

Bill No. 2-13  
Concerning: Streets and Roads -  
Reconstruction - Coordination  
Revised: 10-22-13 Draft No. 5  
Introduced: January 15, 2013  
Enacted: October 22, 2013  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmembers Leventhal, Riemer, Elrich, Berliner, and Rice

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**AN ACT** to:

- (1) require the Director of Transportation to adopt a schedule of reconstruction, rehabilitation, and resurfacing to County sidewalks, streets, and roads, and to publicize that schedule;
- (2) direct the Department to take all feasible steps to coordinate the County's reconstruction, rehabilitation, and resurfacing activities with those of other government agencies, public utilities, and certain other entities[[, and in so doing to locate utility transmission facilities underground when feasible]]; and
- (3) generally amend the law governing the reconstruction, rehabilitation, and resurfacing of County streets and roads.

By amending

Montgomery County Code  
Chapter 49, Streets and Roads  
Section 49-42

<b>Boldface</b>	<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. Section 49–42 is amended as follows:**

2   **49-42.       [Reserved.] Reconstruction, rehabilitation, and resurfacing**  
3 **schedule; coordination with other government agencies and private parties.**

4           (a) The Director of Transportation must annually adopt a [[5]] 3-year  
5 schedule for the reconstruction, rehabilitation, and resurfacing of  
6 sidewalks, streets, and roads that the County controls or maintains. That  
7 schedule must be based on:

8               (1) expenditure schedules in the approved County Capital  
9 Improvements Program;

10              (2) the evaluation of the Department of Transportation’s Pavement  
11 Management System; and [[on]]

12              (3) coordination and consultations with other government agencies  
13 and public utilities.

14           (b) The [[5]] 3-year schedule must be published in the County Register  
15 each January and shown on the County’s web site. The web site must  
16 be promptly updated to reflect changing information, and must include a  
17 street map displaying the location of street, road and sidewalk  
18 reconstruction, rehabilitation, and resurfacing work included in the  
19 adopted [[5]] 3-year schedule. The Director must take all feasible steps  
20 to include on this map the location of construction work undertaken or  
21 planned by public utilities in County rights-of-way to the extent that  
22 each public utility makes this data available for County use.

23           (c) The Director must send the schedule published in the County Register  
24 annually to:

25               (1) the State Highway Administration;

26               (2) each municipality in the County;

- 27           (3) each public utility, and each cable communications franchisee,
- 28                     that operates in the County;
- 29           (4) the Washington Suburban Sanitary Commission;
- 30           (5) the County Planning Board;
- 31           (6) civic, business, and community organizations active in the
- 32                     County; and
- 33           (7) any other agency, organization, or person that would benefit from
- 34                     that information.

35    ~~[(c)]~~ (d) In adopting and implementing a ~~[[5]]~~ 3-year schedule under

36                     subsection (a), the Director must take all feasible steps to coordinate the

37                     Department’s reconstruction, rehabilitation, and resurfacing activities

38                     with those of other government agencies, public utilities and cable

39                     communications providers, and any other entity ~~[[authorized]]~~ permitted

40                     to reconstruct, rehabilitate, or resurface sidewalks, streets, or roads, to:

- 41           (1) avoid conflicting or duplicative activities; and
- 42           (2) ~~[[to]]~~ minimize the ~~[[number of times]]~~ time that ~~[[a given]]~~ any
- 43                     sidewalk, street, or road will be unavailable for unimpeded public
- 44                     use.

45    (e) The Chief Administrative Officer, in conjunction with Washington

46                     Suburban Sanitary Commission, other public utilities, the State, and

47                     appropriate County municipalities, must develop an automated

48                     information sharing and mapping system covering planned construction

49                     projects in all public rights-of-way in the County. This system should

50                     be based on a standardized interagency geographic information data

51                     repository which enables geographic information system-based

52                     applications to access and view current information about all planned

53                     right-of-way construction and maintenance activities. The data and data

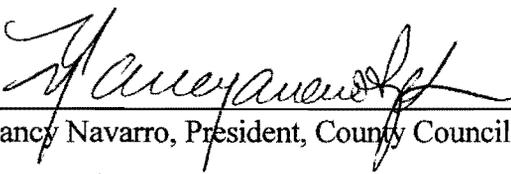
54 applications should allow access to recently-completed, current, and  
 55 planned projects, and should provide County, State, and utility staff  
 56 with direct links to up-to-date information such as project location,  
 57 scope, design plans, permit status, schedule, cost, moratorium status,  
 58 and points of contact,

59 [(d) In coordinating its activities with those of public utilities and cable  
 60 communications providers, the Department must make every effort to  
 61 locate or aid the location of transmission facilities underground where  
 62 feasible.]]

63 (f) In coordinating its activities under this Section, the Department must  
 64 collaborate with the applicable public utility, cable communications  
 65 provider, or other entity to [[provide each utility the opportunity to  
 66 determine whether it will be economically and practically feasible to  
 67 locate]] promote locating distribution facilities underground where  
 68 feasible and prudent before resurfacing begins.

69 [(e)] (g) The adoption of a schedule under this Section does not limit the  
 70 Department's authority to respond to any emergency.

71 *Approved:*

72  10/23/13  
Nancy Navarro, President, County Council Date

73 *Approved:*

74 \_\_\_\_\_  
Isiah Leggett, County Executive Date

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

76 \_\_\_\_\_  
Linda M. Lauer, Clerk of the Council Date