

MEMORANDUM

July 29, 2016

TO: County Council

FROM: Jeffrey L Zyontz, Senior Legislative Analyst

SUBJECT: **Introduction:** Expedited Bill 34-16, Streets and Roads - Design

Expedited Bill 34-16, Streets and Roads - Design, sponsored by Lead Sponsor Planning, Housing and Economic Development Committee, is scheduled to be introduced on August 2. A public hearing is tentatively scheduled for September 13 at 1:30 p.m.

Bill 34-16 would define certain terms in Chapter 49, establish a permit requirement for closing a private road, clarify provisions for permanent structures approved in a site plan and establish road design criteria. These changes proposed are initiated by revisions proposed in Subdivision Regulation Amendment (SRA) 16-01 and provides better coordination with Planning Board approvals.

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|----------------------------|-----------------|
| This packet contains: | <u>Circle #</u> |
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Expedited Bill No. 34-16
Concerning: Streets and Roads – Design
Revised: 7/27/2016 Draft No. 1
Introduced: August 2, 2016
Expires: February 2, 2018
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Planning, Housing, and Economic Development Committee

AN EXPEDITED ACT to:

- (1) clarify that certain permanent, nonstandard structures may be installed in the public right-of-way under certain circumstances;
- (2) require a permit to close any portion of a private road;
- (3) define certain terms;
- (4) establish road design criteria; and
- (5) generally amend County law regarding rights-of-way and streets and roads.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Sections 49-1, 49-11, 49-26 and 49-33

And adding

Section 49-11A

| | |
|------------------------------|--|
| 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 with the construction, maintenance, use or removal of the
 29 nonstandard structure.

30 * * *

31 **49-11A. Permit to obstruct private roads.**

- 32 (a) A person must not close any portion of a private road without a permit
 33 from the Director of Permitting Services.
- 34 (b) The Director of Permitting Services may issue a permit for the complete
 35 or partial closure of a private road if the closure does not:
- 36 (1) violate Chapter 22;
 37 (2) unreasonably impede the use of the private road by persons in
 38 wheelchairs;
 39 (3) unreasonably impede or endanger the users of any building or
 40 structure adjacent to or abutting the private road; or
 41 (4) adversely impact the area transportation network.
- 42 (c) A person must apply for a permit on a form prescribed by the Director
 43 of Permitting Services, submit detailed plans and specifications,
 44 including the locations and use and occupancy of all buildings or
 45 structures adjacent to or abutting the private road, and any additional
 46 information as the Director may require.
- 47 (d) The Director of Permitting Services must include conditions in each
 48 permit that provide for the safety of any user of a building or structure
 49 adjacent to or abutting the private road, including providing for safe
 50 alternate access to and egress from any building or structure.
- 51 (e) Before the Director of Permitting Services issues a permit to close a
 52 private road in whole or in part under this Section, the Director of
 53 Transportation must review and approve each application for closure of
 54 a private road to ensure that closure will not adversely impact the area

55 transportation network. The Director of Transportation must approve a
 56 temporary traffic control plan that requires signage during closure to
 57 inform pedestrians about the duration of the closure, the permit number,
 58 and the contact telephone number to call.

59 **49-26. Definitions.**

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

62 AASHTO: The American Association of State Highway and Transportation
 63 Officials. The guidelines in the 2011 (6th edition) of “A Policy on Geometric
 64 Design of Highways and Streets” manual, as revised from time to time.

65 * * *

66 Private Road: Any street, highway, avenue, lane, alley, or viaduct, or any
 67 segment of any of them, including any pedestrian walkway adjacent to the
 68 private road that has not been deeded, dedicated or otherwise permanently
 69 appropriated to the public for public use.

70 **49-33. Road Design and Construction requirements.**

71 * * *

72 (n) Requirements for Profiles Submitted for Approval to the Department of
 73 Permitting Services. Design requirements are:

74 (1) An applicant must use the vertical curve guidance in the current
 75 edition of the AASHTO, as modified below, for designing
 76 roadway profiles.

77 (2) The “Target Speed” for the proposed road as determined by this
 78 Chapter, Executive Regulation, or the applicable master plan,
 79 must be used as the “Design Speed” referred to in AASHTO.
 80 Unless otherwise specified in a master plan or the approved

81 capital improvements program, the maximum target speed for a
82 road in an urban area is 25 mph.

83 (3) Landing grades must be provided at all arterial roads and primary
84 residential streets, using a 2% slope down from the center line of
85 the road intersected to a point along the gutter line, then a 2%
86 slope up, providing a low point at the gutter line of the intersected
87 arterial road or primary residential street and a short tangent
88 grade of 2% rising to the point of tangent for the fillet curve at
89 the intersection.

90 (4) Landing grades to secondary residential roads may be provided
91 with a cross slope of 4% or less. Landing grades to tertiary
92 residential roads may be provided with a cross slope of exceed
93 6% or less.

94 (5) The grades for arterial roads and primary residential streets must
95 be 4% or less at any intersection with other roads.

96 (6) The grades for arterial roads and primary residential roads must
97 be 8% or less, except where short theoretical tangent projections
98 for vertical curves require a greater grade.

99 (7) The grades for secondary residential streets must be 10% or less,
100 except where short theoretical projections for vertical curves
101 require a greater grade.

102 (8) Maximum grades for tertiary residential streets are as follows:
103 (A) Where parking abuts the road - 10%
104 (B) In any case - 14%
105 (C) Elsewhere, for a length of 200 feet or less (but not within
106 200 feet of a secondary or primary residential street nor
107 within 250 feet of arterial or higher classification) - 12%”

108 (9) The minimum length for any crest or sag vertical curve is 50 feet.

109 (10) The calculated minimum curve lengths may be adjusted, with
110 approval from the Department of Permitting Services, to satisfy
111 unique site conditions or design constraints.

112 * * *

113 **Sec. 2. Expedited Effective Date.**

114 The Council declares that this legislation is necessary for the immediate
115 protection of the public interest. This Act takes effect on the date on which it becomes
116 law.

117 *Approved:*

118 _____
119 Nancy Floreen, President, County Council Date

120 *Approved:*

121 _____
122 Isiah Leggett, County Executive Date

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

Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Expedited Bill 34-16 *Streets and Roads - Design*

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|---|---|
| DESCRIPTION: | Expedited Bill 34-16 would define certain terms in Chapter 49, establish a permit requirement for closing a private road, clarify provisions for permanent structures approved in a site plan and establish road design criteria. |
| PROBLEM: | Proposed changes in Subdivision Regulation Amendment (SRA) 16-01 require amending Chapter 49. The current chapter lacks provisions for closing private roads, road design standards, and permanent structures in the public right of way. |
| GOALS AND OBJECTIVES: | The goal of Bill 34-16 is to coordinate proposed changes to Chapter 50 and Chapter 59. |
| COORDINATION: | Department of Transportation, Department of Permitting Services, and the Planning Department |
| FISCAL IMPACT: | To be requested. |
| ECONOMIC IMPACT: | To be requested. |
| EVALUATION: | To be requested. |
| EXPERIENCE ELSEWHERE: | To be researched. |
| SOURCE OF INFORMATION: | Department of Transportation, Department of Permitting Services, and the Planning Department |
| APPLICATION WITHIN MUNICIPALITIES: | To be researched. |
| PENALTIES: | Violations of Section 49-11 are treated as a class A violation. |