

MEMORANDUM

TO: Transportation, Infrastructure, Energy and Environment Committee

FROM: ~~ME~~ Michael Faden, Senior Legislative Attorney
C^o Glenn Orlin, Deputy Council Administrator

SUBJECT: **Public Hearing:** Bill 33-13, Streets and Roads -- Urban Road Standards and Pedestrian Safety Improvements

Bill 33-13, Streets and Roads – Urban Road Standards and Pedestrian Safety Improvements, sponsored by Councilmembers Berliner and Riemer, was introduced on December 10, 2013. A Transportation, Infrastructure, Energy and Environment Committee worksession is tentatively scheduled for February 6, at 9:30 a.m.

Bill 33-13 would limit the width of travel lanes, turning lanes, and parking lanes, as well as the size of intersection curb radii in urban areas. Curb extensions (sidewalk bulb-outs) would be required in many cases where a road in an urban area is reconstructed. The Bill also would set target speeds at which vehicles should operate in specific contexts, to provide both for mobility for motor vehicles and a safe environment for pedestrians and bicyclists.

The Bill would require certain road improvements to include a sufficient pedestrian refuge area, direct developers building road improvements to add curb ramps where appropriate, and require curb ramps to be built in accordance with federal ADA Best Practices.

This packet contains:	<u>Circle #</u>
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Bill No. 33-13
Concerning: Streets and Roads – Urban
Road Standards and Pedestrian
Safety Improvements
Revised: _____ Draft No. _____
Introduced: December 10, 2013
Expires: June 10, 2015
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Berliner

AN 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, 49-29, 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, 49-29, 49-32, and 49-33 are amended as follows:**

2 **49-4. Public-private participation.**

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

9 **49-25. Purpose and short title.**

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

- 13 (a) maximize the choice, safety, convenience, and mobility of all users,
14 (b) respect and maintain the particular character of the community where it
15 is located, [and]
16 (c) minimize stormwater runoff and otherwise preserve the natural
17 environment, and
18 (d) facilitate the future accommodation of improved transportation
19 technology elements, such as intelligent signals, smart meters, electric
20 vehicle charging, car- and bicycle-sharing, and way-finding systems.

21 To achieve these goals, each County road and street must be designed so that
22 the safety and convenience of all users of the roadway system - including pedestrians,
23 bicyclists, transit users, automobile drivers, commercial vehicles and freight haulers,
24 and emergency service vehicles - is accommodated. Each road and street must
25 facilitate multi-modal use and assure that all users can travel [safety] safely in the
26 public right of way. A specified quantity of stormwater must be managed and treated
27 on- site, in the road or street right-of-way, including through the use of vegetation-

28 based infiltration techniques. These [contest] context-sensitive policies must be
 29 employed in all phases of publicly or privately funded facility development,
 30 including planning, design, construction, [and] reconstruction, and streetscaping.

31 * * *

32 **49-26. Definitions.**

33 * * *

34 *Target Speed:* the speed at which vehicles should operate on a [throughfare]
 35 thoroughfare in a specific context, consistent with the level of multimodal activity
 36 generated by adjacent land uses, to provide mobility for motor vehicles and a safe
 37 environment for pedestrians and bicyclists. [The target speed is usually the posted
 38 speed limit.]

39 * * *

40 **49-29. Pedestrian walkways, bikeways, and wheelchair traffic.**

41 * * *

42 (b) To promote the safety of bicycle and wheelchair travel throughout the
 43 County, the County Executive must [establish] adopt, by regulation,
 44 standards and specifications to build and maintain ramps at curbed
 45 intersections and storm water gratings and other openings along roads
 46 and streets, in each case of a design and type that is not a hazard to
 47 bicycle and wheelchair traffic and is consistent with Americans with
 48 Disabilities Act best practices guidelines published by the United States
 49 Department of Justice. These ramps, gratings, and openings must be
 50 built and maintained as part of each project under subsection (a).

51 **49-32. Design standards for types of roads.**

52 (a) The design standards adopted under this Article govern the construction
 53 or reconstruction of any County road except Rustic Roads and
 54 Exceptional Rustic Roads. If the Planning Board, in approving a

55 subdivision or site plan, [determines] finds that a waiver from any
 56 applicable design standard is necessary to promote context-sensitive
 57 design of a specific road, the Executive or the Executive's designee
 58 must adopt the Board's recommendation unless the Executive or [the]
 59 designee [concludes that] notifies the Board why approving the waiver
 60 would significantly impair public safety. The County Council may
 61 adopt alternative standards for a specific road constructed or
 62 reconstructed in a project in the approved capital improvements
 63 program.

64 * * *

- 65 (g) Each through travel or turning lane on an urban road must be no wider
 66 than 10 feet, except a through travel or turning lane abutting an outside
 67 curb, which must be no wider than 11 feet, including the gutter pan.
 68 Each parking lane on an urban road must be no wider than 8 feet,
 69 including the gutter pan.
- 70 (h) The curb radius at the corner of each intersection of urban roads must
 71 not exceed 15 feet. Curb extensions must be provided at the ends of
 72 each permanent parking lane except where a right-turn lane is
 73 designated.
- 74 (i) Each pedestrian refuge must be at least 6 feet wide. A pedestrian refuge
 75 must be provided at each intersection on a divided highway with 6 or
 76 more through travel lanes.
- 77 (j) Unless otherwise specified in a master plan or the approved capital
 78 improvements program, the target speeds in the table below must
 79 govern the construction or reconstruction of any County road except
 80 Rustic Roads and Exceptional Rustic Roads:

85 (e) If a lot or lots front on a public road, the permittee must install
 86 sidewalks, ramps, curbs, and gutters, except on any Secondary or
 87 Tertiary Residential Street[,] or on any Service Drive fronting on any lot
 88 in a residential zone. This requirement does not apply if the minimum
 89 net lot area for a one-family detached dwelling in that zone is larger
 90 than 25,000 square feet, except that [a sidewalk must be installed] the
 91 permittee must install sidewalks and ramps on any primary or higher
 92 classification road. However, the Planning Board may require the
 93 applicant to install sidewalks, ramps, curbs, and gutters in any such zone
 94 if the Board finds, as a condition of approval of a preliminary
 95 subdivision plan or site plan, that sidewalks, ramps, curbs, and gutters at
 96 that location are necessary to allow access:

- 97 (1) to a sidewalk;
- 98 (2) to a bus or other public transit stop;
- 99 (3) to an amenity or public facility that will be used by occupants of
 100 the site or subdivision; or
- 101 (4) by persons with disabilities.

102 Before the Planning Board approves any requirement under the
 103 preceding sentence, the Board must give the Departments of Permitting
 104 Services and Transportation a reasonable opportunity to comment on
 105 the proposed requirement.

106 * * *

107 *Approved:*

108 Craig L. Rice, President, County Council Date

LEGISLATIVE REQUEST REPORT

Bill 33-13

Streets and Roads – Urban Road Standards and Pedestrian Safety Improvements

DESCRIPTION:	Limits the width of travel lanes, turning lanes, and parking lanes, as well as the size of intersection curb radii in urban areas. Requires curb extensions (sidewalk bulb-outs) in many cases where a road in an urban area is reconstructed. Sets target speeds at which vehicles should operate in specific contexts. Requires certain road improvements to include a sufficient pedestrian refuge area, directs developers building road improvements to add curb ramps where appropriate, and requires curb ramps to be built in accordance with federal ADA Best Practices.
PROBLEM:	Certain design standards currently do not produce roads that are appropriate for urban areas and do not provide sufficient accommodate for pedestrians and bicyclists.
GOALS AND OBJECTIVES:	To provide both for mobility for motor vehicles and a safer environment for pedestrians and bicyclists.
COORDINATION:	Department of Transportation, Department of Permitting Services, Planning Board
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Michael Faden, Senior Legislative Attorney, 240-777-7905 Glenn Orlin, Deputy Council Administrator, 240-777-7936
APPLICATION WITHIN MUNICIPALITIES:	To be researched.
PENALTIES:	Not applicable.



ROCKVILLE, MARYLAND

MEMORANDUM

January 13, 2014

TO: Craig Rice, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget *JAH*
Joseph F. Beach, Director, Department of Finance *JFB*

SUBJECT: Council Bill 33-13, Streets and Roads – Urban Road Standards and Pedestrian Safety Improvements

Please find attached the fiscal and economic impact statements for the above-referenced executive regulation.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer
Lisa Austin, Offices of the County Executive
Joy Nurmi, Special Assistant to the County Executive
Patrick Lacefield, Director, Public Information Office
Joseph F. Beach, Director, Department of Finance
Michael Coveyou, Department of Finance
Kevin Myers, Department of Finance
Robert Hagedoorn, Department of Finance
Arthur Holmes, Department of Transportation
Bruce Johnston, Department of Transportation
Naeem Mia, Office of Management and Budget
Alex Espinosa, Office of Management and Budget
Felicia Zhang, Office of Management and Budget

Fiscal Impact Statement
Council Bill 33-13, Streets and Roads – Urban Road Standards and
Pedestrian Safety Improvements

1. Legislative Summary

The proposed bill:

- Limits the widths of travel lanes, turning lanes, and parking lanes, as well as the size of intersection curb radii in urban areas;
- Requires curb extensions (sidewalk bulb-outs) in many cases where a road in an urban area is reconstructed;
- Sets target speeds at which vehicles should operate in specific contexts;
- Requires certain road improvements to include a sufficient pedestrian refuge area;
- Directs developers building road improvements to add curb ramps where appropriate; and
- Requires curb ramps to be built in accordance with the federal Americans with Disabilities Act (ADA) best practices.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

The proposed legislation does not impact County revenues.

The fiscal impact on expenditures is limited to the cost of modifications to construction plans currently in the design stage. The range of costs of these modifications is unknown; such additional costs would be site specific and cannot be forecasted with any reliability.

For example, a project further along in design would incur a higher cost for the modifications under the proposed bill compared to a project in an early planning phase. In addition, the fiscal impact to a project is dependent on its size, complexity, and scope (i.e., a project with two or more turning lanes would require more modifications than a project with a single turning lane).

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

See item #2 above.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable.

6. An estimate of the staff time needed to implement the bill.

The impact to staff time needed to implement the bill would be limited to potential modifications of construction plans currently in the design process. It is estimated that

this impact would be minimal, but would be site specific and cannot be forecast with any reliability.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

Not applicable.

8. An estimate of costs when an additional appropriation is needed.

Impact on expenditures is limited to the cost of modifications to construction plans currently in design. It is not known with any specificity the value of these additional costs. Such additional costs would be site specific and cannot be forecasted with any reliability.

9. A description of any variable that could affect revenue and cost estimates.

Variables include the time and cost to modify current plans not yet approved and additional construction costs such as labor and materials for constructing to the proposed standards.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Uncertain expenditures include: the additional time needed for design and the cost of labor and materials needed for modifying a project to the proposed standards.

11. If a bill is likely to have no fiscal impact, why that is the case.

The bill is likely to have a fiscal impact to the expenditure items specified in item #10.

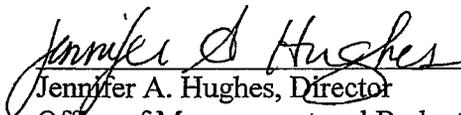
12. Other fiscal impacts or comments.

Not applicable.

13. The following contributed to and concurred with this analysis: (Enter name and department).

Bruce Johnston, Department of Transportation

Naem Mia, Office of Management and Budget



Jennifer A. Hughes, Director
Office of Management and Budget

1/13/14

Date

Economic Impact Statement
Bill 33-13, Streets and Roads – Urban Road Standards and Pedestrian Safety
Improvements

Background:

This legislation would limit the width of travel lanes, turning lanes, parking lanes, and the size of intersection curb radii in urban areas. Bill 33-13 (Bill) would require curb extensions where a road in an urban area is reconstructed. The Bill would set vehicle speed limits, provide for mobility of motor vehicles, and safety for pedestrians and bicyclists.

1. The sources of information, assumptions, and methodologies used.

The Department of Finance assumes that this bill will not affect construction plans that have been approved by the Montgomery County Planning Department and permits issues by the Department of Permitting Services.

2. A description of any variable that could affect the economic impact estimates.

Costs to developers to modify current plans not yet approved and additional construction costs such as labor and materials.

3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.

Because of the possibility of additional costs to the developers above current specifications as discussed in paragraph 2, it is not known with any specificity the value of those costs. Therefore such costs would be site specific and cannot be forecasted with any reliability.

4. If a Bill is likely to have no economic impact, why is that the case?

It is uncertain that the Bill would or would not have an economic impact because of the availability of specific data.

5. The following contributed to and concurred with this analysis: David Platt and Rob Hagedoorn, Finance.



Joseph F. Beach, Director
Department of Finance

1/13/14
Date