

MEMORANDUM

TO: County Council

FROM: *MK* Michael Faden, Senior Legislative Attorney
GO Glenn Orlin, Deputy Staff Director

SUBJECT: **Public Hearing:** Expedited Bill 3-10, Streets and roads – Sidewalks – Public hearing requirement

Expedited Bill 3-10, Streets and roads – Sidewalks – Public hearing requirement, sponsored by Council President Floreen, Councilmember Leventhal, Councilmember Berliner, and Council Vice President Ervin, was introduced on January 19, 2010. A Transportation, Infrastructure, Energy and Environment (T&E) Committee worksession is tentatively scheduled for February 11 at 2:00 p.m.

Bill 3-10 would waive the required public hearing under certain circumstances before certain sidewalks or shared use paths are approved. Its purpose is to expedite the administrative approval process to allow quicker construction of sidewalks and hiker-biker paths that are noncontroversial, have substantial community support, would be placed entirely in the public right-of-way, and don't require a detailed engineering design.

The Transportation, Infrastructure, Energy, and Environment Committee considered this issue on December 7 and directed Council staff to draft this bill.

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Expedited Bill No. 3-10
Concerning: Streets and roads -
Sidewalks - Public hearing
requirement
Revised: January 7, 2010 Draft No. 2
Introduced: January 19, 2010
Expires: July 19, 2011
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Floreen, Councilmembers Leventhal and Berliner, and Council Vice
President Ervin

AN EXPEDITED ACT to:

- (1) waive the required public hearing under certain circumstances before certain sidewalks or shared use paths are approved; and
- (2) generally amend the law governing sidewalk and shared use path approval and construction.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Sections 49-53 and 49-54

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:

28 Section, and after the hearing, if required, is held under Section 49-53,
29 the County Executive must forward to the County Council a written
30 report recommending any proposed assessments based on the estimated
31 cost of building the road. The report must describe the work to be done
32 and state, with particularity, what portion of the cost of the construction,
33 if any, should be paid by the adjacent properties and what portion, if
34 any, of the cost should be paid by the County under this Chapter.

35 * * *

36 **Sec. 2. Expedited Effective Date.**

37 The Council declares that this Act is necessary for the immediate protection of
38 the public interest. This Act takes effect on the date when it becomes law.

39 *Approved:*

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Nancy Floreen, President, County Council Date

42 *Approved:*

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44

Isiah Leggett, County Executive Date

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

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Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Expedited Bill 3-10

Streets and roads – Sidewalks – Public hearing requirement

DESCRIPTION:	Expedited Bill 3-10 would waive the required administrative public hearing for sidewalks and hiker-biker paths that are noncontroversial, have substantial community support, would be placed entirely in the public right-of-way, and don't require a detailed engineering design.
PROBLEM:	The administrative approval process for smaller, simpler sidewalks and hiker-biker paths is unnecessarily long.
GOALS AND OBJECTIVES:	To waive the administrative public hearing before certain sidewalks and shared use paths are approved.
COORDINATION:	Department of Transportation
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 Staff Director, 240-777-7936
APPLICATION WITHIN MUNICIPALITIES:	Applies only to County-built sidewalks and shared use paths.
PENALTIES:	Not applicable