Expedited Bill No. 30-16
Concerning: Streets and Roads – Amendments
Revised: 6/6/2016 Draft No. 1
Introduced: July 12, 2016
Enacted: August 2, 2016
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President at the request of the County Executive

AN EXPEDITED ACT to:

(1) clarify that a person may not exercise control over, or otherwise occupy, the public right-of-way;
(2) define certain terms in Chapter 49; and
(3) generally amend County law regarding rights-of-way and streets and roads.

By amending
Montgomery County Code
Chapter 49, Streets and Roads
Sections 49-10 and 49-26

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets**]**	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets**]]**	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Sections 49-10 and 49-26 are amended as follows:

49-10. Obstruction of public rights-of-way.

Except as provided in Section 49-11, in the public right-of-way, a person must not:

(a) place, maintain, use, or exercise control over, any object or structure in the public right-of-way;

(b) allow any object or structure owned by the person to occupy, obstruct, or encroach upon the public right-of-way;

[(a)] (c) [do] perform any reconstruction or maintenance work; or

[(b)] (d) allow the [erect] erection or [place] placement of any structure, fence, post, rock, or other object in the public right-of-way, except:

(1) mail boxes mounted on a support that will bend or break away on impact by a vehicle;

(2) individual residential newspaper boxes mounted on a support that will bend or break away on impact by a vehicle;

(3) street trees placed and maintained under Section 49-33(j);

(4) ground cover placed and maintained under Section 49-33(k);

(5) a temporary, removable obstruction or occupation of a right-of-way installed under a permit issued under Section 49-11; or

(6) as otherwise permitted by law.

Any object placed in the public right-of-way under [this subsection] Section 49-10(d) must not unreasonably impede use of a sidewalk or other right-of-way by pedestrians or persons in wheelchairs, or impede or endanger automobiles or other vehicles.

* * *

49-26. Definitions.

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

(a) *Shared use path*: A paved path that abuts, is contiguous with, and is a part of the right-of-way for a County road or street, that is typically 10 feet wide, but can vary between 8 feet and 14 feet wide, designated for bicycles and pedestrians, and that is separated from motorized traffic by a curb, barrier, or landscape panel.

(b) *Shared use trail*: A paved or unpaved trail designated for bicycles and pedestrians, that is not part of the right-of-way for a County road or street because the trail does not abut and lie contiguous with the right of way for a County road or street.

[(b)] (c) *Bike lane*: A portion of a roadway designated by striping, signing, or pavement markings for the preferential or exclusive use of bicycles, and on which through-travel by motor vehicles is not allowed.

[(c)] (d) *Shared use roadway*: A roadway open to both bicycle and motor vehicle travel and which is designated as a preferred route for bicycle use by warning or informational signs.

[(d)] (e) *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)] (f) *Buffered bike lane*: a bikeway separated from a motor vehicle travel lane with an area of striped pavement.

* * *

Road: any road, street, highway, avenue, lane, alley, [or viaduct, or any segment of any of them.] bridge, shared use path, sidewalk, viaduct, or any segment of any of them, and any related storm drain and stormwater management facility.

* * *

Sidewalk: any portion of the right-of-way for a County road or street that is expressly intended as a pedestrian walkway [that fronts a road].

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Sec. 2. 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 on which it becomes law.

Approved:

Nancy Floreen August 2, 2016

Nancy Floreen, 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