific standard at a specific site would significantly impair
 1053 public safety.]

1054 [(h)](f) The curb radius at the corner of each intersection ~~[[of two]]~~ [urban]
 1055 ~~[[roads in Downtown or Town Center areas must not exceed]]~~ is 15 feet.
 1056 ~~[[The curb radius at the corner of intersections where all intersecting~~
 1057 ~~streets are Area Connectors, Neighborhood Connectors, Neighborhood~~
 1058 ~~Streets, or Neighborhood Yield Streets must not exceed 10 feet.]]~~
 1059 Exceptions to these requirements may be allowed as follows [except
 1060 where]:

1061 [(1) there is only one receiving lane;]

1062 [(2)](1) A ~~[[minimum]]~~ maximum 10-foot corner radius is required at
 1063 intersections where all intersecting streets are Area Connectors,
 1064 Neighborhood Connectors, Neighborhood Streets, or Neighborhood
 1065 Yield Streets;

1066 (2) A larger corner radius is acceptable where there is a curb extension
 1067 [is located]; [or]

1068 ~~[[2)](3)~~ [[a default]] A 25-foot radius is ~~[[required]]~~ acceptable
 1069 where at least one street is an Industrial Street;

1070 ~~[[3)](4)~~ [[a]] A larger corner radius is needed to serve the design
 1071 vehicle and control vehicle with consideration of the allowable
 1072 encroachment defined by the Complete Streets Design regulation;
 1073 or

1074 ~~[(3)]~~~~[(4)]~~(5) [for] ~~[[a]]~~ A road improvement required [as a result of
 1075 approving] by a subdivision or site plan [, the Executive or the
 1076 Executive’s designee concludes that applying this standard at a
 1077 specific site] would significantly impair public safety.

1078 [(i)](g) Each pedestrian refuge must be at least 6 feet wide. A pedestrian refuge
 1079 must be located at each intersection approach along [on] a divided
 1080 highway with 6 or more through travel lanes.

1081 [(j)](h) Unless otherwise specified in a functional plan, master plan, sector plan,
 1082 or the approved capital improvements program, the maximum target
 1083 speed for a road [in an urban area is 25 mph.] shall be:

- 1084 (1) 25 mph for a Downtown Boulevard;
- 1085 (2) 20 mph for a Downtown Street;
- 1086 (3) 35 mph for a Boulevard, except 25 MPH if in an Urban Area;
- 1087 (4) 30 mph for a Town Center Boulevard, except 25 MPH if in an
 1088 Urban Area;
- 1089 (5) 25 mph for a Town Center Street;
- 1090 (6) 25 mph for an Area Connector;
- 1091 (7) ~~[[25]]~~ 20 mph for a Neighborhood Connector;
- 1092 (8) 20 mph for a Neighborhood Street;
- 1093 (9) 20 mph for a Neighborhood Yield Street;
- 1094 (10) 25 mph for an Industrial Street;
- 1095 (11) 40 mph for a Country Connector;
- 1096 (12) between 20 to 35 mph for a Country Road;
- 1097 (13) between 45 to 55 mph for a Major Highway;
- 1098 (14) case-by-case determinations for Alleys, and Shared Streets[,]; and
- 1099 (15) 30 mph for Rustic Roads, and Exceptional Rustic Roads[[:]].

1100 **Sec. 49-33. Road construction and reconstruction requirements.**

1101 * * *

1102 [(c) Cul-de-sacs or turnarounds are required if the paving of a road ends other
 1103 than at a paved road intersection. Each turnaround or cul-de-sac must be
 1104 graded, paved, and include appropriate drainage structures and temporary
 1105 curbs, if the Department of Permitting Services so requires.]

1106 [(d)](c) If a preliminary drainage study indicates that a minimum right-of-way
 1107 or storm drain easement width required in this Article is inadequate to
 1108 properly drain a particular road, the Department of Permitting Services
 1109 may require any additional right-of-way or storm drain easement
 1110 necessary for proper drainage. The Department must notify the permittee
 1111 of any added right-of-way before a dedication plat is approved by the
 1112 Planning Board (or equivalent body in any municipality with land use
 1113 authority) and recorded in the County land records, and must notify the
 1114 permittee of any added easement when it approves a right-of-way permit.

1115 (1) If a lot or lots front on a public road, the permittee must provide
 1116 sufficient drainage easements to allow for the safe conveyance of
 1117 stormwater from the public right-of-way to either an approved
 1118 outfall or an approved public structure.

1119 [(e)](d) (1) If a lot or lots front on a public road, the permittee must [install]
 1120 construct sidewalks, master-planned bikeways, ramps, curbs, and gutters,
 1121 except [any sidewalk]:

1122 (A) any sidewalk or sidepath in front of a lot that is larger than
 1123 25,000 square feet for a single-family detached dwelling in
 1124 a rural [zone] area;

- 1125 (B) any sidewalk or sidepath on any roadway that is classified
 1126 as [exceptional rustic, rustic, country arterial, or country
 1127 road] rustic or exceptional rustic;
- 1128 (C) any sidewalk or sidepath on a [tertiary residential]
 1129 neighborhood street or neighborhood yield street serving
 1130 fewer than 75 dwelling units [, or in an environmentally
 1131 sensitive area with limits on the amount of impervious
 1132 surface allowed,] if [in either case] the Planning Board and
 1133 Department of Transportation [finds] find that a sidewalk is
 1134 not expected to be [unnecessary] necessary for pedestrian
 1135 movement; [or]
- 1136 (D) any sidewalk if the site is located in an environmentally
 1137 sensitive area with limits on the amount of impervious
 1138 surface allowed if the Planning Board and Department of
 1139 Transportation find that a sidewalk is not expected to be
 1140 necessary for pedestrian movement; or
- 1141 [(D)](E) any sidewalk or sidepath on a [secondary or tertiary
 1142 residential] neighborhood street, neighborhood yield street,
 1143 or service drive where the Department of Permitting
 1144 Services finds that a sidewalk or sidepath is infeasible, will
 1145 not connect [potentially] to other sidewalk segments within
 1146 the foreseeable future, or qualifies for fee payments in lieu
 1147 of construction under Section 49-40[.]; or
- 1148 (F) any sidewalk or master-planned bikeway where the
 1149 Planning Board establishes criteria to accept a payment in
 1150 lieu of a transportation improvement.

1151 (2) However, the Planning Board may require the applicant to install
 1152 sidewalks, bikeways, ramps, curbs, and gutters if the Board finds,
 1153 as a condition of approval of a preliminary subdivision plan or site
 1154 plan, that sidewalks, [bikeway connections] bikeways, ramps,
 1155 curbs, and gutters at that location are necessary to allow access:

- 1156 (A) to [a] an existing or planned sidewalk or bikeway;
- 1157 (B) to a bus or other public transit stop;
- 1158 (C) to an amenity or public facility that will be used by
- 1159 occupants of the site or subdivision; or
- 1160 (D) by persons with disabilities.

1161 Before the Planning Board approves any requirement under this
 1162 paragraph, the Board must give the Departments of Permitting
 1163 Services and Transportation a reasonable opportunity to comment
 1164 on the proposed requirement.

1165 ~~[(f)]~~(e) The construction of half roads or any road of less than the width required
 1166 by this Article is prohibited except as permitted in Section 49-40.
 1167 [However, construction] Construction of such portions of roads is
 1168 permitted if the dedicated portion of the road established by a dedication
 1169 plat and recorded in the County land records before August 15, 1950 is
 1170 wide enough to permit the grading and construction of paving [18] 20 feet
 1171 wide with curbs, gutters, and sidewalks required for the type of road.

1172 ~~[(g)]~~(f) A road must not be constructed unless it connects with an existing public
 1173 road at one end. A road must not be constructed short of an intersection
 1174 unless it connects with an existing public road or the dedication of the
 1175 right-of-way ends short of an intersection. If any road construction ends
 1176 at or goes through an intersection, the intersection must be completed. If

1177 a road ends at other than an intersection or a point of connection with an
 1178 existing road, [turnarounds or cul-de-sacs] a turnaround such as a cul-de-
 1179 sac must be provided. Each turnaround must be graded, paved, and
 1180 include appropriate drainage structures and temporary curbs if required
 1181 by the Department of Permitting Services.

1182 [(h)](g) If drainage structures are required for any particular class of road, the
 1183 Planning Board must require the applicant to install or construct drainage
 1184 structures that the Board finds are necessary or appropriate, after
 1185 reviewing a preliminary drainage study approved by the Department of
 1186 Transportation, in accordance with applicable design standards and
 1187 specifications.

1188 [(i)](h) Driveway entrances to individual lots must be required if the Planning
 1189 Board finds that off-street parking facilities are necessary and practicable.

1190 [(j)](i) *Street trees.*

1191 (1) On public road rights-of-way, street trees must be planted in
 1192 accordance with design standards of the Department of
 1193 Transportation. On private road rights-of-way and easements,
 1194 street trees must be planted in accordance with the technical
 1195 manual adopted by the Planning Board under Chapter 22A.

1196 (2) The Department of Permitting Services, the Department of
 1197 Transportation, and the staff of the Planning Board should
 1198 coordinate the specific location and species of street tree plantings
 1199 to promote compatibility of the plantings with road function and
 1200 safety, signage, maintenance, appropriate visual buffering,
 1201 utilities, other public or private improvements, and aesthetic
 1202 considerations related to streetscape design.

1203 [(k)](j) *Ground cover.*

1204 (1) A property owner may plant and maintain ground cover in a public
 1205 right-of-way adjacent to the owner’s property if the owner:

1206 (A) complies with [guidelines issued under paragraph (3)]
 1207 County regulations;

1208 (B) maintains the ground cover to prevent any obstruction of the
 1209 public right-of-way prohibited under Section 49-10; and

1210 (C) holds the County harmless for any damage to the ground
 1211 cover, and any damage or injury caused by the ground
 1212 cover.

1213 However, ground cover in a public right-of-way adjacent to the
 1214 owner’s property must not be planted where it will reduce public
 1215 safety or impede travel.

1216 (2) In this subsection, property owner or owner includes each person
 1217 with a legal interest in the property and any successor to that
 1218 person’s interest.

1219 [(3) The Director of Transportation, after consulting the Directors of
 1220 Environmental Protection and Permitting Services, must issue
 1221 guidelines that allow and encourage a property owner to place and
 1222 maintain ground cover in the public right-of-way adjacent to the
 1223 owner’s property. The guidelines must encourage use of ground
 1224 cover that is environmentally sensitive and promotes conservation
 1225 of natural resources and more sustainable landscaping, including
 1226 plant species that:

1227 (A) require reduced or no mowing, fertilizing, or other
 1228 maintenance;

- 1229 (B) are drought tolerant and require little watering at any time;
- 1230 (C) do not inhibit growth of nearby trees; and
- 1231 (D) include non-turf grasses.]

1232 (3) The County Executive must adopt Method (3) regulations that
 1233 define the design and maintenance standards applicable to this
 1234 Section.

1235 (4) Except as provided in paragraph (1), this subsection does not
 1236 impair the County’s right to enter, maintain, occupy, or otherwise
 1237 control any public right- of-way for any purpose.

1238 [(1)](k) *Curbs and gutters.*

1239 * * *

1240 **Sec. 49-34. Construction by County.**

1241 (a) The County must not construct any road unless:

- 1242 (1) the County has previously acquired the right-of-way for the road,
- 1243 or the right-of-way has been dedicated to public use by appropriate
- 1244 recording in the County land records; and
- 1245 (2) the cost of the road will be charged against the benefitted property
- 1246 in according with Sections 49-51 to 49-62 and subsection [(b)] (c)
- 1247 of this Section.

1248 * * *

1249 (e) The County Executive may authorize the construction of [shared use
 1250 paths] sidepaths or sidewalks to serve general community needs.
 1251 Whenever a sidewalk or [shared use path] sidepath is built in a right-of-
 1252 way where there is no pavement or other road construction, building the
 1253 sidewalk or [shared use path] sidepath does not mean that the County is

1254 responsible for maintaining any part of the right-of-way except the
 1255 sidewalk or [shared use path] sidepath.

1256 **Sec. 49-35. Right-of-way permit.**

1257 (a) (1) A [person must not construct any road, sidewalk, shared use path,
 1258 curb and gutter, driveway, or drainage structure; begin any such
 1259 construction (including clearing, grading, and tree cutting); or
 1260 perform any tree work on any roadside tree (including removing a
 1261 stump on a County right-of-way), without a permit] permit is
 1262 required from the Director of Permitting Services for any work
 1263 within the public right-of-way. Any permit issued for roadside tree
 1264 work must comply with Section 49-36A. In this Article, “roadside
 1265 tree” means any plant that has a woody stem or trunk which grows
 1266 all, or in part, in the right-of-way of any County public road.

1267 (2) In this Section and Sections 49-36, 49-36A, and 49-37, unless
 1268 otherwise specified, Director refers to the Director of Permitting
 1269 Services and Department refers to the Department of Permitting
 1270 Services.

1271 (3) [A person must apply for a permit on] Permit applicants must use
 1272 forms prescribed by the Director, submit detailed plans and
 1273 specifications, and include locations and record plats approved by
 1274 the Department and the Planning Board.

1275 (4) If the proposed activity requires a sediment control permit, the
 1276 Department must issue the permit before any activity occurs under
 1277 a permit issued under this subsection. The State Highway
 1278 Administration must approve any action under its jurisdiction
 1279 before the Director may approve the permit.

- 1280 (5) As a requirement to issue a permit under this Section, the Director
 1281 may require the applicant to designate and bond a haul route for
 1282 construction materials, as described in Section 49-8.
- 1283 (b) The Director must collect a fee, set by Method 3 regulation, for each
 1284 right-of-way permit application. However, the Director must not collect
 1285 a fee for any permit to:
- 1286 (1) remove or prune a tree that endangers a person or property;
- 1287 (2) remove a stump in the right-of-way; [or]
- 1288 (3) plant a tree; or
- 1289 [(3)](4) install a sign identifying a geographic area in the right-of-way if:
- 1290 (A) the primary applicant is an unincorporated or non-profit
 1291 civic or homeowners' organization that is either:
- 1292 (i) listed on the Planning Board's most recent list of
 1293 civic and homeowners associations; or
- 1294 (ii) exempt from federal income taxes and shows that its
 1295 annual revenue during its most recent fiscal year did
 1296 not exceed an amount set by a regulation;
- 1297 (B) in a homeowners' association, maintenance responsibility
 1298 of all common areas has been transferred from the
 1299 developer; and
- 1300 (C) the proposed sign would be smaller than a maximum size
 1301 set by regulation.
- 1302 (c) Before an applicant begins any road, sidewalk, sidepath, bikeway, curb
 1303 and gutter, driveway, retaining wall, steps, or drainage project, on a road
 1304 or within the boundaries of a dedication to public use, the applicant for a
 1305 permit to undertake any such project must pay to the County an inspection

1306 and engineering fee set by the County Executive by [method] Method (3)
1307 regulation.

1308 (d) If any such project is solely a grading project, the applicant must pay an
1309 inspection and engineering fee to the County if Department staff does the
1310 engineering work on the project and an inspection fee if the applicant
1311 submits the engineering work.

1312 (e) Any violation of this Section is a Class A violation.

1313 (f) The Director must refund half the fees required by this Section to the
1314 applicant if a permit is rejected or withdrawn before construction begins.
1315 If an applicant proposes to undertake a project using materials, standards,
1316 or specifications superior to those required under this Article, the fees
1317 charged must be computed on the estimated cost of the project as if it met
1318 those requirements.

1319 (g) A person, including any utility corporation, must not cut [a road] within
1320 the right-of-way to install, replace, or maintain or connect any
1321 underground gas, electric power, or telephone line, or any other
1322 underground infrastructure, without a permit from the Director. The
1323 Director must supervise all backfilling and repaving of utility trenches to
1324 assure that the permittee complies with all applicable specifications. The
1325 permittee must restore the right-of-way to its prior condition.

1326 * * *

1327 **Sec. 49-36. Permit conditions and procedures.**

1328 Each permit issued under Section 49-35 must be subject to the following
1329 conditions[, which the permit must specify]:

1330 * * *

1331 **Sec. 49-36A. Roadside tree work.**

* * *

1332

(b) *Applicability; exceptions.*

1333

(1) A person [(including a government agency)] may receive a right-of-way permit to perform tree work on a roadside tree if the person:

1334

1335

* * *

1336

Sec. 49-37. Street and road bonds.

1337

* * *

1338

(d) (1) If the Director finds a violation of an applicable law or regulation, or a default in the performance of any term or condition of the permit or accepted security, the Director must give written notice of the violation or default to the principal and to the surety of the accepted security. The notice must specify the work to be done, the estimated cost of the work, and the period of time the Director finds reasonably necessary to complete the work.

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(2) If a cash bond has been posted, the Director must give notice of default to the principal; and if compliance is not [achieved] achieved within the time specified, the Director may, without delay and without further notice or proceedings, use the cash deposited, or any portion of the deposit, to cause the required work to be performed by contract or otherwise in the Director's discretion. After any default in the performance of any term or condition of the permit or accepted security, the County, the surety, and any person employed or engaged on their behalf may enter the site to complete the required work.

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Sec. 49-38. Acceptance of roads.

1357

* * *

1358
1359 (b) Any action by the County to accept a road must be in writing and fully
1360 identify the portion accepted. Any accepted road must conform to [the
1361 standards and specifications of] this Chapter and all other applicable laws
1362 in force at the time of acceptance.

* * *

1364 **Sec. 49-39. Pre-acceptance review by County.**

* * *

1366 (b) After completion and final inspection of a road, the County must either
1367 accept the road, if the Director of Permitting Services finds that its
1368 construction has met all requirements of this Article, and release the bond,
1369 or the Director must reject the road by written notice to the permittee and
1370 surety, where an acceptable security was posted, specifying the reasons
1371 for rejection by reference to the particular requirement which has been
1372 violated, and allow a specified reasonable time for the permittee or surety
1373 to comply with all applicable [requiements] requirements.

* * *

1375 **Sec. 49-40. Waivers of requirements of Article.**

1376 (a) The Director of Permitting Services may waive any requirement of this
1377 Article for sidewalks, bikeways, rights-of-way widths, grade percentages,
1378 full-width grading, and the construction of both roadways of a dual road,
1379 or any combination of them, as allowed in this Section, for any road
1380 constructed by the County or a permittee.

1381 (b) The Director must apply the following standards for granting or denying
1382 waivers:

1383 (1) *Sidewalks and Sidepaths.*

- 1384 (A) *Waiver authority.* The Director, after consultation with the
 1385 staff of the Planning Board, may waive any requirement,
 1386 subject to (B), to install sidewalks or sidepaths if:
- 1387 (i) the lots abutting the right-of-way are unimproved;
 - 1388 (ii) the street was lawfully graded before August 15,
 1389 1950, and the terrain is so steep and uneven that
 1390 grading for sidewalks or sidepaths cannot be done
 1391 except at excessive cost, or
 - 1392 (iii) houses or buildings abutting the right-of-way which
 1393 were constructed before August 15, 1950, are so
 1394 situated, and the property upon which those houses
 1395 or buildings are located is so graded, that the
 1396 construction of sidewalks or sidepaths is undesirable.
- 1397 (B) *Waivers not allowed.* [Notwithstanding the preceding
 1398 subparagraph, the] The Director [may] must deny a waiver
 1399 if:
- 1400 (i) the street involved is [a Primary Residential Street]
 1401 an Area Connector, Neighborhood Connector,
 1402 Industrial Street, [Business District Street, Minor
 1403 Arterial or Arterial, Major Highway] Downtown
 1404 Street, Town Center Street, Downtown Boulevard,
 1405 Town Center Boulevard, Boulevard, or Controlled
 1406 Major Highway; or
 - 1407 (ii) the required sidewalks or bikeways are necessary or
 1408 desirable to provide safe access for pedestrians and/or
 1409 bicyclists.

1410 (C) *Waiver and fee payment.* As an alternative to building a
 1411 sidewalk or bikeway on an existing or proposed street, the
 1412 Director ~~[[may allow]]~~ must require an applicant to pay a
 1413 fee if the applicant shows that building a sidewalk or
 1414 bikeway as required would cause extreme hardship or if the
 1415 Director finds that it would cause significant environmental
 1416 impact. The sidewalk or bikeway that would be waived
 1417 must not connect to another existing or proposed sidewalk,
 1418 [shared use path] bikeway, bus stop, school, or other public
 1419 [faciity] facility. The fee must equal the full cost to build the
 1420 sidewalk or bikeway, including the design and supervision
 1421 costs. This fee must be paid, any necessary right-of-way
 1422 must be dedicated, and any necessary perpetual easement
 1423 must be recorded before the Director issues any road
 1424 construction permit for the proposed public street. The
 1425 revenue from these fees must be assigned to a capital
 1426 account for sidewalk or bikeway construction and may be
 1427 spent as appropriated by the County Council.

1428 * * *

1429 (4) *Full-width grading.* The Director may waive or reduce any
 1430 requirement for full-width grading if:

1431 * * *

1432 (C) for a [Secondary Residential or Tertiary Residential]
 1433 Neighborhood Street or Neighborhood Yield Street, the
 1434 applicant proposes to extend an existing paved road which
 1435 ends short of an intersection, the right-of-way containing the

1436 existing paved road is not graded to its full width and the
1437 waiver does not apply beyond the intersection.

1438 * * *

1439 **ARTICLE 4. ACQUISITION OF LAND.**

1440 **Sec. 49-45. Authority to acquire land for transportation purposes.**

1441 The County may buy land which is needed in connection with:

- 1442 (a) the opening of any new road, [shared use path] bikeway, or
- 1443 sidewalk,

1444 * * *

1445 **Sec. 49-50. Optional method of condemnation of land for streets or roads.**

1446 As authorized by Section 40A of Article III of the Maryland Constitution, the
1447 County may acquire any land or interest in land required for a right-of-way for
1448 a County road or street by using the following procedure:

1449 * * *

- 1450 (b) (1) Promptly after being appointed, the broker or appraiser must
- 1451 estimate the fair market value of the property or interest and submit
- 1452 a written report to the County.
- 1453 (2) The County then may be petition, naming the owner and all
- 1454 persons of record whose interest in the property would be taken,
- 1455 pay to the Circuit Court the amount estimated by the broker or
- 1456 appraiser to be the fair market value of the property, and record a
- 1457 copy of the resolution of taking in the County land records. A copy
- 1458 of the resolution must be attached to the petition and filed with the
- 1459 Circuit Court. A copy of the petition and resolution must be
- 1460 [served on] sent to each person named in the petition.

1461 * * *

1462 **ARTICLE 5. COUNTY ROADS – AUTHORITY AND FUNDING.**

1463 **Sec. 49-51. [Definitions] Reserved.**

1464 [As used in this Article:

1465 *Construction* means construction or reconstruction (but not maintenance), and
1466 includes grading, installation of drainage structures, and paving.

1467 *Road*: includes any road, street, highway, avenue, lane, alley, bridge, shared use
1468 path, sidewalk, viaduct, and any related storm drain and stormwater management
1469 facility.]

1470 * * *

1471 **Sec. 49-53. Public hearing; notice.**

1472 * * *

1473 (e) The Director need not hold a hearing under subsection (d) before a
1474 sidewalk or [shared use path] sidepath is constructed if:

1475 * * *

1476 **Sec. 49-57. Roads partly in unincorporated area and partly in city or town.**

1477 (a) *Building roads.*

1478 (1) If a road, bridge, storm drain, sidewalk, [shared use path] sidepath,
1479 transitway, or other transportation facility is located partly in the
1480 unincorporated area of the [county] County and partly in a
1481 municipality or special taxing district that is authorized by law to
1482 build or maintain that part of the facility that is located in the
1483 municipality, either the County or the municipality or special
1484 taxing district may improve the entire facility according to
1485 applicable County laws or any law or regulation that applies in the
1486 municipality or special taxing district, respectively, as if the facility

1487 were completely located in the unincorporated area of the [county]
1488 County or in the municipality or special taxing district.

1489 * * *

1490 (3) The County may build or improve a road, bridge, storm drain,
1491 sidewalk, [shared use path] sidepath, bikeway, transitway, or other
1492 transportation facility which it is authorized by law to construct
1493 and maintain, including when the facility is located partly or
1494 entirely in a municipality or special taxing district. Before taking
1495 any action under this paragraph, the Executive must consult each
1496 affected municipality.

1497 * * *

1498 **ARTICLE 6. ABANDONMENT AND CLOSING OF RIGHTS-OF-WAY.**

1499 **Sec. 49-62. Abandonment authority; scope of Article; procedures.**

1500 (a) *Authority.* The County Council, by adopting a resolution, may close to
1501 public use or abandon the County’s right to use any right-of-way. As
1502 used in this Article, *right-of-way* means any road, [street, alley,
1503 crosswalk, pedestrian walkway, shared use path] sidewalk, bikeway,
1504 crosswalk, water main, sanitary sewer, storm sewer, or storm drainage
1505 right-of-way used at any time by the public, including use by pedestrians
1506 and bicyclists. This Article applies to all rights-of-way except as
1507 provided in subsection (j) and State road rights-of-way, and may apply to
1508 a State road right-of-way if the appropriate State agency expressly
1509 consents. Before the Council adopts a resolution under this Article, the
1510 procedures in this Article must be followed.

1511 * * *

- 1512 (h) *Agencies.* The government agencies and other parties from which the
 1513 Executive must solicit a response are:
- 1514 (1) the Department of Transportation;
- 1515 (2) the Department of Permitting Services;
- 1516 ~~[(2)]~~(3) the Maryland-National Capital Park and Planning Commission;
- 1517 ~~[(3)]~~(4) the Washington Suburban Sanitary Commission, if any part of
 1518 the right-of-way is located in the Washington Suburban Sanitary
 1519 District;
- 1520 ~~[(4)]~~(5) each public utility authorized by the Public Service Commission
 1521 to operate in the area and which has any overhead or underground
 1522 facilities in the vicinity;
- 1523 ~~[(5)]~~(6) the governing body of each incorporated municipality or special
 1524 taxing district in which any of the right-of-way is located;
- 1525 ~~[(6)]~~(7) ~~[The]~~ the Police Department;
- 1526 ~~[(7)]~~(8) the County Fire and Rescue Service; and
- 1527 ~~[(8)]~~(9) ~~[Any]~~ any grantee of a franchise under Article 2, if the franchise
 1528 authorizes the grantee to install or use any facility in, over, or under
 1529 the affected right-of-way.
- 1530 (i) *Temporary closure.* This Article does not apply to any temporary closure
 1531 required by a construction traffic control plan if the closure does not last
 1532 longer than 12 months. If special circumstances require that a temporary
 1533 closure last longer than 12 months, the Director of Transportation must
 1534 apply to the Council for approval to extend the closure [for a specified
 1535 period that does not exceed 24 months]. The Council, by resolution, may
 1536 approve an extended temporary closure under this subsection without
 1537 following the procedures in this Article.

* * *

ARTICLE 8. RUSTIC ROADS PROGRAM.

* * *

Sec. 49-77. Definitions.

In this Article, the following terms have the meanings indicated:

Committee means the Rustic Roads Advisory Committee.

Exceptional rustic road means an existing public road or road segment which is so classified under Section 49-78.

[*Master Plan of Highways* means the Master Plan of Highways Within Montgomery County, an amendment to the General Pan for the Physical Development of the Maryland-Washington Regional District.]

Public utility means any private company or public agency that is regulated as a public utility under state law, or otherwise provides water, sewer, electric, gas, telephone, or cable service (as defined in Chapter 8A) in the County.

Rustic road means an existing public road or road segment which is so classified under Section 49-78.

Sec. 49-78. Rustic road classification and reclassification.

(a) *Classification.* The County Council may classify, reclassify, or revoke the classification of an existing public road or road segment as a rustic road or an exceptional rustic road by approving an amendment to the [Master Plan of Highways] functional plan and the relevant area [Master Plan] master plan.

* * *

(b) *Criteria for rustic road.* Before classifying a road as rustic, the Council must find that an existing public road or road segment:

* * *

1564 (5) the history of vehicle and pedestrian [[accidents]] crashes on
1565 the road in its current configuration does not suggest unsafe
1566 conditions.

1567 * * *

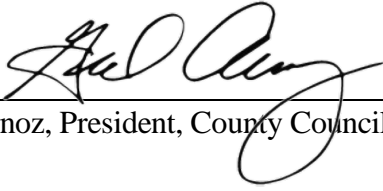
1568 **Sec. 49-80. Rustic Roads Advisory Committee.**

1569 * * *

1570 (f) *Advocacy.* The [[Commission]] Committee must not engage in any
1571 advocacy activity at the State or federal levels unless that activity is
1572 approved by the Office of Intergovernmental Relations.

1573 * * *

Approved:



Gabriel Albornoz, President, County Council

10/26/2022

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Judy K. Rupp, Clerk of the Council

Date