

Expedited Bill No. 33-13
Concerning: Streets and Roads – Urban
Road Standards and Pedestrian
Safety Improvements
Revised: 11-25-14 Draft No. 5
Introduced: December 10, 2013
Enacted: November 25, 2014
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Berliner and Riemer

AN EXPEDITED ACT to:

- (1) specify maximum standards for lane widths and curb radii on urban roads;
- (2) further define certain required ~~[[certain]]~~ pedestrian improvements; and
- (3) generally amend the laws governing road design and construction.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Sections 49-4, 49-25, 49-26, 49-29, 49-32, and 49-33

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

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

1 **Sec. 1. Sections 49-4, 49-25, 49-26, 49-29, 49-32, and 49-33 are amended**
 2 **as follows:**

3 **49-4. Public-private participation.**

4 The County Executive, on behalf of the County, may contract with any person,
 5 who is building a real estate development or subdivision in the County, to participate
 6 in the cost of any street, including any sidewalk, bikeway, gutter, curb or drainage
 7 construction, landscaping, traffic control device, bikeshare station, electric vehicle
 8 charging station, or placement of utilities, conduits, or other amenities in a street or
 9 road dedicated to public use.

10 [[* * *]]

11 **49-25. [[Purpose and short title]] Complete streets policy and standards.**

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

15 (a) maximize the choice, safety, convenience, and mobility of all users,
 16 regardless of age, ability, or mode of transportation.

17 (b) maintain or expand connectivity for users.

18 [[(b)]] (c) respect and maintain the particular character of the community
 19 where it is located, [and]

20 [[(c)]] (d) minimize stormwater runoff and otherwise preserve the natural
 21 environment, and

22 [[(d)]] (e) facilitate, to the maximum extent possible, the future
 23 accommodation of improved transportation technology elements, such
 24 as intelligent signals, smart parking meters, electric vehicle charging,
 25 car- and bicycle-sharing, and way-finding systems.

26 To achieve these goals, each County road and street must be designed so that
 27 the safety and convenience of all users of the roadway system - including pedestrians,

28 bicyclists, transit users, automobile drivers, commercial vehicles and freight haulers,
29 and emergency service vehicles - is accommodated. Each road and street must
30 facilitate multi-modal use and assure that all users can travel [safety] safely in the
31 public right of way. A specified quantity of stormwater must be managed and treated
32 on- site, in the road or street right-of-way, including through the use of vegetation-
33 based infiltration techniques. These [contest] context-sensitive policies must be
34 employed in all phases of publicly or privately funded facility development,
35 including planning, design, construction, [and] reconstruction, and streetscaping.
36 Each transportation project must incorporate complete streets infrastructure sufficient
37 to promote safe and convenient travel along and across the right-of-way for all users.

38 * * *

39 **49-26. Definitions.**

40 * * *

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

42 (a) *Shared use path*: a paved path [[8'-12']] that is typically 10 feet wide
43 but can vary between 8 feet and 14 feet wide, designated for bicycles
44 and pedestrians, that is separated from motorized traffic by a curb,
45 barrier, or landscape panel.

46 * * *

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

52 (e) *Buffered bike lane*: a bikeway separated from a motor vehicle travel
53 lane with an area of striped pavement.

54 Complete streets: streets that are planned, designed, and constructed to enable
55 safe access for all users, including pedestrians, bicyclists, motorists, and transit riders
56 of all ages and abilities, commercial vehicles, freight haulers, and emergency service
57 vehicles.

58 Complete streets infrastructure: any design feature that contributes to a safe,
59 convenient, and comfortable travel experience, which may include such features as
60 sidewalks; shared use paths, bike lanes, and separated bike lanes; bike stations and
61 bike storage facilities; narrow motor vehicle lanes and tight curb radii; street trees,
62 planting strips, and other right-of-way landscaping; curbs and accessible curb ramps;
63 curb extensions, crosswalks, and refuge islands; raised medians; pedestrian and
64 traffic signals, including countdown and accessible signals; signage; streetlighting;
65 street furniture; bicycle parking facilities; stormwater management; public
66 transportation stops and shelters; dedicated transit lanes; and traffic calming devices.

67 * * *

68 Curb extension: an area that extends the line of a curb into a parking lane,
69 reducing the width of a street.

70 * * *

71 Maximum Target Speed: the maximum speed at which vehicles should operate
72 on a [throughfare] thoroughfare in a specific context, consistent with the level of
73 multimodal activity generated by adjacent land uses, to provide mobility for motor
74 vehicles and a safe environment for pedestrians and bicyclists. [The target speed is
75 usually the posted speed limit.]

76 * * *

77 Sidewalk: a pedestrian walkway that fronts a road.

78 * * *

79 **49-29. Pedestrian walkways, bikeways, and wheelchair traffic.**

80 (a) Bikeways and walkways must be constructed when any County road is
 81 constructed, reconstructed, or relocated, [[unless the County Council
 82 finds (for a road improvement authorized in a capital improvements
 83 program) or the Planning Board finds (for a road improvement made a
 84 condition of preliminary plan or site plan approval) that bikeways or
 85 walkways sidewalks in that location would reduce public safety, would
 86 not be feasible, or would be disproportionate in cost to their probable
 87 use]] except any walkway:

- 88 (1) in front of a lot that is larger than 25,000 square feet for a single-
 89 family detached dwelling in a rural zone;
 90 (2) on any roadway that is classified as exceptional rustic, rustic,
 91 country arterial, or country road;
 92 (3) on a tertiary residential street if the Planning Board finds that a
 93 sidewalk is unnecessary for pedestrian movement, or
 94 (4) if the site is located in an environmentally sensitive area with
 95 limits on the amount of impervious surface allowed.

96 [[All bikeways and walkways]] Each bikeway and walkway must
 97 conform to approved capital improvements programs and be consistent
 98 with applicable area master plans and transportation plans adopted by
 99 the Planning Board.

100 (b) To promote the safety of bicycle and wheelchair travel throughout the
 101 County, the County Executive must [establish] adopt, by regulation,
 102 standards and specifications to build and maintain ramps at curbed
 103 intersections and storm water gratings and other openings along roads
 104 and streets, in each case of a design and type that is not a hazard to
 105 bicycle and wheelchair traffic and is consistent with Americans with
 106 Disabilities Act best practices guidelines published by the United States

107 Department of Justice. These ramps, gratings, and openings must be
 108 built and maintained as part of each project under subsection (a).

109 [[* * *]]

110 **49-32. Design standards for types of roads.**

111 (a) The design standards adopted under this Article govern the construction
 112 or reconstruction of any County road except Rustic Roads and
 113 Exceptional Rustic Roads. If the Planning Board, in approving a
 114 subdivision or site plan, [determines] finds that a waiver from any
 115 applicable design standard is necessary to promote context-sensitive
 116 design of a specific road, the Executive or the Executive's designee
 117 must adopt the Board's recommendation unless the Executive or [the]
 118 the Executive's designee [concludes that] notifies the Board why
 119 approving the waiver would significantly impair public safety. The
 120 County Council may adopt alternative standards for a specific road
 121 constructed or reconstructed in a project in the approved capital
 122 improvements program.

123 * * *

124 (g) Each through travel or turning lane on an urban road must be no wider
 125 than 10 feet, except that a single travel lane adjacent to a parking lane
 126 must be no wider than 11 feet and a through travel or turning lane
 127 abutting an outside curb[[, which]] must be no wider than 11 feet,
 128 including the gutter pan. Each parking lane on an urban road must be
 129 no wider than 8 feet, including the gutter pan. The standards in this
 130 subsection do not apply if, for a road improvement required as a result
 131 of approving a subdivision or site plan, the Executive or the Executive's
 132 designee concludes that applying a specific standard at a specific site
 133 would significantly impair public safety.

- 134 (h) The curb radius at the corner of each intersection of two urban roads
 135 must not exceed 15 feet[[.]] except where:
 136 (1) there is only one receiving lane;
 137 (2) a curb extension is located; or
 138 (3) for a road improvement required as a result of approving a
 139 subdivision or site plan, the Executive or the Executive's
 140 designee concludes that applying this standard at a specific site
 141 would significantly impair public safety.
- 142 [[Curb extensions must be provided at the ends of each permanent
 143 parking lane except where a right-turn lane is designated.]]
- 144 (i) Each pedestrian refuge must be at least 6 feet wide. A pedestrian refuge
 145 must be [[provided]] located at each intersection on a divided highway
 146 with 6 or more through travel lanes.
- 147 (j) Unless otherwise specified in a master plan or the approved capital
 148 improvements program, the maximum target [[speeds in the table below
 149 must govern the construction or reconstruction of any County road
 150 except Rustic Roads and Exceptional Rustic Roads:]] speed for a road
 151 in an urban area is 25 mph.

<u>[[Classification</u>	<u>Target Speed</u>
<u>Freeway</u>	<u>55-65 mph</u>
<u>Controlled Major Highway</u>	<u>50 mph</u>
<u>Parkway</u>	<u>urban: 25 mph</u>
	<u>Suburban: 40 mph</u>
<u>Major Highway</u>	<u>urban: 25 mph</u>
	<u>Suburban: 35-40 mph</u>
	<u>rural: 45 mph*</u>
<u>Country Arterial</u>	<u>Suburban: 40 mph</u>

	<u>rural: 40-45 mph*</u>
<u>Arterial</u>	<u>urban: 25 mph</u>
	<u>Suburban: 35 mph</u>
	<u>rural: 40 mph*</u>
<u>Minor Arterial</u>	<u>urban: 25 mph</u>
	<u>Suburban: 30 mph</u>
	<u>rural: 35 mph*</u>
<u>Business District Street</u>	<u>25 mph</u>
<u>Industrial Street</u>	<u>25 mph</u>
<u>Country Road</u>	<u>25 mph</u>
<u>Primary and Principal Secondary Residential Streets</u>	<u>25 mph</u>
<u>Secondary Residential Streets</u>	<u>20 mph</u>
<u>Tertiary Residential Street</u>	<u>20 mph</u>
<u>Alley</u>	<u>15 mph]]</u>

152 [[*Target speed for these classifications in suburban and rural
 153 commercial zones is 30 mph.]]

154 [[* * *]]

155 **49-33. Road construction requirements.**

156 * * *

157 (e) (1) If a lot or lots front on a public road, the permittee must install
 158 sidewalks, master-planned bikeways, ramps, curbs, and gutters,
 159 except any sidewalk:

160 (A) in front of a lot that is larger than 25,000 square feet for a
 161 single-family detached dwelling in a rural zone;

162 (B) on any roadway classified as exceptional rustic, rustic,
 163 country arterial, or country road;

- 164 (C) on a tertiary residential street, or in an environmentally
 165 sensitive area with limits on the amount of impervious
 166 surface allowed, if in either case the Planning Board finds
 167 that a sidewalk is unnecessary for pedestrian movement; or
 168 (D) on a secondary or tertiary residential street or service drive
 169 where the Department of Permitting Services finds that a
 170 sidewalk will not connect potentially to other sidewalk
 171 segments.

172 ~~[[except on any Secondary or Tertiary Residential Street[,] or on~~
 173 ~~any Service Drive fronting on any lot in a residential zone. This~~
 174 ~~requirement does not apply if the minimum net lot area for a one-~~
 175 ~~family detached dwelling in that zone is larger than 25,000 square~~
 176 ~~feet, except that [a sidewalk must be installed] the permittee must~~
 177 ~~install sidewalks and ramps on any primary or higher~~
 178 ~~classification road.]]~~

- 179 (2) However, the Planning Board may require the applicant to install
 180 sidewalks, ramps, curbs, and gutters ~~[[in any such zone]]~~ if the
 181 Board finds, as a condition of approval of a preliminary
 182 subdivision plan or site plan, that sidewalks, bikeway
 183 connections, ramps, curbs, and gutters at that location are
 184 necessary to allow access:

- 185 ~~[[(1)]]~~ (A) to a sidewalk or bikeway;
 186 ~~[[(2)]]~~ (B) to a bus or other public transit stop;
 187 ~~[[(3)]]~~ (C) to an amenity or public facility that will be used by
 188 occupants of the site or subdivision; or
 189 ~~[[(4)]]~~ (D) by persons with disabilities.

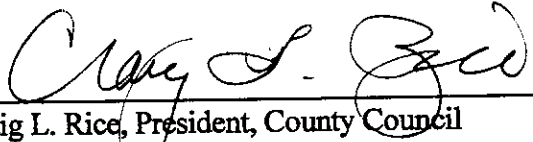
190 Before the Planning Board approves any requirement under [[the
191 preceding sentence]] this paragraph, the Board must give the
192 Departments of Permitting Services and Transportation a
193 reasonable opportunity to comment on the proposed requirement.

194 * * *

195 **Sec. 2. Regulations; applicability.** The County Executive must transmit to
196 the Council, by June 1, 2016, a regulation adopted under Method 2 that contains
197 comprehensive complete streets guidelines. Once adopted this regulation must
198 replace the standards in Section 49-32(g), (h) and (i). Any revised road design and
199 construction standards in Chapter 49, as amended in Section 1 of this Act, do not
200 apply to any road construction project that is in final design or construction when this
201 Act takes effect.

202 **Sec. 3. Expedited Effective Date.** The Council declares that this legislation
203 is necessary for the immediate protection of the public interest. This Act takes effect
204 on the date when it becomes law.

205 *Approved:*

206
207  11/25/14
Craig L. Rice, President, County Council Date

208 *Approved:*

209
210 _____ Date
Isiah Leggett, County Executive

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

212 _____ Date
Linda M. Lauer, Clerk of the Council