COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Berliner and Riemer

AN EXPEDITED 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, 49-25, 49-26, 49-29, 49-32, and 49-33

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 49-4, 49-25, 49-26, 49-29, 49-32, and 49-33 are amended as follows:


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

[[[*   **   *]]]

49-25. [[Purpose and short title]] Complete streets policy and standards.

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

(a) maximize the choice, safety, convenience, and mobility of all users, regardless of age, ability, or mode of transportation,

(b) maintain or expand connectivity for users,

[[[b]][(c)] (c) respect and maintain the particular character of the community where it is located, [and]

[[[c]][(d)] (d) minimize stormwater runoff and otherwise preserve the natural environment, and

[[[d]][(e)] (e) facilitate, to the maximum extent possible, the future accommodation of improved transportation technology elements, such as intelligent signals, smart parking meters, electric vehicle charging, car- and bicycle-sharing, and way-finding systems.

To achieve these goals, each County road and street must be designed so that the safety and convenience of all users of the roadway system - including pedestrians,
bicyclists, transit users, automobile drivers, commercial vehicles and freight haulers, and emergency service vehicles - is accommodated. Each road and street must facilitate multi-modal use and assure that all users can travel [safety] safely in the public right of way. A specified quantity of stormwater must be managed and treated on-site, in the road or street right-of-way, including through the use of vegetation-based infiltration techniques. These [contest] context-sensitive policies must be employed in all phases of publicly or privately funded facility development, including planning, design, construction, [and] reconstruction, and streetscaping. Each transportation project must incorporate complete streets infrastructure sufficient to promote safe and convenient travel along and across the right-of-way for all users.


Bikeway: any area expressly intended for bicycle travel, including any:

(a) Shared use path: a paved path [[8'-12']] that is typically 10 feet wide but can vary between 8 feet and 14 feet wide, designated for bicycles and pedestrians, that is separated from motorized traffic by a curb, barrier, or landscape panel.

(d) Separated bike lane, also known as a protected bike lane or cycle track: a bikeway that is physically separated from motor vehicles and pedestrian facilities. The separation may be vertical, such as a curb; horizontal, such as a landscape panel or parking lane; or a combination. A separated bike lane may be in a one-way or two-way configuration.

(e) Buffered bike lane: a bikeway separated from a motor vehicle travel lane with an area of striped pavement.
Complete streets: streets that are planned, designed, and constructed to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities, commercial vehicles, freight haulers, and emergency service vehicles.

Complete streets infrastructure: any design feature that contributes to a safe, convenient, and comfortable travel experience, which may include such features as sidewalks; shared use paths, bike lanes, and separated bike lanes; bike stations and bike storage facilities; narrow motor vehicle lanes and tight curb radii; street trees, planting strips, and other right-of-way landscaping; curbs and accessible curb ramps; curb extensions, crosswalks, and refuge islands; raised medians; pedestrian and traffic signals, including countdown and accessible signals; signage; streetlighting; street furniture; bicycle parking facilities; stormwater management; public transportation stops and shelters; dedicated transit lanes; and traffic calming devices.

Curb extension: an area that extends the line of a curb into a parking lane, reducing the width of a street.

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

Sidewalk: a pedestrian walkway that fronts a road.

49-29. Pedestrian walkways, bikeways, and wheelchair traffic.
(a) Bikeways and walkways must be constructed when any County road is constructed, reconstructed, or relocated, [[unless the County Council finds (for a road improvement authorized in a capital improvements program) or the Planning Board finds (for a road improvement made a condition of preliminary plan or site plan approval) that bikeways or walkways sidewalks in that location would reduce public safety, would not be feasible, or would be disproportionate in cost to their probable use]] except any walkway:

1. in front of a lot that is larger than 25,000 square feet for a single-family detached dwelling in a rural zone;
2. on any roadway that is classified as exceptional rustic, rustic, country arterial, or country road;
3. on a tertiary residential street if the Planning Board finds that a sidewalk is unnecessary for pedestrian movement, or
4. if the site is located in an environmentally sensitive area with limits on the amount of impervious surface allowed.

[[All bikeways and walkways]] Each bikeway and walkway must conform to approved capital improvements programs and be consistent with applicable area master plans and transportation plans adopted by the Planning Board.

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

[[* * *]]

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

(a) The design standards adopted under this Article govern the construction or reconstruction of any County road except Rustic Roads and Exceptional Rustic Roads. If the Planning Board, in approving a subdivision or site plan, [determines] finds that a waiver from any applicable design standard is necessary to promote context-sensitive design of a specific road, the Executive or the Executive's designee must adopt the Board's recommendation unless the Executive or [the] the Executive's designee [concludes that] notifies the Board why approving the waiver would significantly impair public safety. The County Council may adopt alternative standards for a specific road constructed or reconstructed in a project in the approved capital improvements program.

* * *

(g) Each through travel or turning lane on an urban road must be no wider than 10 feet, except that a single travel lane adjacent to a parking lane must be no wider than 11 feet and a through travel or turning lane abutting an outside curb[[, which]] must be no wider than 11 feet, including the gutter pan. Each parking lane on an urban road must be no wider than 8 feet, including the gutter pan. The standards in this subsection do not apply if, for a road improvement required as a result of approving a subdivision or site plan, the Executive or the Executive's designee concludes that applying a specific standard at a specific site would significantly impair public safety.

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(h) The curb radius at the corner of each intersection of two urban roads must not exceed 15 feet [[.]] except where:

1. there is only one receiving lane;
2. a curb extension is located; or
3. for a road improvement required as a result of approving a subdivision or site plan, the Executive or the Executive's designee concludes that applying this standard at a specific site would significantly impair public safety.

[[Curb extensions must be provided at the ends of each permanent parking lane except where a right-turn lane is designated.]]

(i) Each pedestrian refuge must be at least 6 feet wide. A pedestrian refuge must be [[provided]] located at each intersection on a divided highway with 6 or more through travel lanes.

(i) Unless otherwise specified in a master plan or the approved capital improvements program, the maximum target [[speeds in the table below must govern the construction or reconstruction of any County road except Rustic Roads and Exceptional Rustic Roads:]] speed for a road in an urban area is 25 mph.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Target Speed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeway</td>
<td>55-65 mph</td>
</tr>
<tr>
<td>Controlled Major Highway</td>
<td>50 mph</td>
</tr>
<tr>
<td>Parkway</td>
<td>urban: 25 mph Suburban: 40 mph</td>
</tr>
<tr>
<td>Major Highway</td>
<td>urban: 25 mph Suburban: 35-40 mph rural: 45 mph*</td>
</tr>
<tr>
<td>Country Arterial</td>
<td>Suburban: 40 mph</td>
</tr>
<tr>
<td>Category</td>
<td>Speeds</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Arterial</td>
<td>rural: 40-45 mph*</td>
</tr>
<tr>
<td></td>
<td>urban: 25 mph</td>
</tr>
<tr>
<td></td>
<td>Suburban: 35 mph</td>
</tr>
<tr>
<td></td>
<td>rural: 40 mph*</td>
</tr>
<tr>
<td>Minor Arterial</td>
<td>urban: 25 mph</td>
</tr>
<tr>
<td></td>
<td>Suburban: 30 mph</td>
</tr>
<tr>
<td></td>
<td>rural: 35 mph*</td>
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<tr>
<td>Business District Street</td>
<td>25 mph</td>
</tr>
<tr>
<td>Industrial Street</td>
<td>25 mph</td>
</tr>
<tr>
<td>Country Road</td>
<td>25 mph</td>
</tr>
<tr>
<td>Primary and Principal Secondary Residential Streets</td>
<td>25 mph</td>
</tr>
<tr>
<td>Secondary Residential Streets</td>
<td>20 mph</td>
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<tr>
<td>Tertiary Residential Street</td>
<td>20 mph</td>
</tr>
<tr>
<td>Alley</td>
<td>15 mph</td>
</tr>
</tbody>
</table>

[*Target speed for these classifications in suburban and rural commercial zones is 30 mph.]*

**49-33. Road construction requirements.**

* * *

(e) (1) If a lot or lots front on a public road, the permittee must install sidewalks, master-planned bikeways, ramps, curbs, and gutters, except any sidewalk:

(A) in front of a lot that is larger than 25,000 square feet for a single-family detached dwelling in a rural zone;

(B) on any roadway classified as exceptional rustic, rustic, country arterial, or country road;
(C) on a tertiary residential street, or in an environmentally sensitive area with limits on the amount of impervious surface allowed, if in either case the Planning Board finds that a sidewalk is unnecessary for pedestrian movement; or

(D) on a secondary or tertiary residential street or service drive where the Department of Permitting Services finds that a sidewalk will not connect potentially to other sidewalk segments.

[[except on any Secondary or Tertiary Residential Street[,] or on any Service Drive fronting on any lot in a residential zone. This requirement does not apply if the minimum net lot area for a one-family detached dwelling in that zone is larger than 25,000 square feet, except that [a sidewalk must be installed] the permittee must install sidewalks and ramps on any primary or higher classification road.]]

(2) However, the Planning Board may require the applicant to install sidewalks, ramps, curbs, and gutters [[in any such zone]] if the Board finds, as a condition of approval of a preliminary subdivision plan or site plan, that sidewalks, bikeway connections, ramps, curbs, and gutters at that location are necessary to allow access:

[[1]] (A) to a sidewalk or bikeway;

[[2]] (B) to a bus or other public transit stop;

[[3]] (C) to an amenity or public facility that will be used by occupants of the site or subdivision; or

[[4]] (D) by persons with disabilities.
Before the Planning Board approves any requirement under [[the preceding sentence]] this paragraph, the Board must give the Departments of Permitting Services and Transportation a reasonable opportunity to comment on the proposed requirement.

* * *

Sec. 2. Regulations; applicability. The County Executive must transmit to the Council, by June 1, 2016, a regulation adopted under Method 2 that contains comprehensive complete streets guidelines. Once adopted this regulation must replace the standards in Section 49-32(g), (h) and (i). Any revised road design and construction standards in Chapter 49, as amended in Section 1 of this Act, do not apply to any road construction project that is in final design or construction when this Act takes effect.

Sec. 3. Expedited Effective Date. The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date when it becomes law.

Approved:

Craig L. Rice, President, County Council

11/25/14

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date