

Bill No. 2-13
Concerning: Streets and Roads --
Reconstruction - Coordination
Revised: 10-22-13 Draft No. 5
Introduced: January 15, 2013
Enacted: October 22, 2013
Executive: November 4, 2013
Effective: February 3, 2014
Sunset Date: None
Ch. 28, Laws of Mont. Co. 2013

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Leventhal, Riemer, Elrich, Berliner, and Rice

AN ACT to:

- (1) require the Director of Transportation to adopt a schedule of reconstruction, rehabilitation, and resurfacing to County sidewalks, streets, and roads, and to publicize that schedule;
- (2) direct the Department to take all feasible steps to coordinate the County's reconstruction, rehabilitation, and resurfacing activities with those of other government agencies, public utilities, and certain other entities[[, and in so doing to locate utility transmission facilities underground when feasible]]; and
- (3) generally amend the law governing the reconstruction, rehabilitation, and resurfacing of County streets and roads.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Section 49-42

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

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

1 **Sec. 1. Section 49–42 is amended as follows:**

2 **49-42. [Reserved.] Reconstruction, rehabilitation, and resurfacing**
 3 **schedule; coordination with other government agencies and private parties.**

4 (a) The Director of Transportation must annually adopt a [[5]] 3-year
 5 schedule for the reconstruction, rehabilitation, and resurfacing of
 6 sidewalks, streets, and roads that the County controls or maintains. That
 7 schedule must be based on:

- 8 (1) expenditure schedules in the approved County Capital
 9 Improvements Program;
- 10 (2) the evaluation of the Department of Transportation’s Pavement
 11 Management System; and [[on]]
- 12 (3) coordination and consultations with other government agencies
 13 and public utilities.

14 (b) The [[5]] 3-year schedule must be published in the County Register
 15 each January and shown on the County’s web site. The web site must
 16 be promptly updated to reflect changing information, and must include a
 17 street map displaying the location of street, road and sidewalk
 18 reconstruction, rehabilitation, and resurfacing work included in the
 19 adopted [[5]] 3-year schedule. The Director must take all feasible steps
 20 to include on this map the location of construction work undertaken or
 21 planned by public utilities in County rights-of-way to the extent that
 22 each public utility makes this data available for County use.

23 (c) The Director must send the schedule published in the County Register
 24 annually to:

- 25 (1) the State Highway Administration;
- 26 (2) each municipality in the County;

- 27 (3) each public utility, and each cable communications franchisee,
 28 that operates in the County;
- 29 (4) the Washington Suburban Sanitary Commission;
- 30 (5) the County Planning Board;
- 31 (6) civic, business, and community organizations active in the
 32 County; and
- 33 (7) any other agency, organization, or person that would benefit from
 34 that information.

35 [[c)] (d) In adopting and implementing a [[5]] 3-year schedule under
 36 subsection (a), the Director must take all feasible steps to coordinate the
 37 Department's reconstruction, rehabilitation, and resurfacing activities
 38 with those of other government agencies, public utilities and cable
 39 communications providers, and any other entity [[authorized]] permitted
 40 to reconstruct, rehabilitate, or resurface sidewalks, streets, or roads, to:

- 41 (1) avoid conflicting or duplicative activities; and
- 42 (2) [[to]] minimize the [[number of times]] time that [[a given]] any
 43 sidewalk, street, or road will be unavailable for unimpeded public
 44 use.

45 (e) The Chief Administrative Officer, in conjunction with Washington
 46 Suburban Sanitary Commission, other public utilities, the State, and
 47 appropriate County municipalities, must develop an automated
 48 information sharing and mapping system covering planned construction
 49 projects in all public rights-of-way in the County. This system should
 50 be based on a standardized interagency geographic information data
 51 repository which enables geographic information system-based
 52 applications to access and view current information about all planned
 53 right-of-way construction and maintenance activities. The data and data

54 applications should allow access to recently-completed, current, and
55 planned projects, and should provide County, State, and utility staff
56 with direct links to up-to-date information such as project location,
57 scope, design plans, permit status, schedule, cost, moratorium status,
58 and points of contact,

59 [(d) In coordinating its activities with those of public utilities and cable
60 communications providers, the Department must make every effort to
61 locate or aid the location of transmission facilities underground where
62 feasible.]]

63 (f) In coordinating its activities under this Section, the Department must
64 collaborate with the applicable public utility, cable communications
65 provider, or other entity to [[provide each utility the opportunity to
66 determine whether it will be economically and practically feasible to
67 locate]] promote locating distribution facilities underground where
68 feasible and prudent before resurfacing begins.

69 [(e)] (g) The adoption of a schedule under this Section does not limit the
70 Department's authority to respond to any emergency.

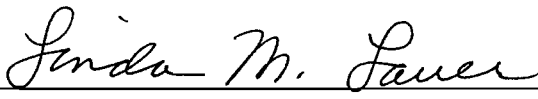
71 *Approved:*

72  10/23/13
Nancy Navarro, President, County Council Date

73 *Approved:*

74  Nov 4, 2013
Isiah Leggett, County Executive Date

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

76  11/5/13
Linda M. Lauer, Clerk of the Council Date