

MEMORANDUM

January 16, 2015

TO: County Council
FROM: Jeffrey L. Zyontz, Legislative Attorney *JZ*
SUBJECT: **Introduction:** Bill 3-15, Streets and Roads – Obstruction Signage

Bill 3-15, Streets and Roads – Obstruction Signage, sponsored by the Councilmembers Berliner, Navarro, Floreen and Elrich is scheduled to be introduced on January 20. A public hearing is tentatively scheduled for February 10, 2015 at 1:30 p.m.

Bill 3-15 would require signage concerning a permit to obstruct a right-of-way. Currently pedestrians faced with a closed sidewalk have no easy way to determine how long the sidewalk will be closed and who to contact if they have any questions.

This packet contains:	<u>Circle #</u>
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Bill No. 3-15
Concerning: Streets and Roads -
Obstruction Signage
Revised: Jan. 6, 2015 Draft No. 1
Introduced: January 20, 2015
Expires: July 20, 2016
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Berliner, Navarro, Floreen, and Elrich

AN ACT to:

- (1) require signage concerning a permit to obstruct a right-of way; and
- (2) generally amend the law concerning a permit to obstruct any public right-of-way.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Section 49-11

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 Amendment:

Sec. 1 Section 49-11 is amended as follows:

49-11. Permit to obstruct public rights-of-way.

* * *

(g) Before the Director issues a permit under this Section to close a sidewalk, curb lane, or shared use path, the Director of Transportation must approve a temporary traffic control plan.

(1) A professional engineer must certify for the applicant that the plan minimizes inconvenience to the public, provides necessary warnings, and includes safe and reasonable pedestrian alternatives in accordance with accepted engineering standards.

(2) The permit and the traffic control plan must require signage during construction to, at least, inform pedestrians about the duration of the obstruction, the permit number, and the permit holder's telephone number.

* * *

Approved:

George Leventhal, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date

LEGISLATIVE REQUEST REPORT

Bill 3-15

Streets and Roads – Obstruction Signage

DESCRIPTION: Permits that allow an obstruction in public right-of-way will be required to post informational signs. These signs will be intended to inform pedestrians about the obstruction and contact information.

PROBLEM: Pedestrians face closed sidewalks without knowing the terms and conditions of the closure or contact information for the party responsible for the closure.

GOALS AND OBJECTIVES: To provide information for pedestrians.

COORDINATION: Department of Permitting Services, 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: Jeff Zyontz, Legislative Attorney, 240-777-7896

APPLICATION WITHIN MUNICIPALITIES: Applies to all areas where County issues right-of-way obstruction permits.

PENALTIES: Revocation of a permit and a cease and desist order concerning the obstruction.