

M E M O R A N D U M

October 6, 2022

TO: Transportation and Environment Committee

FROM: Livhu Ndou, Legislative Attorney
Glenn Orlin, Senior Analyst

SUBJECT: Bill 24-22, Streets and Roads
Zoning Text Amendment (ZTA) 22-10, Streets and Roads
Subdivision Regulation Amendment (SRA) 22-01, Streets and Roads

PURPOSE: Develop recommendations for the full Council

EXPECTED ATTENDEES

- Christopher Conklin, Director, Department of Transportation (DOT)
- Tim Cupples, Deputy Director for Transportation Policy, DOT
- Andrew Bossi, Senior Planning Specialist, DOT
- Casey Anderson, Chair, Planning Board
- Jason Sartori, Chief, Countywide Planning & Policy, Planning Department
- Benjamin Berbert, Planner III, Countywide Planning & Policy, Planning Department
- Stephen Aldrich, Planner IV, Countywide Planning and Policy, Planning Department
- Atiq Panjshiri, Public Right-of-Way Manager, Department of Permitting Services (DPS)
- Linda Kobylski, Chief, Land Development, DPS

INTRODUCTION

Bill 24-22, Zoning Text Amendment (ZTA) 22-10, and Subdivision Regulation Amendment (SRA) 22-01, all titled “Streets and Roads”, were introduced on July 26, 2022. Taken together, these items will make changes to several chapters of the County Code to implement the Complete Streets Design Guide.

Bill 24-22, lead sponsor Council President Alborno at the Request of the County Executive, revises Chapter 49, Streets and Roads, to apply complete streets standards to the design and construction of roads and road improvements.

ZTA 22-10, lead sponsor Council President Alborno at the Request of the Planning Board, revises Chapter 59, the Zoning Ordinance, by replacing the existing road types referenced throughout with the new Complete Streets Design Guide road types.

SRA 22-01, lead sponsor Council President Albornoz at the Request of the Planning Board, revises Chapter 50, Subdivision of Land, by updating the standards for intersection spacing, providing new guidance on protected intersections, and replacing all occurrences of existing street types with the new street typologies from the Complete Streets Design Guide.

This worksession will begin with a roughly 30-minute presentation by DOT and Planning staff on the main points of the Complete Streets Design Guide and the three bills.

PUBLIC HEARING

A public hearing was held on all three items on September 20, 2022. The Rustic Roads Advisory Committee (RRAC) testified on Bill 24-22 and requested several amendments. An individual testified on all three items requesting more tree protection. Planning Board testified in support of ZTA 22-10 and SRA 22-01.

The Council also received written testimony from the RRAC three individuals. The written testimony requested the addition of two more members to the RRAC, more language from the Complete Streets chapter on green streets, and other amendments recommended by the RRAC that will be addressed later in this Council Staff memorandum.

SUMMARY OF IMPACT STATEMENTS

Bill 24-22

Economic Impact Statement

The Office of Legislative Oversight (OLO) found that enacting Bill 24-22 would have a positive impact on economic conditions in the County. Specifically, incorporating Complete Streets into the design, construction, and improvement of roads would increase residential property values in areas surrounding Complete Streets projects, as well as positively effect employment, business revenues and creation, and commercial property values.

Fiscal Impact Statement

The Office of Management and Budget (OMB) does not anticipate any impact on County revenues or expenditures due to passage of Bill 24-22.

RESJ Impact Statement

OLO found the racial equity and social justice (RESJ) impact of Bill 24-22 is indeterminant due to insufficient information on whether Black, Indigenous, and other people of color (BIPOC) residents will be the primary beneficiaries of roadway projects developed with complete streets standards.

ZTA 22-10

Planning Board Recommendation

The Planning Board reviewed Bill 24-22, ZTA 22-10, and SRA 22-01 on September 15, 2022. The Board unanimously recommended approval of all three items, with suggested amendments that will be discussed further below.

RESJ Impact Statement

OLO found that ZTA 22-10 would have little to no impact on racial equity and social justice in the County because the ZTA only makes technical revisions to the Zoning Ordinance.

DISCUSSION

Overview

The 2021 Complete Streets Design Guide provides policy and design guidance on the planning, design, and operation of county roadways, consistent with the County’s Vision Zero goals.¹ The Guide was developed by the Montgomery County Department of Transportation (DOT) and Planning Department. Most of the revisions can be found in Bill 24-22, a substantial rewrite of Chapter 49, Roads. ZTA 22-10 and SRA 22-01 contain technical revisions to update existing references to roads and streets with new terminology that will be found in Chapter 49.

Bill 24-22

Background

Bill 24-22 is a rewrite of Chapter 49 to apply the 2021 Complete Streets Design Guide to the design and construction of roads and road improvements. The application of Complete Streets has several steps. After passage of this bill, DOT intends to develop Executive Regulations under Method (3) to provide guidance on the planning, design, and operation of roadways for all intended users. Planning intends to subsequently adopt the Pedestrian Master Plan and do technical updates to the Master Plan of Highways and Transitways.

Some of the major changes in Bill 24-22 include:

- Changing the adoption of regulations from Method (2) to Method (3)²
- Deleting Section 49-19A, “Energy-efficient streetlights,” since its goals have been achieved
- Updating traffic calming measurements
- Expanding waiver of the requirements under certain circumstances to bikeways

¹ The Guide can be found here:

https://montgomeryplanning.org/wp-content/uploads/2022/03/Montgomery-County-CSDG_Approved-2021.pdf.

² Under Section 2A-15 of the County Code, Method (3) regulations are not subject to County Council approval or disapproval, while the County Council may approve or disapprove a Method (2) regulation within 60 days of receiving it.

- Adding DPS as an agency to be solicited for input on abandonments
- Updating the legal process for abandonments
- Not requiring a right-of-way permit fee for tree pruning
- Including definitions established by the Bicycle Master Plan and Complete Streets Design Guide
- Establishing processes for exempting bikeways or walkways where they are found to be infeasible to construct, will not connect to any destinations within the foreseeable future, or the facility qualifies for fee-in-lieu
- Defining street areas and street types, and establishing the need for both County and Federal classifications
- Providing translations to convert the existing road classifications in the Master Plan of Highways and Transitways to the new street types until a technical update to the Master Plan of Highways and Transitways can be added to the Planning Department's work program
- Adding minimum rights-of-way for the proposed street types, revising curb radius guidelines consistent with the Complete Street Design Guide, and adding maximum target speeds for all street types

Subsequent regulation: Method (2) or Method (3)?

While the bill contains many of the general elements of the Complete Streets Design Guide, most of the details in the Guide will not be enforceable until they are included in a subsequent Executive regulation. The bill states:

The County Executive must adopt under Method (3) A Complete Streets Design regulation that provides guidance on the planning, design, and operation of roadways for all intended users. (Lines 450-452)

Council staff strongly recommends that this instead be a Method (2) regulation, fully reviewable by the Council. The last time the Road Construction Code was amended comprehensively was on December 9, 2008, when the Council adopted Resolution 16-809 approving Executive Regulation 31-08AM, Context Sensitive Road Design Standards. This action was taken after two lengthy worksessions by the T&E Committee. It was a Method (2) regulation.

Proposed amendments based on Planning Board and Related Comments

On September 15 the Planning Board reviewed its staff's comments on the bills and transmitted them to the Council. The staff had identified ten issues and some more minor issues. The Board concurred with the Department of Transportation on some issues and with its staff on others. Subsequently DOT concurred with some of the Board/staff recommended revisions. In Issues 1, 6, 7, 9 and 10 there are some remaining disagreements among the Board, DOT, DPS and Council staff. They are addressed below:

Issue 1: Defining the area types

a. The street standards in the Complete Streets Guide vary not only by a street's classification, but also by its milieu. The bill identifies four area types: *downtown* (with the highest

intensity of development), *town center* (with moderate to high development intensity), *suburban*, and *country*, and it defines the areas that fall within each type. The Board recommends adding language that would allow an area to move from one type to another if subsequently designated as such by the Council in a future approved functional plan, master plan, or sector plan. DOT concurs with such a revision. **Council staff concurs as well.**

b. Lines 740-747 identify six specific areas as downtowns: Bethesda CBD, Friendship Heights CBD, Silver Spring CBD, Wheaton CBD, the White Flint Sector Plan area, and the White Flint 2 Sector Plan area. The Board recommends adding three more downtowns: the Life Science/FDA Village area of White Oak, the Life Science Center districts in the Great Seneca Science Corridor Master Plan, and the Rock Spring Park Master Plan area. DOT staff indicates that it does not concur with designating these three areas as downtowns.

Council staff recommends that these three areas be added to the list of town center areas instead. They are not of the same density nor proximity to a Metrorail station to be considered “downtowns.” They are more akin the Germantown or Kensington Town Centers. **Furthermore, the White Flint 2 Sector Plan should be categorized as a town center area.** Most of it is beyond the walkshed of the North Bethesda Metro Station (including the planned northern entrance) and it does not have nearly the planned level of density that the core White Flint Sector Plan has.

Conversely, Council staff does recommend adding the Glenmont, Grosvenor, Twinbrook and Shady Grove Urban Road Code areas as downtowns. All will ultimately feature density of development not dissimilar from White Flint, and all are within an easy walk of a Metrorail station.

Lines 748-755 identify six areas as town centers: Burtonsville, Clarksburg, Damascus, Germantown, Kensington, and Olney. Lines 756-757 also designate as town centers “all other designated Urban areas not are not downtown areas.” The bill’s definition of “urban area” are those areas depicted as such in Appendix E of the Master Plan of Highways and Transitways, or as revised in a subsequently adopted plan (Lines 583-585). The difficulty with this definition is that Appendix E (nor any appendix) was never adopted by the Council. A better approach would be to list as town centers in Bill 24-22 all the Urban areas identified in Appendix E that are not downtowns, which would include the following Road Code Urban Areas: Cabin Branch, Chevy Chase Lake, Langley Crossroads, Lyttonsville Purple Line Station, Montgomery Hills, Piney Branch, Westbard, and Woodside Purple Line Station. **Council staff recommends deleting the reference to Appendix E in the Urban area definition, and to explicitly add the Road Code Urban Areas noted above as town centers.**

c. The Board recommends adding a fifth area type—industrial—defined as “areas where employment and industrial uses are the predominate activities.” DOT concurs. **Council staff concurs.**

Issue 6: Authority to modify interim street type designations

Bill 24-22 establishes interim street types for each road or street until which time the type is confirmed in an adopted functional, master, or sector plan. Classification of streets is always

one of the purposes of such Council-adopted plans. The question is who should have authority to revise the classification for a particular street while it is in this “interim” status: DOT or the Planning Board? The bill would grant this authority to DOT (see 49-31(d)(20), Lines 951-955). The bill reads as follows:

If the Department of Transportation determines that the criteria under (d)(1) through (d)(19) are not suitable for a particular road, the Department may determine that a more context-sensitive classification or transition length applies in lieu of the default classifications.

The Board recommends replacing this text with:

Until redesignated by functional plans, master plans, or sector plans, if the Planning Board in consultation with the Department of Transportation determines that the criteria under (d) are not suitable for a particular road, the Planning Board may determine that a more context sensitive classification applies in lieu of the default classifications.

Council staff recommends the text in the bill, with the amendment that DOT *consult with Planning Board staff* before making its determination. When there is such consultation there is agreement many more times than not. By not involving the Planning Board—or the Council, for that matter—the decision can be made more expeditiously. It is likely that this “interim” period will last only a couple of years until the Master Plan of Highways and Transitways is updated again.

Issue 7: Minimum right-of-way

The bill defines the minimum right-of-way of each master-planned road, but DOT acknowledges that it omitted two critical words (underlined below):

Minimum rights-of-way include continuous features along a typical section, and do not account for parking, drainage and stormwater management, spot conditions such as auxiliary lanes or transit stations, or infrastructure at intersections such as signal equipment and protected intersections.

Instead, the Board recommends amending this as follows:

Minimum rights-of-way include continuous features along a typical section. [and account for] Functional plans, master plans, or sector plans should specify whether minimum rights-of-way include parking, drainage and stormwater management, and spot conditions such as [auxiliary lanes or transit stations,] turning lanes, acceleration lanes, deceleration lanes, or other purposes auxiliary to through travel, transit stations, pedestrian crossing refuges, footprints associated with grade separation, or infrastructure at intersections such as signal equipment and protected intersections.

Council staff concurs with the Bill as written, except to include the underlined “do not.” The type of detail that would be called for in the Board’s recommendation can only be determined after detailed design of a street or road.

Issue 9: Modify target speeds

Target speed is the highest speed at which vehicles should operate on a thoroughfare in a specific context. Recent master and sector plans have identified the target speed for streets and roads within their boundaries. Bill 24-22 would set the maximum target speed for each type. These would be “interim” target speeds unless already identified in prior plans or updated in future

plans. The bill would reduce target speeds in several contexts, most particularly in downtown and town center areas where there is significant traffic and pedestrian activity, and on residential streets, where the County recently received authority from the State to reduce the default speed limit from 25 mph to 20 mph.

However, in a few cases the pendulum might be moving too far. An example is the street type “Area Connector,” which would be the new moniker for two-lane Minor Arterials in the suburban area (i.e., anywhere that is not a downtown, town center, or in the country). The definition of Minor Arterial has been:

a 2-lane Arterial meant nearly equally for through movement of vehicles and access to abutting property. (Lines 712-713)

The definition of an Area Connector is proposed as:

A two-lane street in a suburban area that typically connects employment and entertainment centers, civic, commercial, and institutional land uses, and may also provide limited regional connectivity and serve primary circulation in residential zones. These roads were previously classified as minor arterials. (Lines 809-814)

The speed limit on these roads generally varies between 25-40 mph, but are usually in the 30-35 mph range, depending on the context. On Dale Drive, a Minor Arterial near the downtown of Silver Spring and the town center of Montgomery Hills, the speed limit was recently reduced from 30 mph to 25 mph. Dennis Avenue and Plyers Mill Road have a 30-mph limit. Minor Arterials in lower density areas have higher speed limits: for example, Old Baltimore Road, Cashell Road, and Redland Road (north of Shady Grove) all are posted at 35 mph. Nevertheless, under the bill the maximum target speed for all Area Connectors would be 25 mph.

Council staff recommends setting the maximum target speed at 35 mph for Area Connectors. This would provide the flexibility to accommodate a higher yet still safe speed in the upper part of the county while in the denser areas the choice can be to set them lower. A maximum target speed set too low will not fit all suburban contexts.

The new street type “Neighborhood Connector” would be the rebranded Primary Residential Street. These streets are the collector streets for residential neighborhoods; they can carry some through traffic, but its primary function is to bring residents to and from their home street, which is usually a Secondary Residential Street (now to be called either a “Neighborhood Street” or a “Neighborhood Yield Street” if it only has one travel lane which must be shared by vehicles heading in both directions). The bill as introduced would set the maximum target speed for Neighborhood Connectors at 25 mph and for Neighborhood Streets and Neighborhood Yield Streets at 20 mph. However, the Planning Board is recommending reducing the target speed on Neighborhood Connectors to 20 mph as well.

Council staff recommends a maximum target speed of 25 mph for Neighborhood Connectors, as called for in the bill as introduced. These streets carry vehicles—including emergency vehicles--over longer distances than a local street; a 20-mph maximum speed would be out of sync with Neighborhood Streets and Neighborhood Yield Streets. A wide range of traffic

calming options can be implemented on Neighborhood Connectors, including “flat-top” (22’-wide) speed humps. (See discussion below.)

The Rustic Roads Advisory Committee (RRAC) notes that while County Roads have a proposed target speed range of 20-35 mph, Rustic and Exceptional Rustic Roads have no set target speed. It suggests a range of 20-35 mph for these roads as well. However, recall that for each road type what is being set is the *maximum* target speed; therefore, it is not appropriate to show a range for Country Roads. **Council staff recommends setting the maximum target speed of 35 mph for Country Roads.** Rustic and Exceptional Rustic Roads, however, are generally narrower and more curvilinear than Country Roads, suggesting that a lower maximum target speed would be more appropriate. **Council staff recommends the maximum target speed for Rustic and Exceptional Rustic Roads to be 30 mph.**

Issue 10: Sidewalk Exemptions

a. Sections 49-29 and 49-40 address waivers for DOT and development projects, respectively. However, 49-29(a) would seem to apply to either type. As amended by the bill, it would read:

(a) Bikeways and sidewalks must be constructed when any County road is constructed, reconstructed, or relocated, except: (Lines 619-621)

The bill includes a new subsection (5) that would allow DPS to waive the requirement for a bikeway or sidewalk CIP project if it were not to connect to any destination in the foreseeable future or if the facility qualifies for a payment in lieu of construction. The problem is that DPS should not have the authority to waive a sidewalk or bikeway in a County project: that is DOT’s decision. The Planning Board opposes adding this subsection.

Council staff recommends replacing part (a) with:

(a) The County must construct bikeways and sidewalks when it is constructing, reconstructing, or relocating a County road, except:

With this clarification, Council staff also recommends deleting subsection (5).

b. Current law allows DPS to waive the requirement for a developer to build a sidewalk or a bikeway for several reasons. The Planning Board would add one more: if the Board establishes criteria to accept payment in lieu of such an improvement. DPS concurs. **Council staff concurs.**

c. The Planning Board recommends an amendment that would not allow DPS to waive the requirement for a sidewalk or bikeway if it were a condition of a development approval. DPS opposes this amendment, noting that there are very few sidewalks or bikeways that it waives annually. **Council staff agrees that DPS should have the final word on whether to waive such a requirement, but the bill should make it mandatory that DPS consult with Planning staff before making its decision.**

Proposed amendment on speed hump program

Speed humps have been a presence in Montgomery County for about a quarter century. Until now, speed humps have been installed primarily on residential streets where traffic speed

generally exceeds the posted limit by a significant margin and traffic volume is high enough to warrant the expense. After a bumpy start,³ the program has struck a favorable balance by providing for much improved traffic, bicycle and pedestrian safety within residential neighborhoods while not unduly frustrating the residents driving into and out of their neighborhoods.

There are two types of speed humps: parabolic (12'-wide) humps on Secondary Residential Streets (to be called Neighborhood Streets or Neighborhood Yield Streets in the proposed classification system) and flat-top humps on Primary Residential Streets (to be called Neighborhood Collectors) and Minor Arterials (Neighborhood Connectors). Parabolic humps are consistent with speeds of 20 mph, while flat-top humps can be traversed gently at 25 mph. Flat-top humps often include marked crosswalks in the flat section.

The bill would allow for a broader application of flat-top speed humps, in particular on Downtown and Town Center Boulevards, and Industrial Streets. They would be consistent with the 25 mph target speeds on Downtown and Town Center Boulevards and Industrial Streets.

The RRAC recommends that Rustic and Exceptional Rustic Roads be eligible for speed humps, citing reports of excessive speeding. The Committee makes the point that neither 12'-wide nor 22'-wide humps are not appropriate for these roads, but it likely the Committee misunderstood that the dimensions apply to the front-to-back length of a hump, not the side-to-side length.

Council staff does not recommend that Rustic and Exceptional Rustic Roads be eligible for speed humps. The Rustic Road Program is an historic preservation program for roads, and there is nothing that suggests that a speed hump reflects the agricultural character and rural origins of the county. The volume of traffic on these roads are nearly always not high enough to warrant the expense of a set of humps. If they were allowed on Rustic and Exceptional Rustic Roads, then the argument could be made that they would be appropriate on Country Roads as well, since they experience higher traffic speed and volume.

Proposed amendments on Rustic Roads Program

Article 8 of County Code Chapter 49 covers the Rustic Roads Program. Bill 24-22 only includes a few technical changes (see Lines 1494-1514). **Council staff concurs.** However, the RRAC and several individuals have recommended some substantive amendments, described below:

Membership of the RRAC. The Code specifies that there be seven members, as follows:

- (1) 3 members who are owner-operators of commercial farmland earning 50 percent or more of their income from farming, one of whom is a representative of the Agricultural Advisory Committee;

³ Literally. When the County first allowed for the installation of speed humps in the late 1990s, their rapid proliferation led to a backlash from many in the community. The Council worked with DOT to develop a revised process that required meeting specific speed, volume and spacing criteria, and an official neighborhood buy-in from neighboring homeowners. As a result, some humps were removed, and some other parabolic (12'-wide) humps were replaced with flat-top (22'-wide) humps.

- (2) one member who knows rural preservation techniques through practical experience and training;
- (3) one member who knows roadway engineering through practical experience and training;
- (4) one member who represents civic associations located in the Agricultural Reserve; and
- (5) one member who represents civic associations in areas located outside the Agricultural Reserve where there are rustic roads.

The RRAC recommends adding two at-large members, bringing the total to nine. The Montgomery Countryside Alliance (MCA), Leslie Saville and Eve Sandmeyer also support this. The rationale is that two more members would allow for more representation from the general public and would allow for more racial diversity on the panel. **Council staff concurs.**

The RRAC, MCA and Ms. Saville also recommend removing the requirement that the 3 members who are owner-operators of commercial farmland be required “to earn 50 percent or more of their income from farming.” The percentage is difficult to quantify, and many owner-operators have non-farming income (such as investment income) which can fluctuate annually. This requirement has often been a stumbling block in filling some of the owner-operator positions. **Council staff concurs.**

The RRAC also recommends two technical changes. Section 78(b)(5) refers to “the history of vehicle and pedestrian *accidents* on the road ...”, but the favored Vision Zero term is “crashes,” not “accidents.” Section 80(f) refers to the RRAC as a “Commission,” but it should be a “Committee.” **Council staff concurs with both revisions.**

ZTA 22-10

Background

ZTA 21-10 updates existing roadway classifications with new roadway classifications from Chapter 49 and the Complete Streets Design Guide, consistent with Bill 24-22.

Proposed Amendments

The District Council adopted two ZTA’s since the introduction of ZTA 22-10 that contain references to roadway classifications. ZTA 22-02, adopted July 26, 2022, changed the density and height limits for certain biohealth users. ZTA 22-06, adopted September 20, 2022, created exemptions for historic sites. Both ZTA’s reference “arterial or higher classified roadways.” This language should be amended to say: “Area Connector or higher classification of roadway.”

Planning also recommends two minor clarifying amendments. First, amending the definition of “Road” to include all new road types:

Road[, Arterial]: A right-of-way with a classification of Freeway, Parkway, Controlled Major Highway, Boulevard, Town Center Boulevard, Downtown Boulevard, Town Center Street, Downtown Street, Industrial, Area Connector, Neighborhood Connector, Country Connector, Country Road, Rustic Road, Exceptional Rustic Road, Neighborhood Street, Neighborhood Yield Street, Residential Shared Street, Commercial Shared Street or Alley[See] under Chapter 49.

Second, the Zoning Ordinance uses “street” and “road” interchangeably. While Residential Street and Nonresidential Street are defined, “street” generally is not. Planning Staff recommends adding a new definition for “street”, that would refer to the definition for “road.”

Council Staff recommends approval of ZTA 22-10 with these amendments.

SRA 22-01

Background

SRA 22-01 amends Chapter 50, specifically the section on Roads under Section 4.3.E. The changes include:

- Adding a section providing guidance on protected crossings, including using HAWK, all-way stop, or grade separated crossings, focusing on pedestrian safety, and considering the adjacent land uses and built environment
- Updating the table that shows recommended distances between intersections based on road classification, to reflect the new road classification types, new recommended distances between intersections, and adding a new column for protected crossing spacing targets
- Updating the horizontal alignment minimum permitted centerline radii by updating the roadway terminology
- Technical updates to the subsection on private roads, replacing existing roadway classifications with updated terminology

Proposed Amendments

Planning recommends two minor amendments to SRA 22-01. First, new language was added including protected crossings in the intersection design standards, but the definition for a protected crossing was not included. Planning recommends amending this section to explain where to find a definition of protected crossing, and to clarify that protected intersections may include the listed types. The proposed amendment reads:

On streets with operating speeds of 30 mph or higher, protected crossings shall be included, as defined in Chapter 49 of the County Code. Protected crossings include HAWK signals, all-way stop controlled intersections, or grade-separated crossings. Protected crossing spacing targets are shown in the table below, as measured from the centerline of the intersections. Engineering judgement is needed to determine the ultimate placement and spacing between signals, with a focus on sight lines, road safety, location of trip generators, bus stops, and prevalent crossing patterns. Where ranges are provided, the lower end of the range is recommended in commercial areas, on BRT corridors, and near schools (or similar destinations).

Second, where the SRA states when a Neighborhood Street or Neighborhood Yield Street may be a private road, Planning recommends changing “and” to “or” since both conditions are not necessary. The proposed amendment reads:

- vii. A [secondary road] Neighborhood Street or a Neighborhood Yield Street may be a private road only when it
- (a) connects to no more than one higher classification road and the road does not need to be extended onto adjacent property to facilitate a future subdivision of land[.]; and or,
 - (b) when it has a cul-de-sac less than 500 feet in length.

Council Staff recommends approval of SRA 22-01 with these amendments.

This packet contains:

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Bill No. Bill 24-22
Concerning: Streets and Roads
Revised: 7/20/2022 Draft No. 1
Introduced: July 26, 2022
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) amend Chapter 49 to incorporate complete streets principles into the design and construction of roads; and,
- (2) generally amend Chapter 49 to modernize the street and road standards.

By amending

Montgomery County Code

Chapter 49, Streets and Roads

Sections 49-1, 49-2, 49-3, 49-4, 49-5, 49-6, 49-7, 49-9, 49-10, 49-11, 49-11A, 49-12, 49-14, 49-17, 49-19, 49-19A, 49-19B, 49-20, 49-21, 49-22, 49-23, 49-25, 49-26, 49-27, 49-28, 49-29, 49-30, 49-31, 49-32, 49-33, 49-34, 49-35, 49-36, 49-36A, 49-37, 49-38, 49-39, 49-40, 49-45, 49-50, 49-51, 49-53, 49-57, 49-62, 49-77 and 49-78

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:

1 **Sec. 1. Sections 49-1, 49-2, 49-3, 49-4, 49-5, 49-6, 49-7, 49-9, 49-10, 49-11,**
2 **49-11A, 49-12, 49-14, 49-17, 49-19, 49-19A, 49-19B, 49-20, 49-21, 49-22, 49-23,**
3 **49-25, 49-26, 49-27, 49-28, 49-29, 49-30, 49-31, 49-32, 49-33, 49-34, 49-35, 49-36,**
4 **49-36A, 49-37, 49-38, 49-39, 49-40, 49-45, 49-50, 49-51, 49-53, 49-57, 49-62, 49-77**
5 **and 49-78 are amended as follows:**

6 **ARTICLE 1. IN GENERAL.**

7 **Sec. 49-1. Compliance with standards; regulations; penalty for violations.**

8 (a) A public road, bridge, sidewalk, or bikeway must not be constructed,
9 reconstructed, repaired, graded, improved or maintained by any person
10 unless the construction, reconstruction, repair, improvement, grading or
11 maintenance fully complies with this Chapter and any regulations issued
12 under it.

13 * * *

14 **Sec. 49-2. Resolving doubt as to location of County roads.**

15 (a) Whenever any doubt exists as to the proper location or width of a County
16 road, the Director of Transportation may cause the road to be surveyed
17 and a description and plat made of it and recorded [or filed] in the County
18 land records. [This description and plat must be treated as correct by the
19 County and in the State courts until shown to be incorrect.]

20 * * *

21 **Sec. 49-3. Authority to classify road repairs.**

22 The Director of Transportation may decide whether a [given] road repair [job]
23 should be classified as maintenance or construction under this Chapter.

24 **Sec. 49-4. Public-private participation.**

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

31 **Sec. 49-5. Right to drain dedicated roads without liability to abutting owners.**

32 If any road is dedicated to the use of the public by a private grant, the grant must
 33 include the right [at all times] to properly drain the road, including a grant to the County
 34 of any necessary easements, without liability of the County to any abutting owner for
 35 any resulting injury.

36 **Sec. 49-6. Roads used for 20 years may be declared public highways.**

37 [(a)] Whenever any road has been used by the public for 20 or more years,
 38 though the road may never have been condemned or granted as a public
 39 [highway] road and regardless of whether the road termini are public, the
 40 County Executive may by Executive order published in the County
 41 Register declare the road to be [a] public [highway].

42 [(b)] The public right-of-way of a road declared as a public highway under
 43 subsection (a) must include permanent maintenance easements which
 44 extend 10 feet beyond each pavement edge.]

45 **Sec. 49-7. Authority of special taxing districts to regulate streets and roads.**

46 [(a)] Any special taxing district which has the authority to pave and maintain
 47 streets and roads may adopt and amend reasonable regulations under
 48 Method (2) governing the construction, maintenance, improvement,

49 grading, and repairing of the roads and streets in the district, including
50 those dedicated for public use.

51 [(b) In adopting regulations, the special taxing district may, by resolution,
52 incorporate any similar County regulation.]

53 * * *

54 **Sec. 49-9. Removal of items that obstruct the vision of motorists on public**
55 **highways or interfere with the use of public rights-of-way.**

56 (a) Notice to owner of property. If the Director of Transportation finds that
57 any tree, bush, vine, undergrowth, or other obstruction, except a building
58 or similar structure affixed to the ground, on private property poses a
59 threat to public safety by obstructing the vision of operators of vehicles
60 traveling on any public [street,] road[, or highway,] interfering with the
61 public rights-of-way as a traffic hazard, limiting access by Fire and
62 Rescue Service vehicles, or restricting the use by pedestrians or bicyclists
63 of the public rights-of-way, the Director promptly must serve on the
64 owner, agent, lessee or any other person supervising the property a
65 written notice that:

66 * * *

67 **Sec. 49-10. Obstruction of public rights-of-way.**

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

70 (a) place, maintain, use, permit, allow, or exercise control over, any object or
71 structure [in the public right-of-way];

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

- 74 ~~[(c)]~~(b) perform any reconstruction or maintenance work; or
- 75 ~~[(d)]~~(c) allow the erection or placement of any structure, fence, post, rock, or
- 76 other object [in the public right-of-way], except:
- 77 (1) [mail boxes] mailboxes mounted on a support that will bend or
- 78 break away on impact by a vehicle;
- 79 (2) individual residential newspaper boxes mounted on a support that
- 80 will bend or break away on impact by a vehicle;
- 81 (3) street trees placed and maintained under Section 49-33(j);
- 82 (4) ground cover placed and maintained under Section 49-33(k);
- 83 (5) a temporary, removable obstruction or occupation of a right-of-
- 84 way installed under a permit issued under Section 49-11; or
- 85 (6) as otherwise permitted by law.

86 Any object placed in the public right-of-way under Section 49-10~~[(d)]~~(c) must

87 not [unreasonably] impede use of a sidewalk or other right-of-way by pedestrians or

88 persons in wheelchairs, or impede or endanger automobiles or other vehicles.

89 **Sec. 49-11. Permit to obstruct public rights-of-way.**

90 (a) *Definitions.* In this [section] Section, the following terms have the

91 meanings indicated.

92 *Public* includes pedestrians, bicyclists, and transit users.

93 *Safe alternative path* means an alternate [walkway or shared use path]

94 sidewalk or sidepath that:

- 95 (A) is on the same side of the street as a temporary closure; and
- 96 (B) provides safe access and passage to pedestrians.

97 *Temporary closure* means a temporary obstruction, blockage, or
 98 occupation of a right-of-way under a permit issued by the Director of
 99 Permitting Services under this Section.

100 (b) [Notwithstanding Section 49-10, and subject] Subject to subsections (c)
 101 and (d) of this Section, the Director of Permitting Services may issue a
 102 permit to:

103 (1) reconstruct or repair a sidewalk, [shared use path] sidepath,
 104 driveway, curb, or other structure;

105 (2) repair, locate, or replace underground utilities or infrastructure
 106 under a sidewalk or [shared use path] sidepath;

107 (3) install a temporary, removable obstruction or occupation of a right-
 108 of-way;

109 (4) close a curb lane, sidewalk, or [shared use path] sidepath in
 110 conjunction with the construction or reconstruction of an abutting
 111 structure;

112 (5) install permanent, nonstandard structures in the right-of-way that
 113 were approved by the Planning Board, the City of Rockville, or the
 114 City of Gaithersburg in a site plan as a site element of streetscape.
 115 Streetscape [includes] means street furnishings[,] and fixtures [and
 116 elements in connection with] used by the public [use of] in the
 117 right-of-way but does not include [enclosed] structures [or vaults]
 118 or improvements for private use. The permit applicant must
 119 execute a declaration of covenants that runs with the land on which
 120 [the project associated with] the streetscape [is being developed]
 121 will be installed to perpetually maintain the permitted streetscape
 122 in a good and safe condition; return the right-of-way to its
 123 condition before the permitted streetscape was installed if the

124 nonstandard permitted streetscape is removed; and indemnify the
125 County from any cost or liability associated with the construction,
126 maintenance, use or removal of the nonstandard permitted
127 streetscape; or

128 (6) install a private, non-commercial structure that is accessory to a
129 residential use. The permittee must execute a maintenance and
130 liability agreement that is approved by the Director of the
131 Department of Permitting Services.

132 * * *

133 (d) *Time limits for temporary closures without safe alternative paths.* Except
134 as provided in subsections (e) and (f):

135 (1) a temporary closure to reconstruct or repair a sidewalk or [shared
136 use path] sidepath must not exceed 6 months without the provision
137 of a safe alternative path; and

138 (2) any other temporary closure must not exceed 15 days without
139 provision of a safe alternative path.

140 * * *

141 (f) *Short extensions for hardship.*

142 (1) The Director may grant one extension of a time period under
143 subsection (d), for no more than 15 days, on a showing [of
144 extreme] by the applicant of undue hardship involving significant
145 difficulty or expense.

146 (2) The Executive must adopt regulations under Method [(2)] (3) to
147 specify the standards a permittee must meet to demonstrate

148 [extreme] undue hardship involving significant difficulty or
149 expense.

150 * * *

151 **Sec. 49-11A. Permit to temporarily obstruct private roads.**

152 (a) A person must not close any portion of a private road that is an urban road
153 as defined in Section 49-32 without a permit from the Director of
154 Permitting Services.

155 (b) The Director of Permitting Services may issue a permit for the complete
156 or partial closure of a private road on a temporary basis if the closure does
157 not:

158 (1) violate Chapter 22;

159 (2) [unreasonably] interfere with use of the private road by persons
160 with disabilities;

161 (3) [unreasonably] impede or endanger the users of any building or
162 structure adjacent to or abutting the private road; or

163 (4) adversely impact the use of connecting public roads.

164 * * *

165 (d) The Director of Permitting Services may charge a fee, set by Method [3]
166 (3) regulation, for the permit application and may include conditions in
167 each permit that provide for the safety of any user of a building or
168 structure adjacent to or abutting the private road, including providing for
169 safe alternate access to and egress from any building or structure.

170 * * *

171 **Sec. 49-12. Exemptions from Sections 49-10 and 49-11.**

172 (a) Subject to paragraphs (1) and (2), Sections 49-10 and 49-11 do not apply
173 to, and no permit under those Sections is required of, any municipality,
174 special taxing district or government agency [authorized by law] to
175 construct streets, roads, sewers, or drainage facilities in the County over
176 which the entity has jurisdiction. However:

177 (1) Sections 49-10 and 49-11 apply to any road that is located in a
178 municipality and owned or maintained by the County; and

179 (2) if the County owns or maintains a right-of-way, Section 49-11
180 applies to any temporary closure of the right-of-way [in connection
181 with construction or reconstruction on abutting property owned by
182 the County].

183 [(b) Sections 49-10 and 49-11 do not apply to any vehicle operated by a fire
184 department, public utility, or first aid provider, while that vehicle is being
185 used to provide emergency services.]

186 * * *

187 **Sec. 49-14. Debris likely to injure persons, animals, or vehicles.**

188 A person must not place or leave in or on any public [highway or street] road,
189 any debris liable to cause injury or damage to any vehicle or personal property. Any
190 violation of this Section is a Class C violation.

191 * * *

192 **Sec. 49-17. Accumulation of snow and ice on property prohibited.**

193 (a) *Legislative [Findings] findings.*

194 (1) During significant winter storm events, Montgomery County’s
195 sidewalks often become impassable and covered in piles of snow
196 that are pushed aside from the road as a result of County and State
197 snowplows. The scope of the problem is prevalent on

198 Montgomery County’s busiest roads, where sidewalks are often
 199 within an arm’s reach of traffic.

200 (2) These blocked sidewalks often persist for days following the end
 201 of a snowstorm, creating a significant pedestrian safety hazard that
 202 often forces pedestrians to walk in a lawn with oncoming traffic.

203 (3) County law allocates the responsibility of property owners to clear
 204 snow on a public sidewalk fronting their property within 24 hours
 205 of the end of snowfall. However, such clearing rarely occurs due
 206 to a variety of reasons, including the difficulty of removing the
 207 large piles of compacted snow and ice created by plow trucks.

208 (4) The County, in its current operation, clears sidewalks in urban
 209 districts and approximately sixty (60) miles of sidewalks with no
 210 adjacent residential or commercial property owner outside of such
 211 areas.

212 (5) Snow-covered and icy sidewalks adversely affect essential
 213 workers and commuters, who often travel by foot or public
 214 transportation, and must walk along high-traffic roads to get to bus
 215 stops and retail stores.

216 (6) It is in the best interest of the County to adopt fair, reasonable and
 217 equitable legislation to address safety hazards and increase
 218 walkability access on sidewalks for pedestrians during winter
 219 storms.

220 (b) (1) *Definitions.* In this Section:

221 (A) *Commercial property* means real property that either:

222 (i) is not designed for or intended for human habitation;

223 or

224 (ii) contains a multi-family dwelling of four or more
 225 units.

226 (B) *Residential property* means real property containing either:

227 (i) a [single family] single-family dwelling; or

228 (ii) a [multifamily] multi-family dwelling of three or
 229 fewer units.

230 (C) *Department* means the Department of Transportation.

231 (D) [*Non-Buffered Sidewalk*] Non-buffered sidewalk means a
 232 sidewalk along a roadway that does not contain a grass strip
 233 or other physical separation between the sidewalk and the
 234 adjacent curb or road edge.

235 (E) *Orphan [Sidewalk]* sidewalk means a sidewalk either
 236 abutting a State or County road and be located:

237 (i) adjacent to a vacant lot;

238 (ii) an overpass with no adjacent commercial or
 239 residential property adjoined; or

240 (iii) behind a residential or commercial property that is
 241 not directly accessible from the owner's property and
 242 is separated from the sidewalk by a fence, guardrail,
 243 or change in elevation grade.

244 (2) A person is responsible for removing snow and ice on any
 245 sidewalk, sidepath, other [walkway] areas intended for public
 246 pedestrian access, [shared use path,] or parking area on or adjacent
 247 to property that the person owns, leases, or manages, [including
 248 any walkway in the public right-of-way,] to provide a pathway
 249 wide enough for safe pedestrian and wheelchair use. For purposes

250 of this Section, commonly owned property between a single-
251 family residential lot and a common [walkway] sidewalk or
252 sidepath is considered part of the lot if the intervening common
253 property includes a [walkway] sidewalk, sidepath, or driveway that
254 serves only that lot.

255 (3) Except as provided in paragraph (5), each owner, tenant, or
256 manager is jointly and severally responsible for clearing snow and
257 ice from the property and complying with Section 31-26A(d).

258 (4) The requirements of this Section do not apply to:

259 (A) an unpaved [walkway] sidewalk;

260 (B) a private [walkway] sidewalk or parking area on the
261 property of a single-family residence;

262 (C) a public [walkway] sidewalk or sidepath behind a single-
263 family residence that is not directly accessible from the
264 owner's property;

265 (D) a [walkway] sidewalk that:

266 (i) is at least 25 feet from vehicular traffic;

267 (ii) serves only pedestrian destinations that are also
268 accessible by another [walkway] sidewalk that this
269 Section requires to be cleared;

270 (iii) was not routinely cleared of snow and ice after
271 August 1999; and

- 272 (iv) is not the primary route for pedestrian access to a
 273 winter recreational facility open to the public; or
- 274 (E) any non-buffered sidewalk or path as specified under
 275 Section 49-17(j), regardless if the private property is
 276 fronting or abutting the sidewalk.
- 277 (5) (A) An individual who lives in a multi-family residential
 278 property is not responsible for removing snow and ice from
 279 a common [walkway] sidewalk, sidepath, or parking area.
- 280 (B) A homeowners' association, as that term is used in State
 281 law, is not responsible for removing snow and ice from a
 282 [walkway] sidewalk or sidepath adjacent to a single-family
 283 residential lot, if the lot owner is responsible under
 284 paragraph (1) for removing snow and ice from that
 285 [walkway] sidewalk or sidepath.
- 286 (c) If ice or hardpacked snow is impossible or unreasonably difficult to
 287 remove, the person is responsible for applying sufficient sand, other
 288 abrasives, or salt to provide safe pedestrian use.
- 289 (d) The person is responsible for removing snow and ice within 24 hours after
 290 the end of the precipitation that caused the condition. If a snowplow
 291 redeposits snow or ice on a sidewalk, sidepath or other [walkway] area
 292 intended for pedestrian access after a person has complied with this
 293 Section, the person is not responsible for clearing the [walkway] area
 294 until 24 hours after the snowplow redeposited the snow or ice.

295 (e) The County Executive must designate a department to enforce this
296 Section and may designate other County employees or contractors to
297 enforce this Section.

298 (f) The Executive may order a different deadline or conditions for
299 removing snow and ice during or immediately after a severe or unusual
300 storm or other public-safety condition.

301 (g) In addition to any other remedy or penalty for a violation of this
302 Section, the County may clear the snow and ice and charge the
303 responsible property owner for the cost, which the County may collect
304 in the same manner as property taxes.

305 (h) *Violations.*

306 * * *

307 (i) *Sidewalk [Snow Removal Plan] snow removal plan.*

308 * * *

309 (j) *Sidewalk [Snow Removal] snow removal – Required.* The Executive
310 must implement a plan and require the Department to remove or cause
311 to be removed snow and ice accumulation from the last day of
312 precipitation within the following designated areas:

313 * * *

314 **Sec. 49-19. Conversion of overhead lines to underground locations.**

315 If the construction or improvement of any County road requires any person to
316 relocate any overhead electric, telephone, or other overhead line or related facility in
317 any County road right-of-way, the County Executive must, by regulation adopted
318 under [method] Method (3), require that any affected line must be installed
319 underground if the Executive finds that underground installation is desirable after
320 considering the following factors:

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* * *

Any regulation to implement this Section must require the replacement of any street light removed during the [conversion of any line to an underground location] installation of underground facilities.

Sec. 49-19A. [Energy-efficient street lights.

(a) *Definitions.* In this Section, the following words have the meanings indicated:

Director means the Director of the Department of Transportation.

Light-emitting diode or *LED light* means a semiconductor device that produces visible light when an electrical current is passed through it.

(b) When any contract to maintain street lights owned by the County in effect on January 21, 2014, expires, any later maintenance contract must be with a company that commits to install LED lights or another energy-efficient technology that the Director finds is equivalent or superior to LED lights.

Sec. 49-19B] Permit exemption for the Purple Line.

(a) The State of Maryland, including its agencies and divisions, is exempt from any permitting requirement in Chapters 8 (“Buildings”), 17 (“Electricity”), 22 (“Fire Safety Code”), and 49 (“Streets and Roads”) for the construction of:

- (1) any portion of the Purple Line that is located within the public right-of-way under a valid franchise agreement approved by the County Council under Section 49-21; and

343 (2) any structure related to the Purple Line owned by the State of
 344 Maryland or its agencies or divisions, including any hiker/biker
 345 trail that will be owned or maintained by the County.

346 (b) However, the State of Maryland, and its agencies, divisions, and
 347 contractors, must obtain any permit required under Chapter 8, 17, 22, and
 348 49 for the construction or alteration of any structure owned by the County,
 349 except the hiker/biker trail, or by a private person or entity.

350 **ARTICLE 2. FRANCHISES.**

351 **Sec. 49-20. Franchises for use of street; procedure for granting; notice and**
 352 **hearing.**

353 The Council [must not grant any] may approve a franchise [in relation to] for
 354 the occupation of any [highway, avenue, street, lane, alley,] road or other right-of-way,
 355 either on, above, or below the surface[, until all requirements of this Article have been
 356 met] if the following requirements are met:

357 (a) *Application to be published.* The applicant must publish notice of each
 358 application for [any] a franchise once a week for 3 successive weeks in
 359 one or more newspapers of general circulation in the County, specifying:

360 (1) [the essential] a summary of terms of the proposed franchise;

361 (2) the compensation the County [will] may receive, [which may take
 362 the form of] including in-kind goods and services [as well as cash
 363 payments]; and

364 (3) the location, character, and extent of the use of the right-of-way.

365 (b) *Inquiry as to value.* [After the notice required by subsection (a) is
 366 published, the] The County Executive or a designee [must] may

367 investigate the value of the proposed franchise and the adequacy of the
 368 compensation proposed to be paid for it.

369 (c) *Hearing on objections.* If any taxpayer, or any property owner whose
 370 property [right] rights may be affected by the grant of the franchise, files
 371 an objection to the granting of the franchise in writing with the County
 372 Executive within 10 days after the last notice required by subsection (a)
 373 appears, the County Executive or a designee must hold a hearing within
 374 15 days after the objection is filed on the proposed franchise and any
 375 objections to it.

376 (d) *Recommendations of County Executive.* The County Executive must, [in
 377 each case,] after any hearings required by this Article, forward to the
 378 Council written recommendations concerning the proposed franchise,
 379 including the Executive’s findings as to the value of the proposed
 380 franchise, any response to objections which have been raised, and any
 381 other relevant issues.

382 * * *

383 **Sec. 49-21. Council action.**

384 (a) [If the Council finds that granting the franchise is expedient and proper,
 385 the] The Council may grant [such] a franchise for such compensation as
 386 it, after considering the recommendations of the County Executive, finds
 387 proper, for a period not longer than 25 years. If the franchise allows the
 388 location of a permanent structure with a useful life [substantially] longer
 389 than 25 years in the County right-of-way, the initial term of the franchise
 390 may exceed 25 years.

391 (b) [At the option of the Council, the approved] The franchise may allow the
 392 [grantee] franchisee to renew the franchise, after [a fair revaluation,] the
 393 County determines the value of the renewed franchise [including the
 394 value, if any, derived from the franchise or renewals,] for one or more
 395 terms that each do not cumulatively exceed [another] 25 years.

396 (c) Every grant of any franchise must provide, by forfeiture of the grant, for
 397 compelling compliance with its terms [and to secure efficiency of public
 398 service at reasonable rates] and the maintenance of the [property] right-
 399 of-way in good condition, throughout the grant. [Each grant must also
 400 specify:

- 401 (1) the mode of determining any valuation and revaluation under this
- 402 Article,
- 403 (2) the time limit to exercise the rights given, and
- 404 (3) the procedure for default for a lapse of the franchise.]

405 * * *

406 **Sec. 49-22. County [Council] to retain [municipal] control.**

407 When the Council grants a franchise under this Article, the [Council]
 408 County must [not part with, but must expressly reserve, the right and duty at all times]
 409 continue to exercise full [municipal] control [and regulation in respect to all matters
 410 connected with the franchise not inconsistent with its terms] over the franchised right-
 411 of-way.

412 **Sec. 49-23. Certain private rights not affected.**

413 Nothing in this Article is intended to affect any private right, [including the right
 414 of any adjacent property owner held by law in 1910,] except as necessary to comply
 415 with this Chapter.

416 **ARTICLE 3. ROAD DESIGN AND CONSTRUCTION CODE.**

417 **Sec. 49-25. Complete streets policy and standards.**

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

- 421 (a) maximize the choice, safety, convenience, and mobility of all users,
 422 regardless of age, ability, or mode of transportation,
- 423 (b) maintain or expand connectivity for users,
- 424 (c) respect and maintain the [particular character of] master plan
 425 recommendations for the community where it is located,
- 426 (d) ensure access, convenience, safety, and investment of resources are
 427 equitably applied,
- 428 [(d)](e) minimize stormwater runoff and otherwise preserve the natural
 429 environment, and
- 430 [(e)](f) facilitate, to the maximum extent possible, the future accommodation
 431 of improved transportation technology elements, such as intelligent
 432 signals, smart parking meters, electric vehicle charging, car- and bicycle-
 433 sharing, and way-finding systems.

434 To achieve these goals, each County road and street must be designed so that
 435 the safety and convenience of all intended users of the roadway system [– including

436 pedestrians, bicyclists, transit users, automobile drivers, commercial vehicles and
 437 freight haulers, and emergency service vehicles –] is accommodated. [Each road and
 438 street must facilitate multi-modal use and assure that all users can travel safely in the
 439 public right of way. A specified quantity of stormwater must be managed and treated
 440 on-site, in the road or street right-of-way, including through the use of vegetation-based
 441 infiltration techniques.] Complete streets function as a road transportation network
 442 that is safe and convenient for all intended users, regardless of mode. Stormwater
 443 management requirements, including vegetated and structural practices, may be met
 444 on-site and within the public right-of-way. [These context-sensitive] Complete streets
 445 policies must be employed in all phases of publicly or privately funded facility
 446 development, including planning, design, construction, reconstruction, and
 447 streetscaping. [Each transportation project must incorporate complete streets
 448 infrastructure sufficient to promote safe and convenient travel along and across the
 449 right-of-way for all users.]

450 The County Executive must adopt under Method (3) a Complete Streets Design
 451 regulation that provides guidance on the planning, design, and operation of roadways
 452 for all intended users.

453 This Article may be cited as the “Montgomery County Road Design and
 454 Construction Code.”

455 **Sec. 49-26. Definitions.**

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

458 *Bikeway*[:] means any area expressly intended for bicycle travel, including
 459 associated curbs and gutters and any of the following:

- 460 [(a) *Shared use path*: A paved path that abuts, is contiguous with, and is a
 461 part of the right-of-way for a County road or street, that is typically 10
 462 feet wide but can vary between 8 feet and 14 feet wide, designated for
 463 bicycles and pedestrians, that is separated from motorized traffic by a
 464 curb, barrier, or landscape panel.
- 465 (b) *Shared use trail*: A paved or unpaved trail designated for bicycles and
 466 pedestrians, that is not part of the right-of-way for a County road or street
 467 because the trail does not abut and lie contiguous with the right of way
 468 for a County road or street.
- 469 (c) *Bike lane*: A portion of a roadway designated by striping, signing, or
 470 pavement markings for the preferential or exclusive use of bicycles, and
 471 on which through-travel by motor vehicles is not allowed.]
- 472 (a) *Bike lane means a portion of a roadway designated by striping, signing,*
 473 *or pavement markings for the preferential or exclusive use of bicycles,*
 474 *and on which travel by motor vehicles is not allowed.*
- 475 (b) *Off-street trail means paths located outside of the road right-of-way that*
 476 *provide two-way travel for people walking, bicycling and using other*
 477 *non-motorized modes. This facility was formerly referred to as a “shared*
 478 *use trail.”*
- 479 (c) *Separated bike lane, also known as a protected bike lane or cycle track*
 480 *means an exclusive bikeway that is physically separated from motor*
 481 *vehicles and distinct from the sidewalk. A separated bike lane may be in*
 482 *a one-way or two-way configuration.*

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

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

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

493 (e) *Sidepath* means a paved path that is located parallel to and within the road
 494 right-of-way. Sidepaths provide two-way travel routes designated for
 495 walking, bicycling, jogging and skating. Sidepaths are separated from
 496 motorized traffic by a curb, barrier, or landscape panel. This facility was
 497 formerly referred to as a “shared use path”.

498 *Complete streets*[:] means streets that are planned, designed, and constructed to
 499 enable safe access for all intended users, including pedestrians, bicyclists, motorists,
 500 and transit riders of all ages and abilities, commercial vehicles, freight haulers, and
 501 emergency service vehicles.

502 *Complete streets infrastructure*[:] means any design feature that contributes to
 503 a safe, convenient, and comfortable travel experience, which may include such features
 504 as sidewalks; [shared use paths] sidepaths, bike lanes, and separated bike lanes; bike
 505 stations and bike storage facilities; narrow motor vehicle lanes and tight curb radii;
 506 street trees, planting strips, and other right-of-way landscaping; curbs and accessible
 507 curb ramps; curb extensions, crosswalks, and refuge islands; raised medians;

508 pedestrian and traffic signals, including countdown and accessible signals; signage;
 509 streetlighting; street furniture; bicycle parking facilities; stormwater management;
 510 public transportation stops and shelters; dedicated transit lanes; and traffic calming
 511 devices.

512 *Construction* and *constructed* include “reconstruction” and “reconstructed” but
 513 not “maintenance,” and include grading, installation of drainage structures, paving,
 514 curbs and gutters, curb returns, sidewalks and other areas intended for pedestrian
 515 access, bikeways, driveway entrances, guardrails, retaining walls, sodding, and
 516 planting.

517 *Curb extension*[:] means an area that extends the line of a curb into a parking
 518 lane, reducing the width of a street.

519 *Curbside Width*[:] means the area beyond each curb necessary for sidewalks,
 520 [shared use paths] sidepaths, street trees and other landscaping, streetlights, utilities,
 521 and other elements.

522 *Dedication plat*[:] means [Any] any plat conforming to law, duly recorded in
 523 the County land records, which has the legal effect of dedicating one or more rights-
 524 of-way to public use. If the plat was recorded after the Maryland-National Capital Park
 525 and Planning Commission was created, and the property is located in the
 526 Commission’s jurisdiction, the Commission must have approved the plat.

527 *Design standard*[:] means the standard adopted by regulation under this Article
 528 for each type of road, as defined in Section 49-31, except Freeways and Controlled
 529 Major Highways, which shows typical cross-sections and other dimensions to which
 530 the road must conform.

531 *Director*[:] means [The] the Director of Transportation or the Director of
 532 Permitting Services, as specified, and each Director’s designee.

533 *Drainage structure*[:] means [Any] any culvert, bridge, storm drain, storm
534 sewer, catch basin, canal, channel, inlet, ditch, or subsurface drain, and any other
535 structure or watercourse designed to convey surface or other waters.

536 *Dual road*[:] means [Any] any road in which the travel directions are separated
537 by a median.

538 *Forest conservation plan*[:] means [A] a plan for the retention, afforestation, or
539 reforestation of forest and trees approved under Chapter 22A.

540 *Ground cover*[:] means [Low] low-maintenance, non-invasive, leafy, grassy, or
541 woody vegetation that covers and holds soil.

542 *Maximum target speed*[:] means the maximum speed at which vehicles should
543 operate on a thoroughfare in a specific context, consistent with the level or multimodal
544 activity generated by adjacent land uses, to provide mobility for motor vehicles and a
545 safe environment for pedestrians and bicyclists.

546 [*Pedestrian walkway*: Any sidewalk, and any other land, way, or path
547 designated by appropriate signs for a pedestrian route.]

548 *Private road*[:] means [Any] any road [street, highway, avenue, lane, alley, or
549 viaduct,] or any segment of [any of them] a road, including any [pedestrian walkway]
550 sidewalk, sidepath, or other area intended for pedestrian access adjacent to the private
551 road that has not been deeded, dedicated or otherwise permanently appropriated to the
552 public for public use or County maintenance.

553 *Reconstruct* and *reconstruction* include any change in the width, alignment, or
554 design of a road or other structural features within or along a roadway [– that is, the
555 width of the pavement or the area between curbs –] but [do] does not include
556 resurfacing a road, bikeway, or sidewalk without any change in its width.

557 *Road*[:] means [Any] any road, street, highway, avenue, boulevard, lane, alley,
 558 bridge, [shared use path] sidepath, sidewalk, viaduct, or any segment of any of them,
 559 and any related storm drain and stormwater management facility.

560 *Rural area* means an area designated as the Rural East and Rural West policy
 561 areas in the Growth and Infrastructure Policy.

562 *Sidewalk*[:] means any portion of the right-of-way for a County road [or street]
 563 that is expressly intended [as a pedestrian walkway] for pedestrians, including
 564 pedestrian ramps.

565 *Specimen tree*[:] means [Any] any tree with a diameter measured at 4.5 feet
 566 above the ground of 30 inches or more, or any tree with 75% or more of the diameter
 567 of the current champion tree of that species, as designated by the County Forest
 568 Conservation District Board.

569 *Speed hump* means a parabolic or flat-top device used to create vertical
 570 deflection along a roadway for traffic calming purposes. These may include wheel gaps
 571 that allow target vehicles to pass through unaffected or flat-top devices may include
 572 crosswalks.

573 *Street tree*[:] means [A] a tree that is listed in the design standards as acceptable
 574 for planting in a public right-of-way. In a private road right-of-way or easement, a tree
 575 listed as acceptable for planting in the Planning Board technical manual for forest
 576 conservation.

577 *Subdivision*[:] means [The] the division or [partition] assemblage of a lot, tract
 578 or parcel of land into [2] one or more lots, plots, sites, tracts, parcels, or other divisions
 579 for immediate or future rental, sale, or building development. *Subdivision* includes a
 580 resubdivision, but not a division or partition of land for agricultural purposes.

581 *Transitway*[:] means a right-of-way for use exclusively by public transit
 582 vehicles.

583 Urban area means areas depicted by Appendix E in the Master Plan of
 584 Highways and Transitways as amended, or by any replacement functional, master, or
 585 sector plan that defines urban areas or urban road code boundaries.

586 **Sec. 49-27. Applicability of Article.**

587 This Article applies to all roads in the County, except any:

- 588 (a) [State] state road;
- 589 (b) [Federal] federal road;[.]
- 590 (c) [Road] road located in any part under the jurisdiction of the Maryland-
 591 National Capital Park and Planning Commission;
- 592 (d) [Private] private road; or
- 593 (e) [Municipally] municipally owned and maintained road.

594 Nothing in this Article prevents the County from building, and assessing the cost
 595 of, any drainage structure, curb or gutter, sidewalk, [shared use path] sidepath, curb
 596 return, or sidewalk and driveway entrance, along a [State] state or [Federal] federal
 597 road.

598 **Sec. 49-28. Standards and specifications.**

- 599 (a) Except as otherwise provided in this Article, the construction of all roads
 600 must conform to the standards[, criteria] and specifications in this Article
 601 or any regulation adopted under this Article. As used in this Article,
 602 “standards” means County design standards including the regulation
 603 adopting the Complete streets design, and “specifications” means the

604 most recent [State] state standard specifications for road construction and
 605 materials. When no County standards or specifications are applicable, the
 606 County will apply the current guidance published by the American
 607 Association of State and Highway Transportation Officials (AASHTO)
 608 or National Association of City Transportation Officials (NACTO).

609 (b) The [Director of Transportation] Executive may set a fee by [method 2]
 610 Method (3) regulation for the review of any plan or document submitted
 611 under Chapter 50 or this Chapter. Each fee must be based on the costs of
 612 reviewing any plan or document and any staff participation in the
 613 subdivision process. The Department must provide a copy of each fee
 614 regulation to the Planning Board.

615 (c) The Department of Transportation must make available to the public, free
 616 or at a reasonable cost, an up-to-date copy of all applicable County road
 617 design standards and specifications.

618 **Sec. 49-29. Pedestrian [walkways] sidewalks, bikeways, and wheelchair traffic.**

619 (a) Bikeways and [walkways] sidewalks must be constructed when any
 620 County road is constructed, reconstructed, or relocated, except [any
 621 walkway]:

622 (1) any sidewalk or sidepath in front of a lot that is larger than 25,000
 623 square feet for a single-family detached dwelling in a rural zone;

624 (2) any sidewalk or sidepath on any roadway that is classified as
 625 [exceptional rustic, rustic, country arterial, or country road] rustic
 626 or exceptional rustic;

- 627 (3) any sidewalk or sidepath on a [tertiary residential] neighborhood
- 628 street or neighborhood yield street serving fewer than 75 dwelling
- 629 units if the Planning Board and Department of Transportation
- 630 [finds] find that a sidewalk is not expected to be [unnecessary]
- 631 necessary for pedestrian movement[, or];

- 632 (4) any sidewalk if the site is located in an environmentally sensitive
- 633 area with limits on the amount of impervious surface allowed[.] ;
- 634 or

- 635 (5) where the Department of Permitting Services finds that a bikeway
- 636 or sidewalk is infeasible because it will not connect to any
- 637 destination within the foreseeable future, or the facility qualifies
- 638 for fee payments in lieu of construction under Section 49-40.

639 Each bikeway and [walkway] sidewalk must conform to approved capital
 640 improvements programs and be consistent with applicable area master
 641 plans and transportation plans adopted by the Planning Board.

- 642 (b) To promote the safety of bicycle and wheelchair travel throughout the
- 643 County, the County Executive must adopt, by Method (3) regulation,
- 644 standards and specifications to build and maintain ramps at curbed
- 645 intersections and [storm water] stormwater gratings and other openings
- 646 along roads and streets, in each case of a design and type that is not a
- 647 hazard to bicycle and wheelchair traffic and is consistent with Americans
- 648 with Disabilities Act best practices guidelines published by the United
- 649 States Department of Justice. These ramps, gratings, and openings must
- 650 be built and maintained as part of each project under subsection (a).

651 **Sec. 49-30. Traffic [Calming] calming.**

652 (a) The Director of Transportation must consider installing traffic calming
 653 and bicycle- and pedestrian-friendly design features [in] on any
 654 [residential] area connector, neighborhood connector, neighborhood
 655 street, or neighborhood yield street over 1,000 feet long, [minor arterial,
 656 business district street] downtown street, town center street, and industrial
 657 street. Traffic calming features include raised crosswalks and raised
 658 intersections, traffic [circle] circles, medians, pedestrian refuge islands,
 659 chokers, smaller centerline radii, parking cut-outs, chicanes, other forms
 660 of horizontal or vertical deflection, and special paving and streetscaping
 661 in central business districts or other commercial areas.

662 (b) [Speed humps that are 12 feet wide may be built on any principal
 663 secondary residential street, secondary residential street, tertiary
 664 residential street, or alley, but must be spaced at least 500 feet from any
 665 other hump and 200 feet from any intersection. Speed humps that are 22
 666 feet wide may be built on any primary residential street, but must be
 667 spaced at last 500 feet from any other hump and 200 feet from any
 668 intersection. Speed humps that are 22 feet wide may be built on a minor
 669 arterial, but must be spaced at least 750 feet from any other hump and
 670 300 feet from any intersection. Before speed humps are installed in any
 671 road, all other requirements specified in applicable regulations must be
 672 met.] Speed hump location and placement:

673 (1) speed humps that are 12 feet wide may be built on any
 674 neighborhood street, neighborhood yield street, or alley, but must
 675 be spaced at least 500 feet from any other hump and 200 feet from
 676 any intersection;

677 (2) speed humps that are 22 feet wide may be built on any downtown
 678 street, town center street, or shared street, but must be spaced at
 679 least 500 feet from any other hump and 200 feet from any
 680 intersection;

681 (3) speed humps that are 22 feet wide may be built on a downtown
 682 boulevard, town center boulevard, area connector, neighborhood
 683 connector, or industrial street, but must be spaced at least 750 feet
 684 from any other hump and 300 feet from any intersection; and

685 (4) before speed humps are installed in any road, all other
 686 requirements specified in applicable regulations must be met.

687 **Sec. 49-31. Classification of roads.**

688 [Each road, except those listed in subsections (m)-(n), must be classified as
 689 designated in the applicable master or sector plan. This Section defines the vehicular
 690 functions of each road classification.

691 (a) A Freeway is a road meant exclusively for through movement of vehicles
 692 at a high speed. Access must be limited to grade-separated interchanges.

693 (b) A Controlled Major Highway is a road meant exclusively for through
 694 movement of vehicles at a lower speed than a Freeway. Access must be
 695 limited to grade-separated interchanges or at-grade intersections with
 696 public roads.

697 (c) A Major Highway is a road meant nearly exclusively for through
 698 movement of vehicles at a moderate speed. Access must be primarily
 699 from grade-separated interchanges and at-grade intersections with public

700 roads, although driveway access is acceptable in urban and denser
 701 suburban settings.

702 (d) A Parkway is a road meant exclusively for through movement of vehicles
 703 at a moderate speed. Access must be limited to grade-separated
 704 interchanges and at-grade intersections. Any truck with more than 4
 705 wheels must not use a Parkway, except in an emergency or if the trust is
 706 engaged in Parkway maintenance.

707 (e) An Arterial is a road meant primarily for through movement of vehicles
 708 at a moderate speed, although some access to abutting property is
 709 expected.

710 (f) A Country Arterial is an Arterial, typically in the County’s agricultural
 711 reserve.

712 (g) A Minor Arterial is a 2-lane Arterial meant nearly equally for through
 713 movement of vehicles and access to abutting property.

714 (h) A Business District Street is a road meant for circulation in commercial
 715 and mixed-use zones.

716 (i) An Industrial Street is a road meant for circulation in industrial zones.

717 (j) A Primary Residential Street is a road meant primarily for circulation in
 718 residential zones, although some through traffic is expected.

719 (k) A Country Road is a road that has the function of a Primary Residential
 720 Street, typically in the County’s agricultural reserve.

721 (l) A Principal Secondary Residential Street is a Secondary Residential
 722 Street meant to carry somewhat more through traffic.

- 723 (m) A Secondary Residential Street is a road meant to provide access between
 724 a residential development with fewer than 200 dwelling units and one or
 725 more higher classification roads as defined in subsections (b) through (l).
- 726 (n) A Tertiary Residential Street is a road meant to provide direct access to a
 727 residential development with 75 or fewer dwelling units. A Tertiary
 728 Residential Street must not be built unless the Planning Board allows its
 729 use when the Board approves a preliminary subdivision plan or site plan.
- 730 (o) A Rustic Road or an Exceptional Rustic Road means a road classified as
 731 either under Article 8.
- 732 (p) An Alley is a right-of-way intended to provide secondary service access
 733 to the rear or side of lots or buildings and not intended for transporting
 734 through traffic. An alley may be used to provide primary vehicular access
 735 if the Planning Board and the Director of Transportation concur that the
 736 dimensions and specifications proposed in a project, preliminary
 737 subdivision, or site plan would provide adequate primary vehicular
 738 access.]
- 739 (a) In this Article and the regulations adopted under it:
- 740 (1) A downtown area consists of areas with the highest intensity of
 741 development. These areas are:
- 742 (A) Bethesda CBD;
 743 (B) Friendship Heights CBD;
 744 (C) Silver Spring CBD;
 745 (D) Wheaton CBD;
 746 (E) White Flint Sector Plan area; and
 747 (F) White Flint 2 Sector Plan area.

- 748 (2) A town center area consists of areas with moderate to high
 749 development intensity. These areas are:
- 750 (A) Burtonsville Town Center;
 751 (B) Clarksburg Town Center;
 752 (C) Damascus Town Center;
 753 (D) Germantown Town Center;
 754 (E) Kensington Town Center;
 755 (F) Olney Town Center; and
 756 (G) All other designated Urban areas that are not downtown
 757 areas.
- 758 (3) A country area is located within the designated Rural area.
- 759 (4) A suburban area is an area with predominantly residential zoning
 760 that is not already a downtown, town center, or country area.
- 761 (5) These areas may be created, eliminated or modified by functional
 762 plans, master plans, or sector plans.
- 763 (6) Roads are included in the area within which they are located.
 764 Roads bordering on two areas will be assigned to the area with the
 765 greater development intensity.
- 766 (b) Each road must be assigned a County classification and a federal
 767 classification. Federal classifications are assigned in accordance with the
 768 most recent edition of the Federal Highway Administration Highway
 769 Functional Classification typologies.
- 770 (c) County classifications are:
- 771 (1) A Freeway is a road meant exclusively for through movement of
 772 vehicles at a high speed. Access must be limited to grade-separated
 773 interchanges.

- 774 (2) A *Controlled Major Highway* is a road meant exclusively for
 775 through movement of vehicles at a lower speed than a Freeway.
 776 Access must be limited to grade-separated interchanges or at-grade
 777 intersections with public roads.
- 778 (3) A *Parkway* is a road meant exclusively for through movement of
 779 vehicles at a moderate speed. Access must be limited to grade-
 780 separated interchanges and at-grade intersections. Any truck with
 781 more than four wheels must not use a Parkway, except in an
 782 emergency or if the truck is engaged in Parkway maintenance.
- 783 (4) A *Downtown Boulevard* is a road in a downtown area that serves
 784 a high volume of vehicles, pedestrians, bicyclists, or transit users.
 785 Access to abutting properties is allowed but not preferable. These
 786 roads were previously classified as major highways and arterials.
- 787 (5) A *Downtown Street* is a road in a downtown area that serves a large
 788 share of pedestrians, bicyclists, or transit users. This road type is
 789 meant for circulation in commercial and mixed-use zones. Access
 790 to abutting properties is expected. These roads were previously
 791 classified as business streets.
- 792 (6) A *Boulevard* is a road that typically connects employment and
 793 entertainment centers, civic, commercial, and institutional land
 794 uses, and may also provide cross-country and regional
 795 connections. Pedestrian, bicycle, and transit users are to be
 796 accommodated. Some access to abutting properties is expected.
 797 These roads were previously classified as major highways and
 798 arterials.
- 799 (7) A *Town Center Boulevard* is a road in a town center area that
 800 serves a moderate to high volume of vehicles, pedestrians,

801 bicyclists, or transit users. Access to abutting properties is allowed
 802 but generally not preferable. These roads were previously
 803 classified as major highways and arterials.

804 (8) A *Town Center Street* is a road in a town center area that serves a
 805 larger share of pedestrians, bicyclists, or transit users. This road
 806 type is meant for circulation in commercial and mixed-use zones.
 807 Access to abutting properties is expected. These roads were
 808 previously classified as business streets.

809 (9) An *Area Connector* is a two-lane street in a suburban area that
 810 typically connects employment and entertainment centers, civic,
 811 commercial, and institutional land uses, and may also provide
 812 limited regional connectivity and serve primary circulation in
 813 residential zones. These roads were previously classified as minor
 814 arterials.

815 (10) A *Neighborhood Connector* is a street in a suburban area providing
 816 primary circulation in residential zones and may also enable traffic
 817 to pass through a neighborhood. These streets were previously
 818 classified as primary residential streets.

819 (11) A *Neighborhood Street* is a street that provides internal circulation
 820 within suburban areas. Access to abutting properties is expected.
 821 These streets were previously classified as secondary and tertiary
 822 residential streets.

823 (12) A *Neighborhood Yield Street* is a *Neighborhood Street* that is
 824 designed as a bi-directional one-lane street.

825 (13) An *Industrial Street* is a road meant for circulation in areas
 826 consisting predominantly of industrial zones.

827 (14) A Country Connector is a road in a country area that was
 828 previously classified as major highways, arterials, or country
 829 arterials.

830 (15) A Country Road is a low intensity road in a country area.

831 (16) An Alley is a right-of-way intended to provide secondary access to
 832 the rear or side of lots or buildings and not intended for
 833 transporting through traffic. An alley may be used to provide
 834 primary vehicular access if the Planning Board and the Director of
 835 Transportation concur that the dimensions and specifications
 836 proposed in a project, preliminary subdivision, or site plan would
 837 provide adequate primary vehicular access. An Alley is a
 838 Residential Alley if serving only residential zones, or a
 839 Commercial Alley if serving any non-residential zones.

840 (17) A Rustic Road or an Exceptional Rustic Road means a road
 841 classified as such under Article 8.

842 (18) A Residential Shared Street or Commercial Shared Street is a
 843 street designed to create a shared traffic environment where
 844 pedestrians, bicyclists, and other non-motorized traffic may
 845 comfortably occupy the same space as motor vehicle traffic. These
 846 streets prioritize pedestrian and bicycle movement by slowing
 847 vehicular speeds and communicating clearly through design
 848 features that motorists must yield to all other users. A Shared Street
 849 is a Residential Shared Street if serving only residential zones, or
 850 a Commercial Shared Street is serving any non-residential zones.

851 (d) County classifications are assigned as follows until the roads are re-
 852 designated by functional plans, master plans, or sector plans. The number

853 of lanes is defined as the number of through lanes for motor vehicles and
 854 is tallied based on the number of planned lanes for that road, or the
 855 number of existing lanes if not specified by any functional plan, master
 856 plan, or sector plan.

857 (1) Freeways retain their classifications as Freeways.

858 (2) Controlled Major Highways retain their classifications as
 859 Controlled Major Highways.

860 (3) Parkways retain their classifications as Parkways.

861 (4) Major highways:

862 (A) Major highways located in a downtown area are classified
 863 as Downtown Boulevards.

864 (B) Major Highways located in a town center area are classified
 865 as Town Center Boulevards.

866 (C) Two-lane Major Highways located in a country area are
 867 classified as Country Connectors.

868 (D) Two-lane Major Highways located in a suburban area are
 869 classified as Area Connectors.

870 (E) All Major Highways not addressed by (A) through (D) are
 871 classified as Boulevards.

872 (5) Arterials:

873 (A) Arterials with four or more lanes located in a downtown area
 874 are classified as Downtown Boulevards.

875 (B) Arterials with fewer than four lanes located in a downtown
 876 area are classified as Downtown Streets.

877 (C) Arterials with more than two lanes located in a town center
 878 area are classified as Town Center Boulevards.

879 (D) Arterials with two lanes located in a town center area are
 880 classified as Town Center Streets.

881 (E) Arterials located within a country area are classified as
 882 Country Connectors.

883 (F) Two-lane Arterials located in a suburban area are classified
 884 as Area Connectors.

885 (G) All Arterials not addressed by (A) through (F) are classified
 886 as Boulevards.

887 (6) Minor Arterials:

888 (A) Minor Arterials with four or more lanes located in a
 889 downtown area are classified as Downtown Boulevards.

890 (B) Minor Arterials with fewer than four lanes located in a
 891 downtown area are classified as Downtown Streets.

892 (C) Minor Arterials with more than two lanes located in a town
 893 center area are classified as Town Center Boulevards.

894 (D) Minor Arterials with two lanes located in a town center area
 895 are classified as Town Center Streets.

896 (E) Minor Arterials located within a country area are classified
 897 as Country Connectors.

898 (F) All Minor Arterials not addressed by (A) through (E) are
 899 classified as Area Connectors.

900 (7) Business District Streets:

901 (A) Business District Streets with four or more lanes located in
 902 a downtown area are classified as Downtown Boulevards.

903 (B) Business District Streets with fewer than four lanes located
 904 in a downtown area are classified as Downtown Streets.

- 905 (C) Business District Streets with more than two lanes that are
 906 not located in a downtown area are classified as Town
 907 Center Boulevards.
- 908 (D) Business District Streets with two lanes that are not located
 909 in a downtown area are classified as Town Center Streets.
- 910 (8) Industrial Streets retain their classification as Industrial Streets.
- 911 (9) Primary Residential Streets:
- 912 (A) Primary Residential Streets located in a country area are
 913 classified as Country Connectors.
- 914 (B) Primary Residential Streets not located in a country area are
 915 classified as Neighborhood Connectors.
- 916 (10) Secondary Residential Streets are classified as Neighborhood
 917 Streets.
- 918 (11) Tertiary Residential Streets are classified as Neighborhood Streets.
- 919 (12) Country Arterials are classified as Country Connectors.
- 920 (13) Country Roads retain their classifications as Country Roads.
- 921 (14) Shared Streets with entirely residential zoning along its frontage
 922 are classified as a Residential Shared Street.
- 923 (15) Shared Streets with any non-residential zoning along its frontage
 924 are classified as a Commercial Shared Street.
- 925 (16) Alleys retain their classifications as Alleys.
- 926 (17) Rustic Roads retain their classifications as Rustic Roads.
- 927 (18) Exceptional Rustic Roads retain their classifications as
 928 Exceptional Rustic Roads.
- 929 (19) Transitions along continuous roadways:
- 930 (A) If a Downtown road type changes classification to or from
 931 a non-Downtown road type: the Downtown classification

932 will extend to the next master planned cross-street, not to
 933 exceed 500 feet beyond the limits of the downtown area.

934 (B) If a Town Center road type changes classification to or from
 935 a non-Downtown and non-Town Center road type: the
 936 Town Center classification will extend to the next master
 937 planned cross-street, not to exceed 500 feet beyond the
 938 limits of the town center area.

939 (C) If a Downtown Boulevard, Town Center Boulevard, or
 940 Boulevard change classification to or from any other type:
 941 the Downtown Boulevard, Town Center Boulevard, or
 942 Boulevard classification will extend to the next master
 943 planned cross-street, not to exceed 500 feet beyond the
 944 initial transition point.

945 (D) The transition areas noted in (A) through (C) are not
 946 additive; if the roadway meets multiple transition criteria the
 947 transition area will remain to the next master planned cross-
 948 street, not to exceed 500 feet from the nearest of either the
 949 limits of the downtown or town center area, or the initial
 950 transition point.

951 (20) If the Department of Transportation determines that the criteria
 952 under (d)(1) through (d)(19) are not suitable for a particular road,
 953 the Department may determine that a more context-sensitive
 954 classification or transition length applies in lieu of the default
 955 classifications.

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

957 * * *

958 [(c) In this Article and the standards adopted under it:

959 (1) an ‘urban’ road is a road segment in or abutting a Metro Station
 960 Policy Area, Town Center Policy Area, or other urban area
 961 expressly identified in a Council resolution;

962 (2) a ‘rural’ road is a road segment located in a rural policy area as
 963 defined in the County Growth Policy; and

964 (3) a ‘suburban’ road is a road segment located elsewhere in the
 965 County.]

966 [(d)](c) The minimum right-of-way for a road may be specified in the most
 967 recent applicable functional plan, master plan, or sector plan for the area
 968 where the road is located. Minimum rights-of-way include continuous
 969 features along a typical section, and account for parking, drainage and
 970 stormwater management, spot conditions such as auxiliary lanes or transit
 971 stations, or infrastructure at intersections such as signal equipment and
 972 protected intersections. If a minimum right-of-way for a particular road
 973 is not specified [n] in a functional plan, master plan, or sector plan, the
 974 minimum right-of-way must be:

- 975 [(1) 80 feet for a Business District Street or Industrial Street;
- 976 (2) 100 feet for a Primary Residential Street with a median;
- 977 (3) 70 feet for a Primary Residential Street without a median;
- 978 (4) 60 feet for a Principal Secondary Residential Street or Secondary
 979 Residential Street;
- 980 (5) 50 feet for a standard Tertiary Residential Street;
- 981 (6) 27 feet, 4 inches for a reduced-width Tertiary Residential Street
 982 with two-way traffic;

- 983 (7) 21 feet, 4 inches for a reduced-width Tertiary Residential Street
- 984 with one-way traffic; and
- 985 (8) 20 feet for an Alley.]
- 986 (1) 80 feet for a Downtown Street;
- 987 (2) 80 feet for a Town Center Street;
- 988 (3) 70 feet for an Area Connector;
- 989 (4) 70 feet for a Neighborhood Connector;
- 990 (5) 60 feet for a Neighborhood Street;
- 991 (6) 50 feet for a Neighborhood Yield Street;
- 992 (7) 80 feet for an Industrial Street;
- 993 (8) 74 feet for a Country Connector;
- 994 (9) 70 feet for a Country Road;
- 995 (10) 20 feet for an Alley serving any non-residential zoning;
- 996 (11) 16 feet for an Alley serving only residential zoning;
- 997 (12) 40 feet for a Commercial Shared Street;
- 998 (13) 40 feet for a Residential Shared Street.

999 ~~[(e)](d)~~ Grass shoulders must be load bearing at any specific location designated
 1000 by the Director of Permitting Services after consulting the Fire Chief and
 1001 Director of Transportation.

1002 ~~[(f)](e)~~ Unless otherwise specified in this Article, each grading, drainage
 1003 structure, paving, shoulder, landscaping, and traffic control must be
 1004 installed as provided in the latest applicable County design standards,
 1005 storm drain criteria, and specification. Unless extenuating circumstances
 1006 would result in a safety hazard, when a road is resurfaced the road must
 1007 also be restriped to meet any applicable lane width standard and may
 1008 include bike lanes where appropriate.

1009 [(g) Each through travel or turning lane on an urban road must be no wider
 1010 than 10 feet, except that a single travel lane adjacent to a parking lane
 1011 must be no wider than 11 feet and a through travel or turning lane abutting
 1012 an outside curb must be no wider than 11 feet, including the gutter pan.
 1013 Each parking lane on an urban road must be no wider than 8 feet,
 1014 including the gutter pan. The standards in this subsection do not apply if,
 1015 for a road improvement required as a result of approving a subdivision or
 1016 site plan, the Executive or the Executive’s designee concludes that
 1017 applying a specific standard at a specific site would significantly impair
 1018 public safety.]

1019 [(h)](f) The curb radius at the corner of each intersection of two [urban] roads
 1020 in Downtown or Town Center areas must not exceed 15 feet. The curb
 1021 radius at the corner of intersections where all intersecting streets are Area
 1022 Connectors, Neighborhood Connectors, Neighborhood Streets, or
 1023 Neighborhood Yield Streets must not exceed 10 feet. Exceptions to these
 1024 requirements may be allowed as follows [except where]:

1025 [(1) there is only one receiving lane;]

1026 [(2)](1) there is a curb extension [is located]; [or]

1027 (2) a default 25-foot radius is required where at least one street is an
 1028 Industrial Street;

1029 (3) a larger radius is needed to serve the design vehicle and control
 1030 vehicle with consideration of the allowable encroachment defined
 1031 by the Complete Streets Design regulation; or

1032 [(3)](4) [for] a road improvement required [as a result of approving] by
 1033 a subdivision or site plan [, the Executive or the Executive’s

1034 designee concludes that applying this standard at a specific site]
 1035 would significantly impair public safety.

1036 [(i)](g) Each pedestrian refuge must be at least 6 feet wide. A pedestrian refuge
 1037 must be located at each intersection approach along [on] a divided
 1038 highway with 6 or more through travel lanes.

1039 [(j)](h) Unless otherwise specified in a functional plan, master plan, sector plan,
 1040 or the approved capital improvements program, the maximum target
 1041 speed for a road [in an urban area is 25 mph.] must be:

- 1042 (1) 25 mph for a Downtown Boulevard;
- 1043 (2) 20 mph for a Downtown Street;
- 1044 (3) 35 mph for a Boulevard, except 25 MPH if in an Urban Area;
- 1045 (4) 30 mph for a Town Center Boulevard, except 25 MPH if in an
 1046 Urban Area;
- 1047 (5) 25 mph for a Town Center Street;
- 1048 (6) 25 mph for an Area Connector;
- 1049 (7) 25 mph for a Neighborhood Connector;
- 1050 (8) 20 mph for a Neighborhood Street;
- 1051 (9) 20 mph for a Neighborhood Yield Street;
- 1052 (10) 25 mph for an Industrial Street;
- 1053 (11) 40 mph for a Country Connector;
- 1054 (12) between 20 to 35 mph for a Country Road;
- 1055 (13) between 45 to 55 mph for a Major Highway;

1056 (14) case-by-case determinations for Alleys, Shared Streets, Rustic
1057 Roads, and Exceptional Rustic Roads;

1058 **Sec. 49-33. Road construction and reconstruction requirements.**

1059 * * *

1060 [(c) Cul-de-sacs or turnarounds are required if the paving of a road ends other
1061 than at a paved road intersection. Each turnaround or cul-de-sac must be
1062 graded, paved, and include appropriate drainage structures and temporary
1063 curbs, if the Department of Permitting Services so requires.]

1064 [(d)](c) If a preliminary drainage study indicates that a minimum right-of-way
1065 or storm drain easement width required in this Article is inadequate to
1066 properly drain a particular road, the Department of Permitting Services
1067 may require any additional right-of-way or storm drain easement
1068 necessary for proper drainage. The Department must notify the permittee
1069 of any added right-of-way before a dedication plat is approved by the
1070 Planning Board (or equivalent body in any municipality with land use
1071 authority) and recorded in the County land records, and must notify the
1072 permittee of any added easement when it approves a right-of-way permit.

1073 (1) If a lot or lots front on a public road, the permittee must provide
1074 sufficient drainage easements to allow for the safe conveyance of
1075 stormwater from the public right-of-way to either an approved
1076 outfall or an approved public structure.

1077 [(e)](d) (1) If a lot or lots front on a public road, the permittee must [install]
1078 construct sidewalks, master-planned bikeways, ramps, curbs, and gutters,
1079 except [any sidewalk]:

- 1080 (A) any sidewalk or sidepath in front of a lot that is larger than
 1081 25,000 square feet for a single-family detached dwelling in
 1082 a rural [zone] area;
- 1083 (B) any sidewalk or sidepath on any roadway that is classified
 1084 as [exceptional rustic, rustic, country arterial, or country
 1085 road] rustic or exceptional rustic;
- 1086 (C) any sidewalk or sidepath on a [tertiary residential]
 1087 neighborhood street or neighborhood yield street serving
 1088 fewer than 75 dwelling units], or in an environmentally
 1089 sensitive area with limits on the amount of impervious
 1090 surface allowed,] if [in either case] the Planning Board and
 1091 Department of Transportation [finds] find that a sidewalk is
 1092 not expected to be [unnecessary] necessary for pedestrian
 1093 movement; [or]
- 1094 (D) any sidewalk if the site is located in an environmentally
 1095 sensitive area with limits on the amount of impervious
 1096 surface allowed if the Department of Transportation find
 1097 that a sidewalk is not expected to be necessary for pedestrian
 1098 movement; or
- 1099 [(D)](E) any sidewalk or sidepath on a [secondary or tertiary
 1100 residential] neighborhood street, neighborhood yield street,
 1101 or service drive where the Department of Permitting
 1102 Services finds that a sidewalk or sidepath is infeasible, will
 1103 not connect [potentially] to other sidewalk segments within
 1104 the foreseeable future, or qualifies for fee payments in lieu
 1105 of construction under Section 49-40.

1106 (2) However, the Planning Board may require the applicant to install
 1107 sidewalks, bikeways, ramps, curbs, and gutters if the Board finds,
 1108 as a condition of approval of a preliminary subdivision plan or site
 1109 plan, that sidewalks, [bikeway connections] bikeways, ramps,
 1110 curbs, and gutters at that location are necessary to allow access:

- 1111 (A) to [a] an existing or planned sidewalk or bikeway;
- 1112 (B) to a bus or other public transit stop;
- 1113 (C) to an amenity or public facility that will be used by
- 1114 occupants of the site or subdivision; or
- 1115 (D) by persons with disabilities.

1116 Before the Planning Board approves any requirement under this
 1117 paragraph, the Board must give the Departments of Permitting
 1118 Services and Transportation a reasonable opportunity to comment
 1119 on the proposed requirement.

1120 ~~[(f)]~~(e) The construction of half roads or any road of less than the width required
 1121 by this Article is prohibited except as permitted in Section 49-40.
 1122 [However, construction] Construction of such portions of roads is
 1123 permitted if the dedicated portion of the road established by a dedication
 1124 plat and recorded in the County land records before August 15, 1950 is
 1125 wide enough to permit the grading and construction of paving [18] 20 feet
 1126 wide with curbs, gutters, and sidewalks required for the type of road.

1127 ~~[(g)]~~(f) A road must not be constructed unless it connects with an existing public
 1128 road at one end. A road must not be constructed short of an intersection
 1129 unless it connects with an existing public road or the dedication of the
 1130 right-of-way ends short of an intersection. If any road construction ends
 1131 at or goes through an intersection, the intersection must be completed. If
 1132 a road ends at other than an intersection or a point of connection with an

1133 existing road, [turnarounds or cul-de-sacs] a turnaround such as a cul-de-
 1134 sac must be provided. Each turnaround must be graded, paved, and
 1135 include appropriate drainage structures and temporary curbs if required
 1136 by the Department of Permitting Services.

1137 [(h)](g) If drainage structures are required for any particular class of road, the
 1138 Planning Board must require the applicant to install or construct drainage
 1139 structures that the Board finds are necessary or appropriate, after
 1140 reviewing a preliminary drainage study approved by the Department of
 1141 Transportation, in accordance with applicable design standards and
 1142 specifications.

1143 [(i)](h) Driveway entrances to individual lots must be required if the Planning
 1144 Board finds that off-street parking facilities are necessary and practicable.

1145 [(j)](i) *Street trees.*

1146 (1) On public road rights-of-way, street trees must be planted in
 1147 accordance with design standards of the Department of
 1148 Transportation. On private road rights-of-way and easements,
 1149 street trees must be planted in accordance with the technical
 1150 manual adopted by the Planning Board under Chapter 22A.

1151 (2) The Department of Permitting Services, the Department of
 1152 Transportation, and the staff of the Planning Board should
 1153 coordinate the specific location and species of street tree plantings
 1154 to promote compatibility of the plantings with road function and
 1155 safety, signage, maintenance, appropriate visual buffering,
 1156 utilities, other public or private improvements, and aesthetic
 1157 considerations related to streetscape design.

1158 [(k)](j) *Ground cover.*

- 1159 (1) A property owner may plant and maintain ground cover in a public
 1160 right-of-way adjacent to the owner’s property if the owner:
 1161 (A) complies with [guidelines issued under paragraph (3)]
 1162 County regulations;
 1163 (B) maintains the ground cover to prevent any obstruction of the
 1164 public right-of-way prohibited under Section 49-10; and
 1165 (C) holds the County harmless for any damage to the ground
 1166 cover, and any damage or injury caused by the ground
 1167 cover.

1168 However, ground cover in a public right-of-way adjacent to the
 1169 owner’s property must not be planted where it will reduce public
 1170 safety or impede travel.

- 1171 (2) In this subsection, property owner or owner includes each person
 1172 with a legal interest in the property and any successor to that
 1173 person’s interest.

1174 [(3) The Director of Transportation, after consulting the Directors of
 1175 Environmental Protection and Permitting Services, must issue
 1176 guidelines that allow and encourage a property owner to place and
 1177 maintain ground cover in the public right-of-way adjacent to the
 1178 owner’s property. The guidelines must encourage use of ground
 1179 cover that is environmentally sensitive and promotes conservation
 1180 of natural resources and more sustainable landscaping, including
 1181 plant species that:

- 1182 (A) require reduced or no mowing, fertilizing, or other
 1183 maintenance;
 1184 (B) are drought tolerant and require little watering at any time;
 1185 (C) do not inhibit growth of nearby trees; and

1186 (D) include non-turf grasses.]

1187 (3) The County Executive must adopt Method (3) regulations that
1188 define the design and maintenance standards applicable to this
1189 Section.

1190 (4) Except as provided in paragraph (1), this subsection does not
1191 impair the County’s right to enter, maintain, occupy, or otherwise
1192 control any public right- of-way for any purpose.

1193 [(1)](k) *Curbs and gutters.*

1194 * * *

1195 **Sec. 49-34. Construction by County.**

1196 (a) The County must not construct any road unless:

1197 (1) the County has previously acquired the right-of-way for the road,
1198 or the right-of-way has been dedicated to public use by appropriate
1199 recording in the County land records; and

1200 (2) the cost of the road will be charged against the benefitted property
1201 in according with Sections 49-51 to 49-62 and subsection [(b)] (c)
1202 of this Section.

1203 * * *

1204 (e) The County Executive may authorize the construction of [shared use
1205 paths] sidepaths or sidewalks to serve general community needs.
1206 Whenever a sidewalk or [shared use path] sidepath is built in a right-of-
1207 way where there is no pavement or other road construction, building the
1208 sidewalk or [shared use path] sidepath does not mean that the County is

1209 responsible for maintaining any part of the right-of-way except the
 1210 sidewalk or [shared use path] sidepath.

1211 **Sec. 49-35. Right-of-way permit.**

1212 (a) (1) A [person must not construct any road, sidewalk, shared use path,
 1213 curb and gutter, driveway, or drainage structure; begin any such
 1214 construction (including clearing, grading, and tree cutting); or
 1215 perform any tree work on any roadside tree (including removing a
 1216 stump on a County right-of-way), without a permit] permit is
 1217 required from the Director of Permitting Services for any work
 1218 within the public right-of-way. Any permit issued for roadside tree
 1219 work must comply with Section 49-36A. In this Article, “roadside
 1220 tree” means any plant that has a woody stem or trunk which grows
 1221 all, or in part, in the right-of-way of any County public road.

1222 (2) In this Section and Sections 49-36, 49-36A, and 49-37, unless
 1223 otherwise specified, Director refers to the Director of Permitting
 1224 Services and Department refers to the Department of Permitting
 1225 Services.

1226 (3) [A person must apply for a permit on] Permit applicants must use
 1227 forms prescribed by the Director, submit detailed plans and
 1228 specifications, and include locations and record plats approved by
 1229 the Department and the Planning Board.

1230 (4) If the proposed activity requires a sediment control permit, the
 1231 Department must issue the permit before any activity occurs under
 1232 a permit issued under this subsection. The State Highway
 1233 Administration must approve any action under its jurisdiction
 1234 before the Director may approve the permit.

- 1235 (5) As a requirement to issue a permit under this Section, the Director
 1236 may require the applicant to designate and bond a haul route for
 1237 construction materials, as described in Section 49-8.
- 1238 (b) The Director must collect a fee, set by Method 3 regulation, for each
 1239 right-of-way permit application. However, the Director must not collect
 1240 a fee for any permit to:
- 1241 (1) remove or prune a tree that endangers a person or property;
 1242 (2) remove a stump in the right-of-way; [or]
 1243 (3) plant a tree; or
 1244 [(3)](4) install a sign identifying a geographic area in the right-of-way if:
- 1245 (A) the primary applicant is an unincorporated or non-profit
 1246 civic or homeowners' organization that is either:
- 1247 (i) listed on the Planning Board's most recent list of
 1248 civic and homeowners associations; or
 1249 (ii) exempt from federal income taxes and shows that its
 1250 annual revenue during its most recent fiscal year did
 1251 not exceed an amount set by a regulation;
- 1252 (B) in a homeowners' association, maintenance responsibility
 1253 of all common areas has been transferred from the
 1254 developer; and
- 1255 (C) the proposed sign would be smaller than a maximum size
 1256 set by regulation.
- 1257 (c) Before an applicant begins any road, sidewalk, sidepath, bikeway, curb
 1258 and gutter, driveway, retaining wall, steps, or drainage project, on a road
 1259 or within the boundaries of a dedication to public use, the applicant for a
 1260 permit to undertake any such project must pay to the County an inspection

1261 and engineering fee set by the County Executive by [method] Method (3)
1262 regulation.

1263 (d) If any such project is solely a grading project, the applicant must pay an
1264 inspection and engineering fee to the County if Department staff does the
1265 engineering work on the project and an inspection fee if the applicant
1266 submits the engineering work.

1267 (e) Any violation of this Section is a Class A violation.

1268 (f) The Director must refund half the fees required by this Section to the
1269 applicant if a permit is rejected or withdrawn before construction begins.
1270 If an applicant proposes to undertake a project using materials, standards,
1271 or specifications superior to those required under this Article, the fees
1272 charged must be computed on the estimated cost of the project as if it met
1273 those requirements.

1274 (g) A person, including any utility corporation, must not cut [a road] within
1275 the right-of-way to install, replace, or maintain or connect any
1276 underground gas, electric power, or telephone line, or any other
1277 underground infrastructure, without a permit from the Director. The
1278 Director must supervise all backfilling and repaving of utility trenches to
1279 assure that the permittee complies with all applicable specifications. The
1280 permittee must restore the right-of-way to its prior condition.

1281 * * *

1282 **Sec. 49-36. Permit conditions and procedures.**

1283 Each permit issued under Section 49-35 must be subject to the following
1284 conditions[, which the permit must specify]:

1285 * * *

1286 **Sec. 49-36A. Roadside tree work.**

1287 * * *

1288 (b) *Applicability; exceptions.*

1289 (1) A person [(including a government agency)] may receive a right-
1290 of-way permit to perform tree work on a roadside tree if the person:

1291 * * *

1292 **Sec. 49-37. Street and road bonds.**

1293 * * *

1294 (d) (1) If the Director finds a violation of an applicable law or regulation,
1295 or a default in the performance of any term or condition of the
1296 permit or accepted security, the Director must give written notice
1297 of the violation or default to the principal and to the surety of the
1298 accepted security. The notice must specify the work to be done,
1299 the estimated cost of the work, and the period of time the Director
1300 finds reasonably necessary to complete the work.

1301 (2) If a cash bond has been posted, the Director must give notice of
1302 default to the principal; and if compliance is not [acheived]
1303 achieved within the time specified, the Director may, without delay
1304 and without further notice or proceedings, use the cash deposited,
1305 or any portion of the deposit, to cause the required work to be
1306 performed by contract or otherwise in the Director’s discretion.
1307 After any default in the performance of any term or condition of
1308 the permit or accepted security, the County, the surety, and any

1309 person employed or engaged on their behalf may enter the site to
1310 complete the required work.

1311 * * *

1312 **Sec. 49-38. Acceptance of roads.**

1313 * * *

1314 (b) Any action by the County to accept a road must be in writing and fully
1315 identify the portion accepted. Any accepted road must conform to [the
1316 standards and specifications of] this Chapter and all other applicable laws
1317 in force at the time of acceptance.

1318 * * *

1319 **Sec. 49-39. Pre-acceptance review by County.**

1320 * * *

1321 (b) After completion and final inspection of a road, the County must either
1322 accept the road, if the Director of Permitting Services finds that its
1323 construction has met all requirements of this Article, and release the bond,
1324 or the Director must reject the road by written notice to the permittee and
1325 surety, where an acceptable security was posted, specifying the reasons
1326 for rejection by reference to the particular requirement which has been
1327 violated, and allow a specified reasonable time for the permittee or surety
1328 to comply with all applicable [requiements] requirements.

1329 * * *

1330 **Sec. 49-40. Waivers of requirements of Article.**

1331 (a) The Director of Permitting Services may waive any requirement of this
 1332 Article for sidewalks, bikeways, rights-of-way widths, grade percentages,
 1333 full-width grading, and the construction of both roadways of a dual road,
 1334 or any combination of them, as allowed in this Section, for any road
 1335 constructed by the County or a permittee.

1336 (b) The Director must apply the following standards for granting or denying
 1337 waivers:

1338 (1) *Sidewalks and Sidepaths.*

1339 (A) *Waiver authority.* The Director may waive any
 1340 requirement, subject to (B), to install sidewalks or sidepaths
 1341 if:

- 1342 (i) the lots abutting the right-of-way are unimproved;
- 1343 (ii) the street was lawfully graded before August 15,
 1344 1950, and the terrain is so steep and uneven that
 1345 grading for sidewalks or sidepaths cannot be done
 1346 except at excessive cost, or
- 1347 (iii) houses or buildings abutting the right-of-way which
 1348 were constructed before August 15, 1950, are so
 1349 situated, and the property upon which those houses
 1350 or buildings are located is so graded, that the
 1351 construction of sidewalks or sidepaths is undesirable.

1352 (B) *Waivers not allowed.* [Notwithstanding the preceding
 1353 subparagraph, the] The Director [may] must deny a waiver
 1354 if:

- 1355 (i) the street involved is [a Primary Residential Street]
 1356 an Area Connector, Neighborhood Connector,
 1357 Industrial Street, [Business District Street, Minor

1358 Arterial or Arterial, Major Highway] Downtown
1359 Street, Town Center Street, Downtown Boulevard,
1360 Town Center Boulevard, Boulevard, or Controlled
1361 Major Highway; or

1362 (ii) the required sidewalks or bikeways are necessary or
1363 desirable to provide safe access for pedestrians and/or
1364 bicyclists.

1365 (C) *Waiver and fee payment.* As an alternative to building a
1366 sidewalk or bikeway on an existing or proposed street, the
1367 Director may allow an applicant to pay a fee if the applicant
1368 shows that building a sidewalk or bikeway as required
1369 would cause extreme hardship. The sidewalk or bikeway
1370 that would be waived must not connect to another existing
1371 or proposed sidewalk, [shared use path] bikeway, bus stop,
1372 school, or other public [faciity] facility. The fee must equal
1373 the full cost to build the sidewalk or bikeway, including the
1374 design and supervision costs. This fee must be paid, any
1375 necessary right-of-way must be dedicated, and any
1376 necessary perpetual easement must be recorded before the
1377 Director issues any road construction permit for the
1378 proposed public street. The revenue from these fees must be
1379 assigned to a capital account for sidewalk or bikeway
1380 construction and may be spent as appropriated by the
1381 County Council.

1382 * * *

1383 (4) *Full-width grading.* The Director may waive or reduce any
1384 requirement for full-width grading if:

1385 * * *

1386 (C) for a [Secondary Residential or Tertiary Residential]
1387 Neighborhood Street or Neighborhood Yield Street, the
1388 applicant proposes to extend an existing paved road which
1389 ends short of an intersection, the right-of-way containing the
1390 existing paved road is not graded to its full width and the
1391 waiver does not apply beyond the intersection.

1392 * * *

1393 **ARTICLE 4. ACQUISITION OF LAND.**

1394 **Sec. 49-45. Authority to acquire land for transportation purposes.**

1395 The County may buy land which is needed in connection with:

1396 (a) the opening of any new road, [shared use path] bikeway, or
1397 sidewalk,

1398 * * *

1399 **Sec. 49-50. Optional method of condemnation of land for streets or roads.**

1400 As authorized by Section 40A of Article III of the Maryland Constitution, the
1401 County may acquire any land or interest in land required for a right-of-way for
1402 a County road or street by using the following procedure:

1403 * * *

1404 (b) (1) Promptly after being appointed, the broker or appraiser must
1405 estimate the fair market value of the property or interest and submit
1406 a written report to the County.

1407 (2) The County then may be petition, naming the owner and all
1408 persons of record whose interest in the property would be taken,
1409 pay to the Circuit Court the amount estimated by the broker or
1410 appraiser to be the fair market value of the property, and record a
1411 copy of the resolution of taking in the County land records. A copy
1412 of the resolution must be attached to the petition and filed with the
1413 Circuit Court. A copy of the petition and resolution must be
1414 [served on] sent to each person named in the petition.

1415 * * *

1416 **ARTICLE 5. COUNTY ROADS – AUTHORITY AND FUNDING.**

1417 **Sec. 49-51. [Definitions] Reserved.**

1418 [As used in this Article:

1419 *Construction* means construction or reconstruction (but not maintenance), and
1420 includes grading, installation of drainage structures, and paving.

1421 *Road*: includes any road, street, highway, avenue, lane, alley, bridge, shared use
1422 path, sidewalk, viaduct, and any related storm drain and stormwater management
1423 facility.]

1424 * * *

1425 **Sec. 49-53. Public hearing; notice.**

1426 * * *

1427 (e) The Director need not hold a hearing under subsection (d) before a
1428 sidewalk or [shared use path] sidepath is constructed if:

1429 * * *

1430 **Sec. 49-57. Roads partly in unincorporated area and partly in city or town.**

1431 (a) *Building roads.*

1432 (1) If a road, bridge, storm drain, sidewalk, [shared use path] sidepath,
1433 transitway, or other transportation facility is located partly in the
1434 unincorporated area of the [county] County and partly in a
1435 municipality or special taxing district that is authorized by law to
1436 build or maintain that part of the facility that is located in the
1437 municipality, either the County or the municipality or special
1438 taxing district may improve the entire facility according to
1439 applicable County laws or any law or regulation that applies in the
1440 municipality or special taxing district, respectively, as if the facility
1441 were completely located in the unincorporated area of the [county]
1442 County or in the municipality or special taxing district.

1443 * * *

1444 (3) The County may build or improve a road, bridge, storm drain,
1445 sidewalk, [shared use path] sidepath, bikeway, transitway, or other
1446 transportation facility which it is authorized by law to construct
1447 and maintain, including when the facility is located partly or
1448 entirely in a municipality or special taxing district. Before taking
1449 any action under this paragraph, the Executive must consult each
1450 affected municipality.

* * *

ARTICLE 6. ABANDONMENT AND CLOSING OF RIGHTS-OF-WAY.

Sec. 49-62. Abandonment authority; scope of Article; procedures.

(a) *Authority.* The County Council, by adopting a resolution, may close to public use or abandon the County’s right to use any right-of-way. As used in this Article, *right-of-way* means any road, [street, alley, crosswalk, pedestrian walkway, shared use path] sidewalk, bikeway, crosswalk, water main, sanitary sewer, storm sewer, or storm drainage right-of-way used at any time by the public, including use by pedestrians and bicyclists. This Article applies to all rights-of-way except as provided in subsection (j) and State road rights-of-way, and may apply to a State road right-of-way if the appropriate State agency expressly consents. Before the Council adopts a resolution under this Article, the procedures in this Article must be followed.

* * *

(h) *Agencies.* The government agencies and other parties from which the Executive must solicit a response are:

- (1) the Department of Transportation;
- (2) the Department of Permitting Services;
- ~~[(2)]~~[(3)] the Maryland-National Capital Park and Planning Commission;
- ~~[(3)]~~[(4)] the Washington Suburban Sanitary Commission, if any part of the right-of-way is located in the Washington Suburban Sanitary District;

1474 [(4)](5) each public utility authorized by the Public Service Commission
1475 to operate in the area and which has any overhead or underground
1476 facilities in the vicinity;

1477 [(5)](6) the governing body of each incorporated municipality or special
1478 taxing district in which any of the right-of-way is located;

1479 [(6)](7) [The] the Police Department;

1480 [(7)](8) the County Fire and Rescue Service; and

1481 [(8)](9) [Any] any grantee of a franchise under Article 2, if the franchise
1482 authorizes the grantee to install or use any facility in, over, or under
1483 the affected right-of-way.

1484 (i) *Temporary closure.* This Article does not apply to any temporary closure
1485 required by a construction traffic control plan if the closure does not last
1486 longer than 12 months. If special circumstances require that a temporary
1487 closure last longer than 12 months, the Director of Transportation must
1488 apply to the Council for approval to extend the closure [for a specified
1489 period that does not exceed 24 months]. The Council, by resolution, may
1490 approve an extended temporary closure under this subsection without
1491 following the procedures in this Article.

1492 * * *

1493 **ARTICLE 8. RUSTIC ROADS PROGRAM.**

1494 * * *

1495 **Sec. 49-77. Definitions.**

1496 In this Article, the following terms have the meanings indicated:

1497 *Committee* means the Rustic Roads Advisory Committee.

1498 *Exceptional rustic road* means an existing public road or road segment which is
1499 so classified under Section 49-78.

1500 [*Master Plan of Highways* means the Master Plan of Highways Within
1501 Montgomery County, an amendment to the General Pan for the Physical
1502 Development of the Maryland-Washington Regional District.]

1503 *Public utility* means any private company or public agency that is regulated as
1504 a public utility under state law, or otherwise provides water, sewer, electric, gas,
1505 telephone, or cable service (as defined in Chapter 8A) in the County.

1506 *Rustic road* means an existing public road or road segment which is so classified
1507 under Section 49-78.

1508 **Sec. 49-78. Rustic road classification and reclassification.**

1509 (a) *Classification.* The County Council may classify, reclassify, or revoke
1510 the classification of an existing public road or road segment as a rustic
1511 road or an exceptional rustic road by approving an amendment to the
1512 [Master Plan of Highways] functional plan and the relevant area [Master
1513 Plan] master plan.

1514 * * *

1515

Zoning Text Amendment No.: 22-10
Concerning: Streets and Roads
Draft No. & Date: 1 – 7/19/2022
Introduced: July 26, 2022
Public Hearing: September 20, 2022
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- replace any reference to road or street types with the updated typology from Chapter 49;
- define Residential Streets; and
- generally amend provisions related to streets and roads.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 1.4	“DEFINED TERMS”
Section 1.4.2	“Specific Terms and Phrases Defined
DIVISION 2.2	“ZONING MAP”
Section 2.2.4	“Zoning and Development within Rights-of-Way
DIVISION 3.2	“AGRICULTURAL USES
Section 3.3.2	“Agricultural Processing”
Section 3.2.4	“Equestrian Facility”
Section 3.2.7	“Nursery”
Section 3.2.8	“Slaughterhouse”
Section 3.2.10	“Accessory Agricultural Uses”
Section 3.2.11	“Temporary Agricultural Uses
DIVISION 3.4	“CIVIC AND INSTUTIONAL USES”
Section 3.4.2	“Charitable, Philanthropic Institutions”
Section 3.4.5	“Educational Institutions (Private)”
DIVISION 3.5	“COMMERCIAL USES”
Section 3.5.6	“Lodging”
Section 3.5.7	“Medical and Dental”
Section 3.5.8	“Office and Professional”

Section 3.5.9	“Parking”
Section 3.5.10	“Recreation and Entertainment”
Section 3.5.12	“Vehicle/Equipment Sales and Rental”
Section 3.5.13	“Vehicle Service”
DIVISION 4.6	“EMPLOYMENT ZONES”
Section 4.6.3	“Standard Method Development”
DIVISION 4.9	“OVERLAY ZONES”
Section 4.9.3	“Burtonsville Employment Area (BEA) Overlay Zone
DIVISION 6.2	“PARKING, QUEUING, AND LOADING”
Section 6.2.5	“Vehicle Parking Design Standards
DIVISION 6.6	“OUTDOOR DISPLAY AND STORAGE”
Section 6.6.3	“Design Standards”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-1.4 is amended as follows:**

2 **Division 1.4. Defined Terms**

3 * * *

4 **Section 1.4.2. Specific Terms and Phrases Defined**

5 * * *

6 **N.**

7 * * *

8 **Nonresidential Street:** A right-of-way with a [business district street or higher]
9 classification of Downtown Boulevard, Downtown Street, Town Center Boulevard,
10 Town Center Street, Boulevard, Major Highway, Area Connector, and Industrial
11 Street under Chapter 49.

12 * * *

13 **R.**

14 * * *

15 **Residential Street:** A right-of-way with a classification of Neighborhood
16 Connector, Neighborhood Street, or Neighborhood Yield Street under Chapter 49.

17 * * *

18 **Road[, Arterial]:** A right-of-way with a classification of Freeway, Parkway,
19 Controlled Major Highway, Boulevard, Town Center Boulevard, Downtown
20 Boulevard, Town Center Street, Downtown Street, Industrial, Connector, Country
21 Connector, Country, Rustic, Neighborhood Street, Neighborhood Yield Street or
22 Alley[See]under Chapter 49.

23 **[Road, Business:** See Chapter 49.]

24 **[Road, Primary Residential:** See Chapter 49.]

25 * * *

26 **Sec. 2. DIVISION 59-2.2 is amended as follows:**

27 **Division 2.2. Zoning Map**

28 * * *

29 **Section 2.2.4. Zoning and Development within Rights-of-Way**

30 * * *

31 **D. Development within Planned Rights-of Ways**

32 1. In areas where the Commission has adopted a M[m]aster P[p]lan of
33 H[h]ighways and Transitways showing a proposed new highway or
34 street or a proposed relocation or widening of an existing highway or
35 street, or a proposed rapid transit route or facility, no building or part
36 of a building is permitted to be erected within the planned acquisition
37 line of such proposed highway or street, or rapid transit line or
38 facility.

39 * * *

40 **Sec. 3. DIVISION 59-3.2 is amended as follows:**

41 **Division 3.2. Agricultural Uses**

42 * * *

43 **Section 3.2.2. Agricultural Processing**

44 * * *

45 **B. Use Standards**

46 Where Agricultural Processing is allowed as a conditional use, it may be permitted
47 by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following
48 standards:

- 49 1. The minimum lot area is 10 acres.
- 50 2. The minimum setback for an Agricultural Processing structure from
51 any lot line is 75 feet.
- 52 3. The lot must front on and have access to a road built to [primary
53 residential]Neighborhood Connector[road] or higher standards
54 unless processing materials are produced on-site.

55 4. If the subject lot abuts property in the AR zone, screening under
 56 Division 6.5 is not required.

57 * * *

58 **Section 3.2.4. Equestrian Facility**

59 * * *

60 **B. Use Standards**

61 1. Where an Equestrian Facility is allowed as a limited use, it must
 62 satisfy the following standards:

63 * * *

64 g. Equestrian events are restricted as follows:

Site Requirements	Hours of Operation		Number of Participants and Spectators			
	Su-Th	Fr-Sa	Event	Informal Event	Minor Event	Major Event
			0-25	26-50	51-150	151-300
Up to 17.9 acres	6am-9pm	6am-10pm	Unlimited on any day	None	None	None
18 - 24.9 acres	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	None	None
25 - 74.9 acres	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	Maximum of 7 per year	None
75+ acres and direct access to a roadway with [an arterial] <u>an Area Connector</u> or higher classification	6am-9pm	6am-10pm	Unlimited on any day	Unlimited on Sat, Sun and holidays; maximum of 6 weekdays per month	Maximum of 7 per year	Maximum of 3 per year lasting up to 3 consecutive days each

65

66 **Section 3.2.7. Nursery**

67 * * *

68 **A. Nursery (Retail)**

69 * * *

- 70 2. Use Standards
- 71 a. Where Nursery (Retail) is allowed as a limited use, any Nursery
- 72 (Retail) over 5,000 square feet of gross floor area, may be a
- 73 maximum of 50% of the mapped FAR.
- 74 b. Where a Nursery (Retail) is allowed as a conditional use, it may
- 75 be permitted by the Hearing Examiner under Section 7.3.1,
- 76 Conditional Use, and the following standards:
- 77 i. The minimum lot area is 2 acres.
- 78 ii. The minimum building setback from any lot line is 50
- 79 feet; the minimum outdoor storage setback is 25 feet.
- 80 iii. The lot must front on and have access to a road built to
- 81 [primary residential]Neighborhood Connector or higher
- 82 standards. In the AR, R, and RC zones, this standard is
- 83 not required if the Hearing Examiner finds that:
- 84 (a) Road access will be safe and adequate for the
- 85 anticipated traffic to be generated; and
- 86 (b) The use at this location will not be an intrusion
- 87 into an established residential neighborhood.

88 * * *

89 **Section 3.2.8. Slaughterhouse**

90 * * *

91 **B. Use Standards**

92 Where a Slaughterhouse is allowed as a conditional use, it may be permitted by the

93 Hearing Examiner under Section 7.3.1, Conditional Use, and the following

94 standards:

- 95 1. The minimum lot area is 20 acres.
- 96 2. The minimum setback from any lot line is 75 feet.

- 97 3. If the subject lot abuts property in the AR zone, screening under
- 98 Division 6.5 is not required.
- 99 4. The lot must front on and have direct access to a road built to [primary
- 100 residential]Neighborhood Connector or higher standards.

101 * * *

102 **Section 3.2.10. Accessory Agricultural Uses**

103 * * *

104 **B. Farm Alcohol Production**

105 * * *

106 **2. Use Standards**

- 107 a. Where Farm Alcohol Production is allowed as a limited use, it
- 108 must satisfy the following standards:

109 * * *

- 110 xvi. In the RE-1 and RE-2 zones, for breweries, distilleries,
- 111 and wineries:

112 (a) the minimum site area is 25 acres;

113 (b) the site must be located in an area classified as
114 sewer category 6 in the Ten Year Comprehensive
115 Water Supply and Sewerage Systems Plan; and

116 (c) access must be directly from a roadway classified
117 in the approved Master Plan of Highways and
118 Transitways as a [primary residential]
119 Neighborhood Connector or higher roadway.

120 * * *

121 **Section 3.2.11. Temporary Agricultural Uses**

122 * * *

123 **B. Seasonal Outdoor Sales**

124 * * *

125 **2. Use Standards**

126 Where Seasonal Outdoor Sales is allowed as a limited use, it must
127 satisfy the following standards:

128 * * *

129 e. In the Agricultural, Rural Residential, Residential, LSC, and
130 EOF zones:

131 i. The property must be vacant or used for nonresidential
132 purposes.

133 ii. Except where Seasonal Outdoor Sales occur on the site of
134 a Religious Assembly use, the site must front on and
135 have access to a road built to [primary
136 residential]Neighborhood Connector or higher standards.

137 * * *

138 **Sec. 4. DIVISION 59-3.4 is amended as follows:**

139 **Division 3.4. Civic and Institutional Uses**

140 * * *

141 **Section 3.4.2. Charitable, Philanthropic Institution**

142 * * *

143 **B. Use Standards**

144 * * *

145 2. Where a Charitable, Philanthropic Institution is allowed as a
146 conditional use, it may be permitted by the Hearing Examiner under
147 Section 7.3.1, Conditional Use, and the following standards:

148 * * *

149 c. In the AR, R, RC, and RNC:

150 * * *

151 ii. The site fronts on and has direct access to a public road
 152 built to [arterial]Area Connector or higher road
 153 standards. Frontage on and access to an [arterial]Area
 154 Connector or higher standard is not required where the
 155 Hearing Examiner finds that road access by a [primary
 156 residential or secondary residential road]Neighborhood
 157 Connector, Neighborhood Street or Neighborhood Yield
 158 Street will be safe and adequate for the anticipated traffic
 159 to be generated.

160 * * *

161 g. In the RE-2, RE-2C, RE-1, R-200, R-90, and R-60 zones:

162 i. The site fronts on and has direct access to a road built to
 163 [primary residential road]Neighborhood Connector or
 164 higher standards. Access to a corner lot may be from [an
 165 abutting primary street, constructed to]a [primary
 166 residential standards]Neighborhood Connector street, if
 167 the Hearing Examiner finds this access to be appropriate
 168 and not detrimental to existing residential uses on that
 169 [primary residential]Neighborhood Connector street.

170 * * *

171 **Section 3.4.5. Educational Institution (Private)**

172 * * *

173 **C. Use Standards**

174 * * *

175 2. Where an Educational Institution (Private) is allowed as a conditional
 176 use, it may be permitted by the Hearing Examiner under Section 7.3.1,
 177 Conditional Use, and the following standards:

178 * * *

179 d. The number of pupils per acre allowed to occupy the premises
180 at any one time must be specified by the Hearing Examiner
181 considering the following factors:

182 i. traffic patterns, including:

183 (a) impact of increased traffic on residential streets;

184 (b) proximity to transit services, [arterial roads]Area
185 Connectors, Town Center Streets, Downtown
186 Streets, Boulevards, and Controlled major
187 highways; and

188 (c) provision of measures for Transportation Demand
189 Management in Chapter 42 (Section 42A-21).

190 * * *

191 **Sec. 5. DIVISION 59-3.5 is amended as follows:**

192 **Division 3.5. Commercial Uses**

193 * * *

194 **Section 3.5.6. Lodging**

195 * * *

196 **B. Bed and Breakfast**

197 * * *

198 **2. Use Standards**

199 * * *

200 b. Where a Bed and Breakfast is allowed as a conditional use, it
201 may be permitted by the Hearing Examiner under all limited
202 use standards, Section 7.3.1, Conditional Use, and the following
203 standards:

204 i. The Hearing Examiner may deny a petition for a Bed and
205 Breakfast with frontage on and access to a road built to
206 less than [primary residential]Neighborhood Connector
207 standards if it finds that road access will be unsafe and
208 inadequate for the anticipated traffic to be generated or
209 the level of traffic would have an adverse impact on
210 neighboring residences.

211 * * *

212 **Section 3.5.7. Medical and Dental**

213 **A. Clinic (Up to 4 Medical Practitioners)**

214 * * *

215 **2. Use Standards**

216 * * *

217 b. Where a Clinic (Up to 4 Medical Practitioners) is allowed as a
218 conditional use, it may be permitted by the Hearing Examiner
219 under Section 7.3.1, Conditional Use, and the following
220 standards:

- 221 i. The minimum lot width at the front lot line is 100 feet.
- 222 ii. The minimum setback from a lot that is vacant or
223 residentially improved is 40 feet. The minimum setback
224 from all other abutting lots is 20 feet.
- 225 iii. The site must front on and have direct access to a
226 [business district]Town Center Street or Downtown
227 street or higher classification; however, access to a corner
228 lot may be from an abutting street built to [primary
229 residential]Neighborhood Connector standards, if the
230 Hearing Examiner finds the access to be appropriate and

231 not detrimental to existing residential uses on the
232 [primary residential]Neighborhood Connector street.

233 * * *

234 **Section 3.5.8. Office and Professional**

235 * * *

236 **B. Office**

237 * * *

238 **2. Use Standards**

239 * * *

240 b. Where an Office is allowed as a conditional use, it may be
241 permitted by the Hearing Examiner under Section 7.3.1,
242 Conditional Use, and the following standards:

243 i. In the R-200, R-90, and R-60 zones:

244 * * *

245 (g) In the R-60 zone, the site must be:

246 (1) designated as suitable for an Office or
247 nonresident professional office in a master
248 plan; and

249 (2) located along a highway with an existing
250 right-of-way with a minimum width of 90
251 feet or along a portion of [an arterial road]a
252 Boulevard, Downtown Boulevard, Town
253 Center Boulevard, Area Connector,
254 Downtown Street, or Town Center Street
255 designated as a boundary of a Central
256 Business District area.

257 * * *

258 **Section 3.5.9. Parking**

259 * * *

260 **C. Surface Parking for Use Allowed in the Zone**

261 * * *

262 **2. Use Standards**

263 * * *

- 264 b. Where a sketch plan is not required:
- 265 i. the parking layout must accommodate the landscaping required
 - 266 under Section 6.2.9; and
 - 267 ii. in the CRT, CR, LSC, and EOF zones:
 - 268 (a) the surface parking must be providing parking for a use
 - 269 on an abutting lot or be a municipal public parking lot;
 - 270 and
 - 271 (b) for properties on a [business district street]Downtown
 - 272 Street or Town Center Street, site plan approval is
 - 273 required under Section 7.3.4. The Planning Board must
 - 274 find that the surface parking supports commercial or
 - 275 residential uses that substantially conform with the
 - 276 recommendations of the applicable master plan.

277

278 **Section 3.5.10. Recreation and Entertainment**

279 * * *

280 **D. Golf Course, Country Club**

281 * * *

282 **2. Use Standards**

283 Where a Golf Course, Country Club is allowed as a conditional use, it may
284 be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use,
285 and the following standards:

- 286 a. The maximum coverage is no more than 3%.
- 287 b. The minimum setback for a principal building is 50 feet.
- 288 c. In a Residential zone, the minimum frontage is 200 feet on a
289 road of [arterial]Area Connector or higher classification.

290 * * *

291 **G. Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000**
292 **Persons)**

293 * * *

294 **2. Use Standard**

295 Where a Recreation and Entertainment Facility, Outdoor (Capacity up to
296 1,000 Persons) is allowed as a conditional use, it may be permitted by the
297 Hearing Examiner under Section 7.3.1, Conditional Use and the following
298 standards:

- 299 a. In the RE-2C zone:
 - 300 i. Only a group picnic, catering and recreation facility is allowed.
 - 301 ii. The site must be a minimum of 80 acres.
 - 302 iii. The maximum building height is 50 feet.
 - 303 iv. Any structure or building must be set back from any lot line a
304 minimum of 50 feet.
 - 305 v. The site must have direct access to a public road that is built to
306 [primary residential]Neighborhood Collector or higher
307 standards.

308 * * *

- 309 b. In the R-200 zone:

- 310 i. Only an outdoor catering facility is allowed. An enclosed food
- 311 preparation building is allowed but all catering parties must be
- 312 held under pavilions, or in the open, and may include various
- 313 recreational activities.
- 314 ii. The site must be a minimum of 80 acres.
- 315 iii. The maximum building height is 20 feet.
- 316 iv. Any structure, building, or parking area must be setback from
- 317 any lot line a minimum of 100 feet.
- 318 v. The site must have direct access to a public road that is built to
- 319 [primary residential]Neighborhood Collector or higher
- 320 standards.

321 * * *

322 **H. Recreation and Entertainment Facility, Major (Capacity over 1,000**

323 **Persons)**

324 * * *

325 **2. Use Standards**

326 Where a Recreation and Entertainment Facility, Major (Capacity over 1,000

327 Persons) is allowed as a conditional use, it may be permitted by the Hearing

328 Examiner under Section 7.3.1, Conditional Use, and the following standards:

- 329 a. In the RE-2C zone:
 - 330 i. Only a group picnic, catering and recreation facility is
 - 331 allowed.
 - 332 ii. The site must be a minimum of 80 acres.
 - 333 iii. The maximum building height is 50 feet.
 - 334 iv. Any structure or building must be set back from any lot
 - 335 line a minimum of 50 feet.

- v. The site must have direct access to a public road that is built to [primary residential]Neighborhood Connector or higher standards.

Section 3.5.12. Vehicle/Equipment Sales and Rental

B. Light Vehicle Sales and Rental (Indoor)

2. Use Standards

- a. Where Light Vehicle Sales and Rental (Indoor) is allowed as a limited use, and the subject lot abuts or confronts a property zoned Agricultural, Rural Residential, or Residential Detached that is vacant or improved with an agricultural or residential use, it must satisfy the following standards:
 - i. Access to the site from a street with a residential classification is prohibited.
- b. In the EOF zone, the tract on which a Light Vehicle Sales and Rental (Indoor) use is allowed must also be:
 - i. less than 10 acres in size;
 - ii. located at least 3,000 feet from a Metrorail Station;
 - iii. abutting land that is not zoned in a rural residential or residential classification with any residential use located on the abutting land; and
 - iv. abutting 2 or more rights-of-way; at least one of the abutting rights-of-way must be classified as a freeway and one other abutting right-of-way must be classified [at

363 least]as an [arterial]Area Connector or higher
364 classification roadway.

365 * * *

366 **C. Light Vehicle Sales and Rental (Outdoor)**

367 * * *

368 **2. Use Standards**

369 a. Where Light Vehicle Sales and Rental (Outdoor) is allowed as a
370 limited use, and the subject lot abuts or confronts a property
371 zoned Agricultural, Rural Residential, or Residential Detached
372 that is vacant or improved with an agricultural or residential
373 use, it must satisfy the following standards:

374 i. Access to the site from a street with a residential
375 classification is prohibited.

376 * * *

377 b. In the EOF zone, the tract on which a Light Vehicle Sales and
378 Rental (Outdoor) use is allowed must also be:

379 i. less than 10 acres in size;

380 ii. located at least 3,000 feet from a Metrorail Station;

381 iii. abutting land that is not zoned in a rural residential or
382 residential classification with any residential use located
383 on the abutting land; and

384 iv. abutting 2 or more rights-of-way; at least one of the
385 abutting rights-of-way must be classified as a freeway
386 and one other abutting right-of-way must be classified [at
387 least]as an [arterial]Area Connector or higher
388 classification roadway.

389 * * *

390 **Section 3.5.13. Vehicle Service**

391 * * *

392 **E. Repair (Major)**

393 **2. Use Standards**

- 394 b. In the EOF zone, the tract on which a Repair (Major) use is
 395 allowed must also be:
- 396 i. less than 10 acres in size; and
 - 397 ii. located at least 3,000 feet from a Metrorail Station;
 - 398 iii. abutting land that is not zoned in a rural residential or
 399 residential classification with any residential use located
 400 on the abutting land; and
 - 401 iv. abutting 2 or more rights-of-way; at least one of the
 402 abutting rights-of-way must be classified as a freeway
 403 and one other abutting right-of-way must be classified [at
 404 least]as an [arterial]an Area Connector or higher
 405 classification roadway.

406 * * *

407 **Sec. 6. DIVISION 59-4.6 is amended as follows:**

408 **Division 4.6. Employment Zones**

409 * * *

410 **Section 4.6.3. Standard Method Development**

411 * * *

412 **D. LSC Zone, Standard Method Development Standards**

413

1. Site	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment	Multi Use	General
* * *							
Specification for Parking Setbacks for Surface Parking Lots and Build-to Area							

a. Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a [business district street]Downtown Street or Town Center Street or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

* * *

Specification for Building Orientation and Transparency

a. Building Orientation and Transparency requirements only apply when the development fronts on a [business district street]Downtown Street or Town Center Street or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Building Orientation and Transparency requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

414

415 **E. EOF Zone, Standard Method Development Standards**

416

1. Site	Detached House	Duplex - Side	Duplex - Over	Townhouse	Apartment	Multi Use	General
---------	----------------	---------------	---------------	-----------	-----------	-----------	---------

* * *

Specification for Parking Setbacks for Surface Parking Lots and Build-to Area

a. Parking Setbacks for Surface Parking Lots and Build-to Area requirements only apply when the development fronts on a [business district street]Downtown Street or Town Center Street or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Parking Setbacks for Surface Parking Lots and Build-to Area requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Parking Setbacks for Surface Parking Lots and Build-to Area requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

* * *

Specification for Building Orientation and Transparency

a. Building Orientation and Transparency requirements only apply when the development fronts on a [business district street]Downtown Street or Town Center Street or a build-to line is recommended in the applicable master plan. The Planning Board may modify the Building Orientation and Transparency requirements during site plan review under Section 7.3.4. In approving a site plan submitted under Section 4.6.3.B.2, the Planning Board must find that the plan: (1) deviates from the Building Orientation and Transparency requirements only to the extent necessary to accommodate the physical constraints of the site or the proposed land use; and (2) incorporates design elements that engage the surrounding publicly accessible spaces such as streets, sidewalks, and parks.

417

418 * * *

419 **Sec. 7. DIVISION 59-4.9 is amended as follows:**

420 **Division 4.9. Overlay Zones**

421 * * *

422 **Section 4.9.3. Burtonsville Employment Area (BEA) Overlay Zone**

423 * * *

424 **C. Development Standards**

425 1. When property in the Overlay zone abuts a property that is not located
426 in the BEA Overlay zone, all buildings in the Overlay zone must be
427 set back as follows:

- 428 a. 100 feet from any Residential zone developed with or proposed
429 for residential uses in a master plan, or from a Boulevard or a
430 Controlled major highway separating the Overlay zone from
431 such residential uses;
- 432 b. 50 feet from a railroad or utility right-of-way that separates the
433 employment area from a Residential zone;
- 434 c. 50 feet from a limited-access freeway or parkway;
- 435 d. 50 feet from property recommended in a master plan for a
436 nonresidential public use including, but not limited to such uses
437 as a public park, stormwater management facility, maintenance
438 facility, or similar use;
- 439 e. 25 feet from an [arterial]Area Connector or higher classification
440 road that separates the employment area from a
441 Commercial/Residential or Employment zone;

442 * * *

443 **Sec. 8. DIVISION 59-6.2 is amended as follows:**

444 **Division 6.2. Parking, Queuing, and Loading**

445 * * *

446 **Section 6.2.5. Vehicle Parking Design Standards**

447 * * *

448 **M. Surface Parking in R-200, R-90, R-60, and R-40 Zones**

449 * * *

450 3. A surfaced parking area may exceed the size limits in
451 Section 6.2.5.M.2 if:

452 a. the surfaced parking area existed before October 26, 2010 and
453 is not increased in size;

454 b. the property has primary access from a [primary residential
455 street, minor arterial road]Neighborhood Connector Street,
456 major highway, [arterial]Area Connector, Downtown
457 Boulevard, Town Center Boulevard, boulevard, or any state
458 road, and is equal to or less than 50% of the area between the
459 lot line and the front or side street building line;

460 * * *

461 **Sec. 9. DIVISION 59-6.6 is amended as follows:**

462 **Division 6.6. Outdoor Display and Storage**

463 * * *

464 **Section 6.6.3. Design Standards**

465 * * *

466 **B. Outdoor Storage**

467 * * *

468 2. General Outdoor Storage

469 * * *

470 b. Standards

471 General outdoor storage is permitted and must:

- 472 i. in the Industrial zones, include screening of inventory
- 473 and equipment under Section 6.5.3, unless the use abuts
- 474 or confronts property in an Industrial zone; and
- 475 ii. in all other zones:
- 476 (a) have an approved plan illustrating the extent of the
- 477 permitted area for general outdoor storage;
- 478 (b) be located on property that fronts on and has direct
- 479 access to a road built to [primary]neighborhood
- 480 connector street or higher standards;

481 * * *

482 **Sec. 10. Effective date.** This ordinance becomes effective 20 days after the

483 date of Council adoption.

484

Subdivision Regulation Amendment
No.: 22-01
Concerning: Streets and Roads
Draft No. & Date: 1 – 7/19/2022
Introduced: July 26, 2022
Public Hearing: September 20, 2022
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President Alborno at the Request of the County Executive

AN AMENDMENT to the Montgomery County Subdivision Ordinance to:

- replace any reference to road or street types with new typology that implements the Complete Streets Design Guide and matches the updates to Chapter 49 in Bill 24-22;
- modifies the design standards of certain road types including intersection spacing and horizontal alignment, based on the Complete Streets Design Guide; and
- generally amend provisions relating to streets and roads.

By amending the following sections of the Montgomery County Subdivision Ordinance, Chapter 50 of the Montgomery County Code:

DIVISION 50.4	“PRELIMINARY PLAN”
Section 50.4.3	“Technical Review”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 50.4 is amended as follows:**

2 * * *

3 **Section 4.3. Technical Review**

4 * * *

5 E. *Roads.*

6 1. *Plan requirements.*

- 7 a. *Master plan roads.* Preliminary plans must include roads shown on any
8 adopted Master Plan of Highways and Transitways, in satisfaction of
9 the Road Design and Construction Code. Where applicable, an
10 approved plan must include recommendations of the State Highway
11 Administration for construction and access to State roads. Where
12 private roads are specifically recommended by a master plan, the roads
13 must be provided to the standards for private roads under this Section.

14 * * *

15 2. *Design standards.*

16 * * *

17 f. *Intersection.*

- 18 i. Roads must be laid out to intersect as nearly as possible at right
19 angles. The Board must not approve a proposed intersection of
20 new roads at an angle of less than 70 degrees.
- 21 ii. The distance between proposed road intersections, excluding
22 alleys and driveways, must be spaced as shown in the table
23 below, as measured from the centerline of the intersections.
24 When the Board finds that a greater or lesser distance is
25 appropriate, the Board may specify a greater or lesser distance
26 than otherwise required after considering the recommendation of
27 the transportation agency responsible for maintaining the road.

28 On streets with operating speeds of 30 mph or higher, protected
 29 crossings include HAWK signals, all-way stop controlled
 30 intersections, or grade-separated crossings. Protected crossing
 31 spacing targets are shown in the table below, as measured from
 32 the centerline of the intersections. Engineering judgement is
 33 needed to determine the ultimate placement and spacing
 34 between signals, with a focus on sight lines, road safety, location
 35 of trip generators, bus stops, and prevalent crossing patterns.
 36 Where ranges are provided, the lower end of the range is
 37 recommended in commercial areas, on BRT corridors, and near
 38 schools (or similar destinations).

<i>Road Classification</i>	<i>Locale</i>	<i>Distance Between Intersections (FT)</i>	<i><u>Maximum Protected Crossing Spacing Targets (FT)</u></i>
[Tertiary Residential]	[All]	[150]	
[Secondary Residential] <u>Neighborhood Street and Neighborhood Yield Street</u>	[Urban] <u>All</u>	200	<u>N/A</u>
	[Suburban]	[200]	
	[Rural]	[200]	
[Primary and Principal Secondary] <u>Connectors, Neighborhood and Area</u>	[Urban] <u>Downtown and Town Center</u>	300	<u>600</u>
	Suburban	<u>400 – 600</u>	<u>600 – 1,200</u>
	[Rural] <u>Country</u>	<u>400 – 800</u>	<u>600 – 1,200</u>
[Business District and] Industrial	[Urban] <u>All</u>	[300*] <u>400</u>	<u>800</u>
	[Suburban]	[400*]	
	[Rural]	[400*]	
Country Road	<u>All</u>	400	<u>1,300 – 2,700</u>
Country [Arterial] <u>Connector</u>	<u>All</u>	800	<u>1,300 – 2,700</u>
[Minor Arterial]	[Urban]	[300]	
	[Suburban]	[500]	
	[Rural]	[800]	

[Arterial]	[Urban]	[300*]	
	[Suburban]	[600*]	
	[Rural]	[800*]	
<u>Downtown Boulevard</u>	<u>All</u>	<u>400</u>	<u>400</u>
<u>Town Center Boulevard</u>	<u>All</u>	<u>600</u>	<u>600</u>
<u>Boulevard</u>	<u>All</u>	<u>800</u>	<u>800 – 1,000</u>
<u>Downtown Street</u>	<u>All</u>	<u>400</u>	<u>400</u>
<u>Town Center Street</u>	<u>All</u>	<u>400</u>	<u>400</u>
[Major Highway]	[Urban]	[300*]	
	[Suburban]	[800*]	
	[Rural]	[1000*]	
Controlled Major Highway	[Urban] <u>All</u>	[300] <u>1,000</u> *	<u>1,300</u>
	[Suburban]	[1000*]	
	[Rural]	[1000*]	
Parkway	[Urban] <u>All</u>	[300] <u>800</u> *	<u>800</u>
	[Suburban]	[600*]	
	[Rural]	[800*]	

40

41

*NOTE: Median breaks on divided roadways must be no closer than 600 feet except in Downtown Areas.

42

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* * *

44

g. *Horizontal alignment.* In all public and private [primary, secondary and tertiary] residential streets and culs-de-sac, the alignment must be designed so that all deflections in horizontal alignment are accomplished through segments of circular curves properly incorporated into the design. The minimum permitted centerline radii must be:

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i. [Primary roads] Neighborhood Connectors 300 feet

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ii. [Secondary roads] Neighborhood Streets and Neighborhood Yield Streets more than 500 feet in length 150 feet

52

53

iii. [Tertiary roads] Neighborhood Streets and Neighborhood Yield Streets less than 500 feet in length 100 feet

54

55 The Board must specify greater radii when safety requires. A tangent at
56 least 100 feet long must be used between two reverse curves, except in
57 a [secondary or tertiary residential street] Neighborhood Street or a
58 Neighborhood Yield Street. The Board may specify a lesser radius
59 when the Department of Transportation has previously issued a design
60 exception for a similar design.

61 * * *

62 4. *Additional standards for private roads.*

63 * * *

64 d. *Road classifications.* When the Department of Transportation
65 determines that the proposed road is not needed to maintain
66 area circulation, provide continuous corridors to serve the general
67 public and quasi-public needs such as communication, utility, and
68 future potential transportation or other systemic needs that serve the
69 public on a long-term basis, and is not needed to be part of the network
70 modeled for area capacity, consideration will be given to making the
71 following roads private:

72 i. Only roads classified as either [Business District] Downtown
73 Street, Town Center Street, Industrial, [Secondary, Tertiary]
74 Neighborhood Street, Neighborhood Yield Street, or Alley may
75 be considered by the Board to be private. All other road
76 classifications must be public unless specifically permitted to be
77 a private road by a master plan.

78 ii. Private roads with improvements above or below the pavement
79 are only allowed in projects that require site plan review and
80 approval.

- 81 iii. Private roads should not be permitted if they will create a
82 segmented road ownership pattern, unless approved by the
83 Planning Board.
- 84 iv. Private roads must not be permitted if they will negatively affect
85 development of other properties.
- 86 v. Except where a Master Plan indicates that a [Business District]
87 Downtown Street or Town Center Street [street] could be
88 private, a [Business District road] Downtown Street or Town
89 Center Street may be a private road only when it is not required
90 to provide an adequate traffic level of service. A private
91 [Business District] Downtown Street or Town Center Street
92 [street] may be approved only when the proposed road is either
93 not a connector between two higher classification roads or a
94 road that is not planned to extend beyond the boundary of the
95 preliminary plan.
- 96 vi. An industrial road may be a private road only when the road is
97 part of roads internal to the industrial site and the road is not a
98 connector between higher classified roads.
- 99 vii. A [secondary road] Neighborhood Street or a Neighborhood
100 Yield Street may be a private road only when it
- 101 (a) connects to no more than one higher classification road
102 and the road does not need to be extended onto adjacent
103 property to facilitate a future subdivision of land[.]; and,
104 (b) when it has a cul-de-sac less than 500 feet in length.
- 105 [viii. A tertiary road, when a cul-de-sac, must be less than 500 feet in
106 length.]

107 * * *

108 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after the
109 date of Council adoption.

110



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

July 6, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, County Executive *Marc Elrich*

SUBJECT: Proposed Amendment to County Code; Chapter 49
Streets and Roads – Complete Streets

I am writing to request that Council introduce the attached Proposed Amendment to Chapter 49 of the County Code. This proposed bill incorporates Complete Streets principles into the design and construction of roads and amends Chapter 49 to modernize the street and road standards.

The road standards must be updated to address modern transportation needs. Complete Streets are designed to provide safe, accessible, and healthy travel for all users of the roadway system including pedestrians, bicyclists, transit riders, and motorists. These standards are critical to implementing the County's Vision Zero goal of eliminating traffic deaths by 2030.

I appreciate your prompt consideration of this action.

LEGISLATIVE REQUEST REPORT

Bill XX-22

Chapter 49 - Streets and Roads – Complete Streets

- DESCRIPTION:** This Bill revises Chapter 49 to apply complete streets standards to the design and construction of roads and road improvements.
- PROBLEM:** The road standards need to be updated to better address modern transportation needs. Complete Streets are roadways that are designed and operated to provide safe, accessible, and healthy travel for all users of the roadway system, including pedestrians, bicyclists, transit riders, and motorists.
- OBJECTIVE:** Adopt complete streets standards. These are a critical component of implementing the County's Vision Zero goal of eliminating traffic deaths by 2030.
- COORDINATION:** Department of Transportation and Department of Permitting Services.
- FISCAL IMPACT:** Office of Management and Budget.
- ECONOMIC IMPACT:** Office of Legislative Oversight
- EVALUATION:** To be requested.
- EXPERIENCE ELSEWHERE:** Inapplicable.
- SOURCES OF INFORMATION:** Maricela Cordova, Special Assistant to the Director, Strategic Projects
Department of Transportation
240-777-7235
- Andrew Bossi, P.E., Senior Engineer, Transportation Policy
Department of Transportation
240-777-7170
- Atiq Panjshiri, Manager, Right of Way Plan Review
Department of Permitting Services
240-777-6352
- APPLICATION WITHIN MUNICIPALITIES:** Varies. Applicable to municipalities governed by Chapter 49.
- PENALTIES:** Inapplicable.

Fiscal Impact Statement
Bill XX-22, Streets and Roads – Complete Streets

1. Legislative Summary

This Bill amends Chapter 49 to apply complete streets standards to the design and construction of roads and road improvements.

The road standards need to be updated to better address modern transportation needs. Complete Streets are roadways that are designed and operated to provide safe, accessible, and healthy travel for all users of the roadway system, including pedestrians, bicyclists, transit riders, and motorists. Complete Streets' standards are a critical component of implementing the County's Vision Zero goal of eliminating traffic deaths by 2030.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

It is anticipated that this Bill will have no changes to County revenues or expenditures.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

This Bill is not anticipated to have an impact on revenues and expenditures for the next 6 fiscal years.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to County's information technology (IT) systems, including Enterprise Resource Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

This bill does not authorize future spending.

7. An estimate of the staff time needed to implement the bill.

This Bill does not require additional staff time to implement; work will be absorbed with existing resources.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

This Bill will not have an impact on other staff duties.

9. An estimate of costs when an additional appropriation is needed.

No additional appropriation is needed to implement this Bill.

10. A description of any variable that could affect revenue and cost estimates.

Not applicable.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. Other fiscal impacts or comments.

Not applicable.

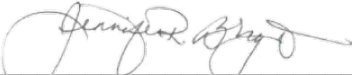
13. If a bill is likely to have no fiscal impact, why that is the case.

There are no anticipated changes to capital project costs resulting from this legislation. This Bill incorporates Complete Streets' guidelines for planning and design, which generally prioritize pedestrian and bike facilities over roadways. Implementation of these guidelines is generally cost neutral. For example, while sidewalks and bikeways might be 1 to 2 feet wider as a result of the guidelines, roadways would be 1 to 2 feet narrower, resulting in no additional net cost. Construction costs for County projects will continue to vary based on the nature of the project.

Furthermore, it is not expected that any additional project design work will be needed to comply with this legislation. MCDOT is in the process of implementing the guidelines in all ongoing capital planning and design projects, and there is no need for redesign to apply the guidelines retroactively.

14. The following contributed to and concurred with this analysis:

Maricela Cordova, Department of Transportation
Andrew Bossi, Department of Transportation
Atiq Panjshiri, Department of Permitting Services
Gary Nalven, Office of Management of Budget



Jennifer Bryant, Director
Office of Management and Budget

5/23/22

Date

Economic Impact Statement

Office of Legislative Oversight

Bill 24-22 Streets and Roads

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that enacting Bill 24-22 would have a positive overall impact on economic conditions in the County in terms of the Council's priority indicators. By incorporating Complete Streets (CS) into the design and construction of roads and road improvements in the County, the Bill likely would increase residential property values in areas surrounding CS projects that otherwise would not have been developed in the absence of the change in law. Moreover, the Bill has the potential to positively affect other priority indicators, namely employment, business revenues and creation, and commercial property values.

BACKGROUND

The goal of Bill 24-22 is to modernize the County's road standards to ensure roadways offer safe, accessible, and healthy travel for all users. The Bill would attempt to do so by amending Chapter 49 of the County Code to incorporate CS into the design and construction of roads and road improvements in the County.¹ According to the County's 2021 Complete Streets Design Guide, Complete Streets refer to "roadways that are designed and operated to provide safe, accessible, and healthy travel for all users of our roadway system, including pedestrians, bicyclists, transit riders, and motorists."² Complete Streets design principles are consistent with the County's Vision Zero initiative to eliminate all roadway-related serious injuries and fatalities by 2030.³

INFORMATION SOURCES, METHODOLOGIES, AND ASSUMPTIONS

Per Section 2-81B of the Montgomery County Code, the purpose of this Economic Impact Statement is to assess, both, the impacts of Bill 24-22 on residents and private organizations in terms of the Council's priority economic indicators and whether the Bill would have a net positive or negative impact on overall economic conditions in the County.⁴

OLO assumes the primary economic impacts of Bill 24-22 would occur through increasing the number of CS projects in the County than there otherwise would be in the absence of a CS policy. Moreover, because several sources find that CS projects are cost neutral relative to non-CS projects, OLO does not believe the Bill would significantly affect construction costs for developers and builders or the total number of projects completed in the County per year.⁵

¹ [Bill 24-22](#).

² [Montgomery County Complete Streets](#).

³ [Montgomerycountymd.gov](#), [Vision Zero](#).

⁴ Montgomery County Code, [Sec. 2-81B](#).

⁵ OMB, [Fiscal Impact Statement: Bill 24-22](#); and Anderson and Searfoss, "[Safer Streets, Stronger Economies](#)."

Economic Impact Statement

Office of Legislative Oversight

To assess the economic impacts of increasing CS projects in the County, OLO uses the following method:

1. identify studies on the direct economic outcomes of CS projects and policies using Google Scholar;⁶
2. rank the relative strengths of results from these studies using a standard Levels of Evidence (LOE) which rates evidence from experimental studies above descriptive studies;⁷ and
3. infer the Bill's impacts on stakeholders and overall economic conditions in the County based on the strength of the studies' findings.

The studies identified through OLO's search (see below) evaluate whether CS projects and policies impact the following economic indicators prioritized by the Council:

- property values;
- employment;
- business income and creation; and
- private sector capital improvement.

The focus of this analysis is to assess whether establishing a CS policy in the County would affect these indicators.

Note: OLO acknowledges that Bill 24-22 could have indirect economic impacts. For instance, there is strong evidence that CS improvements increase physical activity and safety for pedestrians and cyclists.⁸ Through increasing activity and safety, CS could decrease personal healthcare expenditures as well as revenues for the healthcare industry. Due to information and time limitations, however, these potential impacts are excluded from the scope of this analysis.

VARIABLES

The primary variables that would affect the economic impacts of enacting Bill 24-22 are the following:

- number of CS projects;
- average residential and commercial property values;
- number of full- and part-time jobs;
- total business revenues; and
- number of businesses.

⁶ The most effective search term was: "complete streets" and "economic".

⁷ See, for example, Cornell University Library, "[Levels of evidence](#)."

⁸ Countyhealthrankings.org, [Complete Streets & Streetscape Design Initiatives](#).

Economic Impact Statement

Office of Legislative Oversight

IMPACTS

WORKFORCE ■ TAXATION POLICY ■ PROPERTY VALUES ■ INCOMES ■ OPERATING COSTS ■ PRIVATE SECTOR CAPITAL INVESTMENT ■ ECONOMIC DEVELOPMENT ■ COMPETITIVENESS

Evidence Evaluation

The purported benefits of CS are many—spanning outcomes related to the economy, safety, mobility, equity, environment, and livability. However, as stated in a 2021 review, “CS has promised much and proven little.”⁹ This is especially true when it comes to the economics of CS, as researchers largely have focused on investigating its non-economic impacts.¹⁰

Using Google Scholar, OLO identified four studies that examine the impact of CS projects and policies on several economic indicators prioritized by the Council. As shown in **Table 1**, OLO ranked the studies that use quasi-experimental methodologies over the non-experimental studies in terms of strength of findings

Property Values

Yu, et al (2018) and Vendegrift and Zandoni (2018) use quasi-experimental designs, specifically matching, to construct artificial control groups to account for selection bias in the adoption of CS projects or policies.¹¹ They compare the outcomes of interest—property values for homes—between units that received the treatment—homes near a CS roadway or in jurisdictions with a CS policy—and units with similar characteristics that did not receive the treatment—similar homes distant from a CS roadway or in jurisdictions with no CS policy.

The studies arrived at conflicting conclusions. Focusing on the effect of CS at the *project-level* on property values for single-family homes, Yu, et al (2018) found positive and robust effects relative to two control groups. Exposure to a CS project in Orlando increased home values and home value resiliency by 8.2% and 4.3% respectively when compared to similar homes in an area adjacent to the project and by 2.7% and 1.6% respectively when compared to similar homes around auto-oriented areas with similar characteristics.

In contrast, Vendegrift and Zandoni (2018) assessed the effect of CS at the *policy-level* on residential property values in municipalities in New York and New Jersey. They found no statistically significant difference between the change in values for homes in municipalities pre- and post-CS policy adoption and for homes in municipalities with similar characteristics that had not adopted CS policies during this time.

⁹ Jordan and Ivey, “[Complete Streets](#).”

¹⁰ Ibid; Yu, et al, “[Assessing the economic benefits](#).”

¹¹ Quasi-experimental methods are distinguished from standard regression approaches and by their ability to better identify the causal effects of a policy intervention from outcomes correlated with, but unrelated to, the intervention due to unmeasured confounding, selection bias, and other threats to causal inference.

Economic Impact Statement

Office of Legislative Oversight

The non-experimental studies examined the relationship between CS projects and residential and commercial property values. Anderson and Searfoss (2015) and Perk, et al (2015) compared changes in property values before and after the completion of CS projects with property value trends in control areas or the jurisdictions where projects were located. Both studies found a positive association between CS projects and property values.

Because the non-experimental studies support the strong findings in Yu, et al (2018), OLO believes there is a high likelihood that CS projects increase residential property values for nearby homes. They may also increase commercial property values.

Other Indicators

OLO was unable to identify quasi-experimental studies on the effect of CS projects/policies on other economic indicators. Both non-experimental studies found CS projects increase employment near the sites. Anderson and Searfoss (2015) found these projects increase business revenue and creation and private investment, in addition to employment.

In the absence of stronger findings, OLO cannot be confident there is a high likelihood CS projects increase these outcomes. However, the non-experimental studies suggest CS projects may have these effects.

Table 1. Relative Strength of Findings for Studies Reviews

Source	Indicator(s)	Methodology	Findings	Relative Strength of Evidence
Yu, et al (2018)	property values	quasi-experimental: matching	CS increases property values	high
Vandegrift and Zanoni (2018)	property values	quasi-experimental: matching	no association b/w CS and property values	high
Anderson and Searfoss (2015)	property values; employment; business revenues; business creation; private investment	non-experimental: before-and-after comparison between CS projects and control areas and/or jurisdiction where project occurred	CS increases all indicators	low
Perk, et al (2015)	property values; employment	non-experimental: case study comparison between CS projects and control areas and/or jurisdiction where project occurred	CS increases property values and employment	low

Economic Impact Statement

Office of Legislative Oversight

Residents

If Bill 24-22 increases the number of CS roadways in the County than there otherwise would be in its absence, OLO believes the change in law would have a positive impact on certain residents in the County in terms of several priority indicators of the Council.

The studies reviewed in this analysis indicate a high likelihood the Bill would increase residential property values for homes nearby CS projects that would not have occurred in the absence of the change in law. Homeowners would benefit from this outcome. However, increased property values may act to decrease housing affordability, which would adversely affect lower income home buyers and tenants.¹² The studies also suggest certain residents may benefit from increased employment opportunities.

Beyond these potential impacts, OLO is uncertain whether Bill 24-22 would affect residents in terms of the Council's other priority indicators given the limited research on the economic impacts of CS projects and policies.

Businesses, Non-Profits, Other Private Organizations

If Bill 24-22 increases the number of CS roadways in the County than there otherwise would be in its absence, OLO believes the change in law may have a positive impact on certain private organizations in the County in terms of several priority indicators of the Council. The non-experimental studies suggest the Bill may increase business revenues and creation and commercial property values in areas surrounding CS projects. Again, due to the limited research on the topic, OLO is uncertain whether Bill 24-22 would affect private organizations in terms of the Council's other priority indicators.

Net Impact

OLO believes the overall economic impact of Bill 24-22 to residents and private organizations would be positive. The magnitude of the overall impact largely would depend on the extent to which establishing a CS policy would induce CS project creations. Assessing this relationship is beyond the scope of the analysis here due to information and time limitations.

DISCUSSION ITEMS

Not applicable

¹² Yu, et al, "[Assessing the economic benefits.](#)"

Economic Impact Statement

Office of Legislative Oversight

WORKS CITED

- Anderson, Geoff and Laura Searfoss. [Safer Streets, Stronger Economies: Complete Streets Project Outcomes Across the Country](#). Smart Growth America. March 2015.
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- Montgomerycountymd.gov. [Vision Zero](#).
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- Perk, Victoria, Martin Catalá, Maximilian Mantius, and Katrina Corcoran. [Capturing the Benefits of Complete Streets](#). Center for Urban Transportation Research, University of South Florida. December 1, 2015.
- Vandegrift, Donald, and Nicholas Zanoni. "[An Economic Analysis of Complete Streets Policies](#)." *Landscape and Urban Planning* 171 (March 1, 2018): 88–97.
- Yu, Chia-Yuan, Minjie Xu, Samuel D. Towne, and Sara Iman. "[Assessing the Economic Benefits and Resilience of Complete Streets in Orlando, FL: A Natural Experimental Design Approach](#)." *Journal of Transport & Health* 8 (March 1, 2018): 169–78.

CAVEATS

Two caveats to the economic analysis performed here should be noted. First, predicting the economic impacts of legislation is a challenging analytical endeavor due to data limitations, the multitude of causes of economic outcomes, economic shocks, uncertainty, and other factors. Second, the analysis performed here is intended to *inform* the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the Bill under consideration.

CONTRIBUTIONS

Stephen Roblin (OLO) prepared this report.



July 7, 2022

TO: The Honorable Gabe Albornoz
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

FROM: Montgomery County Planning Board

Subject: Zoning Text Amendment and Subdivision Regulation Amendment –
Complete Streets

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission met on March 31, 2022 and by a vote of 4:0 (Commissioner Patterson absent) recommended transmitting the attached draft Zoning Text Amendment (ZTA) and Subdivision Regulation Amendment (SRA) to make changes necessary to implement the Complete Streets Design Guide (CSDG) and to be consistent with pending changes to Chapter 49, the Road Code. The draft ZTA and SRA should be considered concurrently with the changes to Chapter 49 to ensure they are consistent and because these three chapters rely on each other for clarity in their use.

The proposed SRA updates the Technical Review Section 50.4.3, specifically about Roads. The SRA updates standards for intersection spacing and provides new guidance on protected intersections, which are integrated into the existing standards within that chapter. The code is also updated to replace all occurrences of existing street types with the new street typologies from the CSDG.

The proposed ZTA is a highly technical update, focusing almost entirely on replacing the existing road types referenced throughout Chapter 59 with the new CSDG road types. The ZTA also proposes a definition for Residential Streets, which is a term found frequently in the land use standards section of the code but has lacked a definition.

The Board appreciates the Council’s consideration of the proposed ZTA and proposed SRA implementing the CSDG in coordination with the updates also proposed by the County Executive for Chapter 49, the Road Code. It is the Board’s recommendation that all three chapters of code be

The Honorable Gabe Albornoz
July 7, 2022
Page Two

introduced and reviewed concurrently to avoid confusion and to ensure the CSDG is implemented seamlessly.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, March 31, 2022.



Casey Anderson
Chair

Attachment A: Proposed SRA
Attachment B: Proposed ZTA

CA:BB:aj

ZTA 22-10, SRA 22-01, BILL 24-22 – STREETS AND ROADS

Description

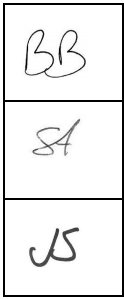
ZTA 22-10, SRA 22-01 and Bill 24-22 collectively amend Chapters 59, 50, and 49, respectively, to incorporate the definitions, standards, and policies from the Complete Streets Design Guide.

ZTA 22-10, SRA 22-01,
BILL 24-22

COMPLETED: 9-8-2022

MCPB
Item No. 8
9-15-2022

2425 Reddie Drive
Floor 14
Wheaton, MD 20902



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Summary

- ZTA 22-10 is a technical update to Chapter 59, ensuring that any use or reference to road terminology is consistent with the proposed changes to Chapter 49 and with the Complete Streets Design Guide.
- SRA 22-01 updates Chapter 50, ensuring that any use or reference to road terminology is consistent with the proposed changes to Chapter 49 and with the Complete Streets Design Guide. The SRA also updates some technical specifications for intersection spacing and horizontal curve radii and adds provisions pertaining to protected intersections.
- Bill 24-22 updates Chapter 49, incorporating the Complete Streets Design Guide plus other modifications requested by the Montgomery County Department of Transportation. Planning staff is proposing some revisions to the Chapter 49 amendment.

LEAD SPONSORS

Council President Alborno at the request of the Planning Board and the County Executive

INTRODUCTION DATE:

July 26, 2022

REVIEW BASIS:

Chapter 59, 50, 49

SECTION ONE

BACKGROUND

Rationale for ZTA 22-10, SRA 22-01 and Bill 24-22

Zoning Text Amendment (ZTA) 22-10, Subdivision Regulation Amendment (SRA) 22-01 and Bill 24-22 were all introduced on July 26, 2022 by Council President Albornoz. The ZTA and SRA were introduced at the request of the Planning Board, and Bill 24-22 was introduced on behalf of the County Executive. Collectively these three items are intended to align the County Code with the Complete Streets Design Guide, which was co-led by the Montgomery County Department of Transportation (MCDOT) and Montgomery Planning. Bill 24-22 is the most transformational of the updates, representing a substantial rewrite of Chapter 49, Roads, to implement new terminology, methodologies and road sections associated with the Complete Streets Design Guide. Chapter 49 is also being amended to reflect other modifications not directly related to the Complete Streets Design Guide that have been requested by MCDOT. SRA 22-01 updates a small section of Chapter 50 that also contains some roadway descriptions and roadway standards. Chapter 59's update through ZTA 22-10 is the least policy driven update and is more a technical update to replace existing references to roads and streets with the new terminology that will be in Chapter 49.

SECTION TWO

ANALYSIS

Bill 24-22

as Introduced

Bill 24-22 amends Chapter 49, to apply complete streets standards per the 2021 Complete Streets Design Guide to the design and construction of roads and road improvements as well as some language changes deemed necessary by the Montgomery County Department of Transportation (MCDOT). It is also the intention of MCDOT to develop Executive Regulations under Method 3, following the approval of this bill, to provide guidance on the planning, design, and operation of roadways for all intended users. The following is a concise summary of the proposed changes:

1. Revises Standards and Specifications (Section 49-28) to include references to the executive regulations implementing the Complete Streets Design Guide and standards and specifications from both the American Association of State and Highway Transportation Officials (AASHTO) and the National Association of City Transportation Officials (NACTO) when no county standards or specifications are applicable.

2. Revises Pedestrian Sidewalks, Bikeways, and Wheelchair Traffic (Section 49-29) to incorporate new terminology, including the term “sidepath” and to provide a fee-in-lieu option for the construction of bikeways and sidewalks under certain conditions.
3. Revises Traffic Calming standards (Section 49-30), to reference the new street types and to be in conformance with traffic calming guidance in the Complete Streets Design Guide.
4. Revises Road Classifications (Section 49-31) by defining the street areas (in subsection (a)) and street types (in subsection (c)) included in the Complete Streets Design Guide. Subsection (b) also establishes the need for both a county classification and a federal classification. Subsection (d) provides translations to convert the existing road classifications in the Master Plan of Highways and Transitways to the new street types presented in subsection (c) and in the Complete Streets Design Guide. This conversion is seen by Planning staff as a necessary interim step until a technical update to the Master Plan of Highways and Transitways can be added to the Planning Department’s work program.
5. Revises Design Standards for Type of Roads (Section 49-32) to add minimum rights-of-way for some of the proposed street types, revised curb radius guidelines consistent with the Complete Street Design Guide, and maximum target speeds for all street types.
6. The remaining proposed changes to Chapter 49 update references to street types for consistency with Section 49-31 as well as modifications deemed necessary by MCDOT.

Analysis and Recommendations

Many of the changes proposed in Bill 24-22 (Attachment A) serve as a translation/transition from the current road classification system now in Chapter 49 and used in the Master Plan of Highways and Transitways to a new classification system consistent with the Complete Streets Design Guide. These proposed changes will provide an immediate transition when the bill takes effect approval, as an interim step to a technical update of the Master Plan of Highways and Transitways. Planning staff has developed the following three-phase approach to fully accomplish this effort:

- **Phase 1: Approval of Bill 24-22 with recommended changes.** With the approval of Bill 24-22, the Council would establish interim translations for Complete Streets Design Guide area types (downtown, town center, suburban, industrial, and country) and street types in the county (Downtown Boulevard, Downtown Street, Town Center Boulevard, etc.). The resulting street designation is estimated to be 90% accurate, reflecting that not all roads fit neatly into the 12 street types, and that additional master planning review may be needed to refine some street classifications.

- **Phase 2: Adoption of the Pedestrian Master Plan.** To address some of the main deficiencies in the Phase 1 translation, and as the Pedestrian Master Plan includes recommendations that rely on Complete Streets Design Guide area types, this plan would confirm/modify the Downtown, Town Center, Suburban, Industrial, and Country areas throughout the county.
- **Phase 3: Technical Update to the Master Plan of Highways and Transitways.** This Plan update would reevaluate the classifications of all roads to fully ensure that each road is accurately and contextually classified. This would complete the transition from the old Road Code classifications to the Complete Streets Design Guide classifications.

Staff is recommending several changes to Bill 24-22. The changes have been grouped into major and minor issues. There are ten major issues and ten minor issues as presented below.

Issue 1: Defining the Area Types

Similar to Section 49-31(d), which authorizes street types and identifies interim street types until redesignated by a functional plan, master plan or sector plan, Section 49-31(a) should authorize area types and identify interim area types until redesignated by a functional plan, master plan or sector plan. Therefore, make these changes to Section 49-31(a):

- **Authorize area types and identify interim area types. Section 49-31(a), Line 739**
 - o Bill 24-22:
 - (a) In this Article and the regulations adopted under it:
 - o Proposed:
 - (a) In this Article and the regulations adopted under it, **County area types are as follows until subsequently designated by functional plans, master plans or sector plans:**
- **Designate three additional downtowns based on the visions identified in the 2014 White Oak Science Gateway Master Plan, the 2010 Great Seneca Science Corridor Master Plan and the 2017 Rock Springs Sector Plan (see Figure 1, 2 and 3 below). Section 49-31(a)(1), Lines 739-747**
 - o Proposed:
 - (G) Life Sciences / FDA Village in the 2014 White Oak Science Gateway Master Plan.
 - (H) Life Sciences Center Districts in the 2010 Great Seneca Science Corridor Master Plan: LSC Belward, LSC North, LSC Central and LSC West districts.
 - (I) Life Rock Springs Master Plan Boundary in the 2017 Rock Springs Sector Plan.

Figure 1: Life Sciences / FDA Village in the 2014 White Oak Science Gateway Master Plan.

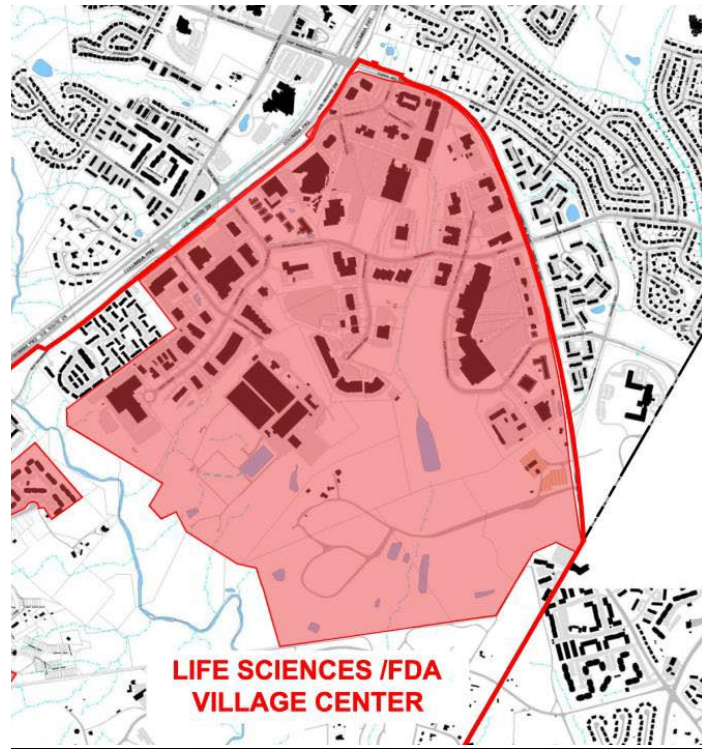


Figure 2: LSC Belward, LSC North, LSC Central and LSC West Districts

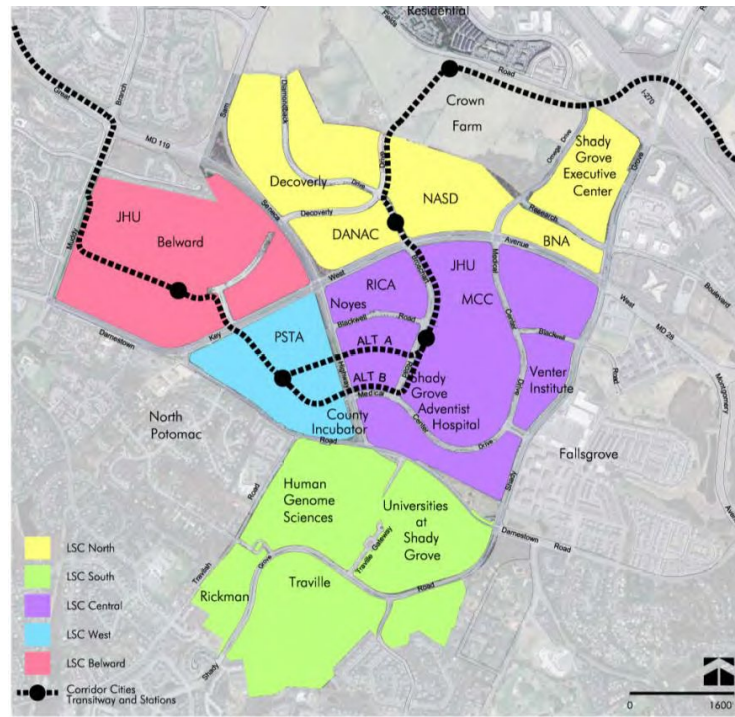


Figure 3: Rock Springs Master Plan Boundary



- **Add Industrial as the fifth area type as Bill 24-22 only includes four of the five land use context area types identified in the Complete Streets Design Guide (Downtown, Town Center, Suburban and Country). Section 49-31(a)(5), Line 761-762**
 - o Bill 24-22:
 - (5) These areas may be created, eliminated or modified by functional plans, master plans, or sector plans.
 - o Proposed:
 - (5) [[These areas may be created, eliminated or modified by functional plans, master plans, or sector plans.]] Industrial areas are areas where employment and industrial uses are the predominate activities.

Issue 2: Remove legacy area types from the county code.

The current Road Code references three area types: Urban, Suburban and Rural. The Complete Streets Design Guide replaces these with five area types: Downtown, Town Center, Suburban, Industrial and Country. The proposed changes to Chapter 49, however, retain some uses of the terms Urban Area and Rural Area. These should be removed:

- **Rural Areas**

- **Remove the rural area definition. Section 49-26, Lines 560-561**

- Bill 24-22:

Rural area means an area designated as the Rural East and Rural West policy areas in the Growth and Infrastructure Policy.

- Proposed:

Do not include this definition

- **Define country area using the language from the rural area definition. Section 49-31(a)(3), Line 758**

- Bill 24-22:

(3) A country area is located within the designated Rural area.

- Proposed:

(3) A country area is **[[located within the designated Rural area]] designated as the Rural East and Rural West policy areas in the Growth and Infrastructure Policy.**

- **Urban Areas**

- **Remove the urban area definition. Section 49-26, Lines 583-585.**

- Bill 24-22:

Urban area means areas depicted by Appendix E in the Master Plan of Highways and Transitways as amended, or by any replacement functional, master, or sector plan that defines urban areas or urban road code boundaries.

- Proposed:

Do not include this definition

- **Define all urban areas not explicitly defined as Downtowns or Town Centers in Chapter 49 as Town Centers. Section 49-31(a)(2)(G), Lines 756-757**

- Bill 24-22:

(G) All other designated Urban areas that are not downtown areas.

- Proposed:

(G) All other **[[designated Urban]] areas depicted in the Master Plan of Highways and Transitways as amended, including appendices, or by any replacement functional, master, or sector plan that defines urban areas or urban road code boundaries** that are not downtown areas.

- **Remove reference to urban areas. Section 49-32(h)(3), Line 1044**

See Issue #9.

- **Remove reference to urban areas. Section 49-32(h)(4), Lines 1045-1046**

See Issue #9.

Issue 3: Interim translation for Arterials, Minor Arterials and Business District Streets

Bill 24-22 establishes interim street translations that convert the current Road Code street types (such as Arterial, Minor Arterial, Business District Street, etc.) to the Complete Streets Design Guide street types (such as Downtown Boulevard, Downtown Street, Town Center Boulevard, etc.). It proposes the following through lane thresholds for converting Arterials, Minor Arterials and Business District Streets to Downtown and Town Center roads:

- Downtown Boulevard: located in a downtown area with four or more lanes
- Downtown Street: located in a downtown area with fewer than four lanes
- Town Center Boulevard: located in a town center area with three or more lanes
- Town Center Street: located in a town center area with fewer than three lanes

After reviewing maps of the translations, it was evident that these thresholds need some minor modifications. On undivided roads (those without a planned median), the threshold should be six or more lanes. On divided roads (those with a planned median), the threshold should be four or more lanes.

- ***Make the threshold for a Downtown Boulevard and Town Center Boulevard a divided road with four or more lanes or an undivided road with six or more lanes. Section 49-31(d), Lines 872-909.***

Additionally, there are several master-planned Business District Streets that are located outside of urban areas. Interim translations are needed for these roads.

- ***Set the interim translation for Business District Streets that are located in Suburban areas as Boulevards if they are planned to be four-lane divided roads and Area Connectors if they are planned to be four-lane undivided roads or two-lane roads.***

- ***Replace 49-31(d)(5)-(7) with:***

(5) Arterials:

(A) Divided arterials with four or more lanes located in a downtown area are classified as Downtown Boulevards.

(B) Divided arterials with fewer than four lanes located in a downtown area are classified as Downtown Streets.

(C) Undivided arterials with six or more lanes located in a downtown area are classified as Downtown Boulevards.

(D) Undivided arterials with fewer than six lanes located in a downtown area are classified as Downtown Streets.

(E) Divided arterials with four or more lanes located in a town center area are classified as Town Center Boulevards.

(F) Divided arterials with fewer than four lanes located in a town center area are classified as Town Center Streets.

(G) Undivided arterials with six or more lanes located in a town center area are classified as Town Center Boulevards.

(H) Undivided arterials with fewer than six lanes located in a town center area are classified as Town Center Streets.

(I) Arterials located within a country area are classified as Country Connectors.

(J) Two-lane Arterials located in a suburban area are classified as Area Connectors.

(K) All Arterials not addressed by (A) through (J) are classified as Boulevards.

(6) Minor Arterials:

(A) Divided minor arterials with four or more lanes located in a downtown area are classified as Downtown Boulevards.

(B) Divided minor arterials with fewer than four lanes located in a downtown area are classified as Downtown Streets.

(C) Undivided minor arterials with six or more lanes located in a downtown area are classified as Downtown Boulevards.

(D) Undivided minor arterials with fewer than six lanes located in a downtown area are classified as Downtown Streets.

(E) Divided minor arterials with four or more lanes located in a town center area are classified as Town Center Boulevards.

(F) Divided minor arterials with fewer than four lanes located in a town center area are classified as Town Center Streets.

(G) Undivided minor arterials with six or more lanes located in a town center area are classified as Town Center Boulevards.

(H) Undivided minor arterials with fewer than six lanes located in a town center area are classified as Town Center Streets.

(I) Minor Arterials located within a country area are classified as Country Connectors.

(J) All Minor Arterials not addressed by (A) through (I) are classified as Area Connectors.

(7) Business District Streets:

(A) Divided Business District Streets with four or more lanes located in a downtown area are classified as Downtown Boulevards.

(B) Divided Business District Streets with fewer than four lanes located in a downtown area are classified as Downtown Streets.

(C) Undivided Business District Streets with six or more lanes located in a downtown area are classified as Downtown Boulevards.

- (D) Undivided Business District Streets with fewer than six lanes located in a downtown area are classified as Downtown Streets.
- (E) Divided Business District Streets with four or more lanes located in a town center area are classified as Town Center Boulevards.
- (F) Divided Business District Streets with fewer than four lanes located in a town center area are classified as Town Center Streets.
- (G) Undivided Business District Streets with six or more lanes located in a town center area are classified as Town Center Boulevards.
- (H) Undivided Business District Streets with fewer than six lanes located in a town center area are classified as Town Center Streets.
- (I) Divided Business District Streets with four lanes located in suburban areas are classified as Boulevards.
- (J) Undivided Business District Streets with four lanes located in suburban areas are classified as Area Connectors.
- (K) Business District Streets with two lanes located in suburban areas are classified as Area Connectors.

Issue 4: Interim translations for Primary Residential Streets in the Country Area

Bill 24-22 establishes an interim street translation that converts Primary Residential Streets located in a Country area into Country Connectors. This translation is in error, as Primary Residential Streets now located in the Country area are more consistent with the Country Road street type.

- ***Change the translation for Primary Residential Streets in a Country Area.***
Section 49-31(d)(9), Lines 912-913
 - o Bill 24-22:
(A) Primary Residential Streets in a country area are classified as Country Connectors.
 - o Proposed:
(A) Primary Residential Streets in a country area are classified as Country
[[Connectors]] Roads.

Issue 5: Transitions between street types on continuous roads

Bill 24-22 states that where a continuous road changes from a Downtown or Town Center area to another area classification that the Downtown or Town Center street classification will extend beyond the Downtown or Town Center area to the next master planned street, not to exceed a certain distance. For instance, Spring Street is the boundary between Downtown Silver Spring and Suburban areas to the north. Therefore, Georgia Avenue’s designation as a Downtown Boulevard would extend into the suburban areas to the north of Spring Street. While it is appropriate to extend Downtown and Town Center road types into other area types, identifying appropriate transitions of master plan roads is best addressed on a case-by-case basis in master plans, not in the county code, even as a temporary

translation. Planning staff's recommendation would result in the interim street classifications transitioning at the border of the Downtown or Town Center area until decided otherwise through a master plan.

- **Delete Transitions along continuous roadways. Section 49-31(d)(19). Lines 929-950**
 - o Bill 24-22:
 - (19) Transitions along continuous roadways:
 - (A) If a Downtown road type changes classification to or from a non-Downtown road type: the Downtown classification will extend to the next master planned cross-street, not to exceed 500 feet beyond the limits of the downtown area.
 - (B) If a Town Center road type changes classification to or from a non-Downtown and non-Town Center road type: the Town Center classification will extend to the next master planned cross-street, not to exceed 500 feet beyond the limits of the town center area.
 - (C) If a Downtown Boulevard, Town Center Boulevard, or Boulevard change classification to or from any other type: the Downtown Boulevard, Town Center Boulevard, or Boulevard classification will extend to the next master planned cross-street, not to exceed 500 feet beyond the initial transition point.
 - (D) The transition areas noted in (A) through (C) are not additive; if the roadway meets multiple transition criteria the transition area will remain to the next master planned cross street, not to exceed 500 feet from the nearest of either the limits of the downtown or town center area, or the initial transition point.
 - o Proposed:
 - Do not include Section 49-31(d)(19)

Issue 6: Authority to Modify Interim Street Types Designations

Master plans are the appropriate method of designating street types. However, Section 49-31(d)(20) states that MCDOT can modify an interim street type.

- **Establish the Planning Board as the appropriate authority, in consultation with MCDOT, for determining when to deviate from interim street types. 49-31(d)(20), Lines 951-955**
 - o Bill 24-22:
 - (20) If the Department of Transportation determines that the criteria under (d)(1) through (d)(19) are not suitable for a particular road, the Department may determine that a more context-sensitive classification or transition length applies in lieu of the default classifications.
 - o Proposed:
 - Replace 49-31(d)(20) with 49-31(e) as follows:
 - (e) Until redesignated by functional plans, master plans, or sector plans, if the Planning Board in consultation with the Department of Transportation determines

that the criteria under (d) are not suitable for a particular road, the Planning Board may determine that a more context-sensitive classification applies in lieu of the default classifications.

Issue 7: Minimum Rights-of-Way

The existing code indicates that minimum rights-of-way may be specified in master plans. Bill 24-22 specifies what is to be included in the minimum right-of-way, however, both Planning staff and MCDOT staff agree that there is an error in the proposed bill. While the bill correctly states that the minimum right-of-way includes continuous features along a typical section, it should not mandate that the minimum right-of-way includes features such as parking, drainage, stormwater management and spot conditions. Rather, this should be determined by each master plan.

- **Correctly identify how minimum rights-of-way are to be established. Section 49-32(c), Lines 966-974**
 - o Bill 24-22:

[(d)](c) The minimum right-of-way for a road may be specified in the most recent applicable functional plan, master plan, or sector plan for the area where the road is located. Minimum rights-of-way include continuous features along a typical section, and account for parking, drainage and stormwater management, spot conditions such as auxiliary lanes or transit stations, or infrastructure at intersections such as signal equipment and protected intersections. If a minimum right-of-way for a particular road is not specified [n] in a functional plan, master plan, or sector plan, the minimum right-of-way must be:
 - o Proposed:

[(d)](c) The minimum right-of-way for a road may be specified in the **[[most recent]]** applicable functional plan, master plan, or sector plan for the area where the road is located. Minimum rights-of-way include continuous features along a typical section**[[, and account for]]. Functional plans, master plans, or sector plans should specify whether minimum rights-of-way include** parking, drainage and stormwater management, **and** spot conditions such as **[[auxiliary lanes or transit stations]]** turning lanes, acceleration lanes, deceleration lanes, or other purposes auxiliary to through travel, transit stations, pedestrian crossing refuges, footprints associated with grade separation, or infrastructure at intersections such as signal equipment and protected intersections. If a minimum right-of-way for a particular road is not specified [n] in a functional plan, master plan, or sector plan, the minimum right-of-way must be:

Issue 8: Curb Radius

Corner radii directly impact vehicle turning speeds and pedestrian crossing distances. Minimizing the size of a corner radius is critical to creating compact intersections with safe turning speeds. The Complete Streets Design Guide provides thorough direction on the size of curb radii, but Bill 24-22 does not fully capture the nuances in the Complete Streets Design Guide.

- **Revise and reorganize the curb radius section of Bill 24-22 to capture all conditions and better reflect the guidance in the Complete Streets Design Guide. Section 49-32(f), Lines 1019-1035**

- o Bill 24-22:

[(h)](f) The curb radius at the corner of each intersection of two [urban] roads in Downtown or Town Center areas must not exceed 15 feet. The curb radius at the corner of intersections where all intersecting streets are Area Connectors, Neighborhood Connectors, Neighborhood Streets, or Neighborhood Yield Streets must not exceed 10 feet. Exceptions to these requirements may be allowed as follows [except where]:

[(1)] there is only one receiving lane;

[(2)](1) there is a curb extension [is located]; [or]

(2) a default 25-foot radius is required where at least one street is an Industrial Street;

(3) a larger radius is needed to serve the design vehicle and control vehicle with consideration of the allowable encroachment defined by the Complete Streets Design regulation; or

[(3)](4) [for] a road improvement required [as a result of approving] by 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.

- o Proposed:

[(h)](f) The curb radius at the corner of each intersection **[[of two]]** [urban] **[[roads must not exceed]]** is 15 feet. **[[The curb radius at the corner of intersections where all intersecting streets are Area Connectors, Neighborhood Connectors, Neighborhood Streets, or Neighborhood Yield Streets must not exceed 10 feet.]]** Exceptions to these requirements may be allowed as follows [except where]:

[(1)] there is only one receiving lane;

(1) A maximum 10-foot corner radius is required at intersections where all intersecting streets are Area Connectors, Neighborhood Connectors, Neighborhood Streets, or Neighborhood Yield Streets.

~~[(2)]~~~~[[1]]~~ (2) A larger corner radius is acceptable where there is a curb extension [is located]; [or]

(3) A default 25-foot corner radius is required where at least one street is an Industrial Street;

~~[[3] a]~~ (4) A larger corner radius is needed to serve the design vehicle and control vehicle with consideration of the allowable encroachment defined by the Complete Streets Design regulation; or

~~[(3)]~~~~[[4]]~~(5) [for] a road improvement required [as a result of approving] by 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.

Issue 9: Modify target speeds

Bill 24-22 identifies interim street types until redesignated by a functional plan, master plan or sector plan. A few changes to the interim target speeds are needed to reflect current best practices. These changes will also make it possible to remove the Urban area definition described in Issue #3.

- **Designate the target speed for Boulevards as 35 mph as there are no Boulevards located in Urban areas. Section 49-32(h)(3), Line 1044**
 - o Bill 24-22:
(3) 35 mph for a Boulevard, except 25 MPH if in an Urban Area;
 - o Proposed:
(3) 35 mph for a Boulevard[~~[, except 25 MPH if in an Urban Area]]~~;
- **Change Town Center Boulevard target speed from 30 mph to 25 mph as these streets will be located in Urban Areas. Section 49-32(h)(4), Lines 1045-1046**
 - o Bill 24-22:
(4) 30 mph for a Town Center Boulevard, except 25 MPH if in an Urban Area;
 - o Proposed:
(4) ~~[[30]]~~25 mph for a Town Center Boulevard[~~[, except 25 MPH if in an Urban Area]]~~;
- **Reflect “20 is Plenty” on residential streets by reducing the target speed for Neighborhood Connectors from 25 mph to 20 mph. Section 49-32(h)(7), Line 1049**
 - o Bill 24-22:
(7) 25 mph for a Neighborhood Connector;
 - o Proposed:
(7) ~~[[25]]~~20 mph for a Neighborhood Connector;

Issue 10: Sidewalk Exemptions

In addition to incorporating the Complete Streets Design Guide into Chapter 49, Bill 24-22 also makes changes to sidewalk exemptions. Some of these changes appear to be unnecessary and others are inconsistent with previous direction from the Planning Board.

- ***A sidewalk exemption for the Department of Permitting Services is not needed in Section 49-29(a) as this provision is focused on capital projects, not development projects. Section 49-29(a)(5), Lines 635-638.***
 - o Bill 24-22a:
 - (5) where the Department of Permitting Services finds that a bikeway or sidewalk is infeasible because it will not connect to any destination within the foreseeable future, or the facility qualifies for fee payments in lieu of construction under Section 49-40.
 - o Proposed:
 - Do not include Section 49-29(a)(5).
- ***Clarify what it means to connect to other sidewalk segments “within the foreseeable future” as the future is not foreseeable. Section 49-29(a)(5), Lines 635-638 and Section 49-33(d)(1)(E), Lines 1099-1105.***
- ***Authorize the Planning Board to develop criteria for mitigation payments. Section 49-33(d)(1), Lines 1077-1105.***
 - o Proposed:
 - (F) any sidewalk or master-planned bikeway where the Planning Board establishes criteria to accept a payment in lieu of a transportation improvement.
- ***Do not permit mitigation payments for sidewalks or bikeways that are conditions of Planning Board development approval. Section 49-40(b)(1)(B), Lines 1352-1364***
 - o Proposed:
 - (iii) any sidewalk or bikeway that is a condition of a Planning Board development approval.

Minor Issues

- Interim street type translations will not be used for the recently approved Silver Spring Downtown and Adjacent Communities Master Plan, as the intended Complete Street Design Guide street type classifications were identified in the Classification Table.
- Clarify that Section 49-29 is intended for capital projects and that 49-33 is intended for development projects.
- Section 49-28(a), Line 603: “Complete” should be lowercase.
- Section 49-29(a)(1), Line 622-623: Master-planned sidepaths are needed for regional connections and should not be exempted:
 - (1) any sidewalk or any sidepath that is not master-planned in front of a lot that is larger than 25,000 square feet for a single-family detached dwelling in a rural zone;
- Section 49-30(a), Line 659: Replace “choker” with “curb extension”.

- Section 49-30(b)(2), Line 678: Remove “shared streets” as this should be considered as part of the Shared Streets Guidelines¹.
- Section 49-31(a)(6), Line 673: Delete the following sentence as it is not needed: “Roads are included in the area within which they are located.”
- Section 49-31(c)(6), Line 794: Change “cross-country” to “cross-county”.
- Section 49-33(d)(1)(D), Lines 1094-1098: Add the words “Planning Board and” as shown below.
(D) any sidewalk if the site is located in an environmentally sensitive area with limits on the amount of impervious surface allowed if the Planning Board and Department of Transportation find that a sidewalk is not expected to be necessary for pedestrian movement; or
- Insert the following definition into Section 49-26 (insert at line 548):
Protected Crossing: A collection of design elements to improve the safety and comfort of pedestrians and bicyclists crossing streets by reducing conflicts using traffic signals (full signals, pedestrian signals, HAWK signals), all-way stop control, or grade-separated crossings; reducing speeds of motor vehicles; increasing visibility of pedestrians and bicyclists; increasing yielding to pedestrians and bicyclists; and reducing crossing distances.

ZTA 22-10

as Introduced

Zoning Text Amendment (ZTA) 22-10 is the least policy driven of the three documents updated as part of the Complete Streets package of bills, and only updates existing roadway classification terminology with the new roadway classifications from Chapter 49 and the Complete Streets Design Guide. The full ZTA can be seen in Attachment B.

Analysis and Recommendations

As with the SRA, there are a couple of recommended changes to ZTA 22-10 to help with comprehension. The first is an adjustment to the definition of Road, starting on line 18 of the ZTA. A couple of the road types from the Complete Streets Design Guide were inadvertently left off this list including the new separation of Connector into Area and Neighborhood Connector, the distinction between Rustic and Exceptional Rustic Roads, and shared streets. The modified text would now read as shown below:

Road[, Arterial]: A right-of-way with a classification of Freeway, Parkway, Controlled Major Highway, Boulevard, Town Center Boulevard, Downtown Boulevard, Town Center Street, Downtown Street, Industrial, **Area Connector**, **Neighborhood Connector**, Country Connector,

¹ MCDOT and Planning staff are collaborating on developing Shared Street Guidelines, an effort that will develop a shared understanding of these unique street types and best practices in shared streets in North America and may take the form of an additional chapter in the Complete Streets Design Guide. The guidelines will develop a typology of state-of-the-art shared streets that are established from historic precedents and distinguished contemporary examples, and evaluate Montgomery County’s policies, regulations, and practices and how they help or hinder the ability to implement best practices.

Country Road, Rustic Road, Exceptional Rustic Road, Neighborhood Street, Neighborhood Yield Street, Residential Shared Street, Commercial Shared Street or Alley[See]under Chapter 49.

Additionally, the Zoning Code uses the terms road and street interchangeably. The code does define Residential Street and Nonresidential Street but does not define street as a general term. Planning staff recommends adding a new definition of Street to the definition section of the code, that as defined would refer to the definition of Road. This addition is minor but helps to streamline interpretation in the future.

In addition to the sections that will be updated by the introduced ZTA, there have been other ZTAs recently, which have made reference to roadway classifications that need to also be updated. This includes ZTA 22-02 on density and height limits for certain biohealth users (adopted on July 26, 2022), and ZTA 22-06 on exemptions for historic resources (introduced on June 14, 2022). Both ZTAs reference arterial or higher classified roadways, which would need to become Area Connector or higher classification of roadway.

SRA 22-01

as Introduced

Subdivision Regulation Amendment (SRA) 22-01, which was introduced as requested by the Planning Board, amends Chapter 50, specifically the section on Roads under Section 4.3.E. The main modifications are within the intersection design standards section. First, a new section was added providing guidance on protected crossings, including using HAWK, all-way stop, or grade separated crossings, focusing on pedestrian safety and taking into account the adjacent land uses and built environment. Within that section is an existing table showing recommended distances between intersections based on road classification. The SRA updates this table substantially to reflect the new road classification types, new recommended distances between intersections, and adding a new column for protected crossing spacing targets. Also updated are the horizontal alignment minimum permitted centerline radii, updating the roadway terminology. The last section updated in Chapter 50, still under 4.5.E, is a subsection on private roads. The updates to this section are also technical updates replacing existing roadway classifications with updated terminology.

Analysis and Recommendations

Planning staff is recommending a couple of minor updates to SRA 22-01, as introduced, to improve readability and comprehension of the code. The first change is recommended starting on line 28 of the SRA (Attachment C). New language was added including protected crossings to the intersection design standards section of code, but the source of a definition of what a protected crossing was not included. This section should be modified to explain where to find a definition of protected crossing (recommended above to be added to Chapter 49) and clarify that protected intersections may include the listed types seen below.

On streets with operating speeds of 30 mph or higher , protected crossings shall be included, as defined in Chapter 49 of the County Code. Protected crossings include HAWK signals, all-way stop controlled intersections, or grade-separated crossings. Protected crossing spacing targets are shown in the table below, as measured from the centerline of the intersections. Engineering judgement is needed to determine the ultimate placement and spacing between signals, with a focus on sight lines, road safety, location of trip generators, bus stops, and prevalent crossing patterns. Where ranges are provided, the lower end of the range is recommended in commercial areas, on BRT corridors, and near schools (or similar destinations).

A second minor change is recommended to line 103 of the introduced SRA where an ‘and’ is used to connect subsections (a) and (b) on when Neighborhood Streets or Neighborhood Yield Streets may be private. Upon re-reading this part of the code, this connection should be replaced with an ‘or’ as these two sections do not both need to be true to allow for a private street.

- vii. A [secondary road] Neighborhood Street or a Neighborhood Yield Street may be a private road only when it
- (a) connects to no more than one higher classification road and the road does not need to be extended onto adjacent property to facilitate a future subdivision of land[.]; ~~[[and]] or,~~
 - (b) when it has a cul-de-sac less than 500 feet in length.

SECTION THREE

NEXT STEPS AND CONCLUSION

Next Steps

With the adoption of the three subject bills into County Code, Planning staff will initiate a revision to the Complete Streets Design Guide to incorporate a few of the changes to Chapters 49, 50 and 59. As proposed, these include the following changes:

- Change the name of the document from “Montgomery County Complete Streets” to “Montgomery County Complete Streets Design Guide” to differentiate it from a manual, which is prescriptive.
- Rename “Major Highways” street type to “Controlled Major Highways.”
- Revise the “Neighborhood Connector” street type to “Connector.”

- Modify the “Connector” street type to include both Neighborhood Connectors and Area Connectors.
- Change the target speed for Town Center Boulevards to 25 mph.
- Change the target speed for Neighborhood Connectors to 20 mph.
- For Town Center Boulevard, Town Center Street, Neighborhood Street and Neighborhood Yield Street, change the category “Sidewalk / Sidepath” to “Sidewalk” as sidepaths are not desirable on those street types.
- Any additional Complete Streets-related code changes approved by the Council that conflict with current Complete Streets Design Guide guidance.

The revised Complete Streets Design Guide document will be presented to the Planning Board for review and approval.

Conclusion

Planning staff supports Bill 24-22, ZTA 22-10, and SRA 22-01 implementing many of the recommendations of the Complete Streets Design Guide, with the revisions discussed above in this report. These updates are a major step forward in helping implement countywide complete streets, and in achieving the county’s vision zero goals. Planning staff recommends the Board transmit comments on the three Complete Streets bills as reflected in this staff report.

Attachment A – Bill 24-22 introduction packet

Attachment B – ZTA 22-01 as introduced

Attachment C – SRA 22-01 as introduced

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

BILL 24-22: STREETS AND ROADS

SUMMARY

The Office of Legislative Oversight (OLO) finds the racial equity and social justice (RESJ) impact of Bill 24-22 is indeterminant due to insufficient information on whether Black, Indigenous, and other people of color (BIPOC) residents will be the primary beneficiaries of roadway projects developed with complete streets standards.

PURPOSE OF RESJ IMPACT STATEMENT

The purpose of RESJ impact statements is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF BILL 24-22

In February 2021, the Montgomery County Planning Department published the Complete Streets Design Guide, providing “policy and design guidance on the planning, design, and operation of county roadways.”³ The guide was developed to be used in the following situations:

- When designing future streets or reconstructed streets in an area experiencing redevelopment;
- When implementing a capital improvement project, such as the construction or reconstruction of a street; intersection, or bridge; and
- When resurfacing a street or conducting major work in the street, which may create an opportunity to reconsider some aspects of the street’s design.

The guide aligns the County’s approach to designing roads to the “Complete Streets” concept, where roadways are “designed and operated to provide safe, accessible, and healthy travel for all users of the roadway system, including pedestrians, bicyclists, transit riders, and motorists.”⁴ According to the Planning Department, the following principles were prioritized in developing the guide:

- Safety – maximize safety for all (pedestrians, bicyclists, and motor vehicles);
- Sustainability – enhance ecological functions and economic appeal of a streetscape; and
- Vitality – create streets that are great, dynamic places.

The Complete Streets Design Guide was also developed to support the County’s Vision Zero goal of eliminating serious and fatal collisions on County roads for vehicle occupants, pedestrians, and bicyclists by the end of 2030.⁵

RESJ Impact Statement

Bill 24-22

The goal of Bill 24-22 is to revise Chapter 49, Streets and Roads, of the County Code to implement the Complete Streets Design Guide, applying complete streets standards to the design and construction of roads and road improvements.⁶ The Bill was introduced along with Zoning Text Amendment (ZTA) 22-10 and Subdivision Regulation Amendment (SRA) 22-01 to also revise Chapter 59 (Zoning Ordinance) and Chapter 50 (Subdivision of Land) of the County Code for implementing the Complete Streets Design Guide.

At the request of the County Executive, Bill 24-22 was introduced to the Council on July 26, 2022.

In November 2021, OLO published a RESJ impact statement (RESJIS) for Bill 36-21, Motor Vehicles and Traffic – E-Scooters – Operation Requirements and Registration.⁷ OLO builds on Bill 36-21’s analysis for this RESJIS.

TRANSPORTATION INFRASTRUCTURE AND RACIAL EQUITY

The complete streets concept has been highlighted as a promising model for communities to improve health, safety, and economic opportunities for all residents.⁸ However, research and practice suggest that an intentional focus on racial equity is needed for complete streets policies to effectively address entrenched inequities in transportation infrastructure, which contribute to segregation, concentrated poverty, and other diminished quality of life outcomes for BIPOC.^{9,10} For context, this section describes the historical drivers of racial inequities in transportation infrastructure and available data on racial disparities in traffic injuries that could be impacted by Bill 24-22.

Inequities in Transportation Infrastructure. A history of inequitable policies and practices have shaped today’s transportation landscape. The Federal-Aid Highway Act of 1956, which created the interstate highway system, was one of the most consequential transportation policies for accelerating racial inequities in various domains. As described by Deborah Archer, professor at New York University School of Law:

“Class and racial inequality, economic deprivation and depression, and residential isolation and segregation are all a part of the legacy of highway politics that focus on growth and expansion at the expense of Black communities: by building roads to (W)hites-only suburbs through the heart of Black neighborhoods. While the highways connected (W)hite people living in suburbia with economic opportunities in the city, Black residents were excluded from (W)hite neighborhoods and forced to find new housing in communities already intensely segregated by race and class, further taxing inadequate housing, employment opportunities, and public services.”¹¹

Highway construction and urban renewal efforts through the 1970s destroyed and displaced many Black neighborhoods, increasing isolation, crowding, and clustering of BIPOC communities.¹² The U.S. Department of Transportation estimated in the 20 years after the passage of the Federal-Aid Highway Act, more than 475,000 households were displaced, mostly in low-income and BIPOC communities.¹³ In 2022, two students from Eastern Middle School in Silver Spring won the C-SPAN StudentCam documentary competition for their film on Gibson Grove, a once thriving Black community in the County that was divided by the construction of I-495 in the 1950s.¹⁴ Of note, more recent plans to include portions of the Gibson Grove Cemetery in the I-495 expansion path were discontinued after community resistance.¹⁵

RESJ Impact Statement

Bill 24-22

Since the early 2000s, the gentrification and influx of high-income residents into city centers has pushed many low-income residents into car-dependent suburbs.¹⁶ Today, in a transportation system dominated by cars, limited access to vehicles and dependence on unreliable and underinvested public transit often makes it more difficult for BIPOC residents to access jobs, education, healthy food options, and more.¹⁷ Residential patterns defined by structural racism persist today, with the racial wealth gap allowing more housing and transportation choices for White residents and meanwhile limit choices for BIPOC residents.¹⁸ The spatial mismatch for low-wage workers is most prevalent in the suburbs, where a lack of public transit often hinders their ability to commute efficiently.¹⁹

Disparities in Traffic Injuries. Historically inequitable policies and practices in transportation infrastructure have fostered disparities in traffic-related injuries by race and ethnicity. Researchers note that unsafe street infrastructure conducive to traffic accidents – such as inadequate sidewalks and crosswalks, and major arterial roads that prioritize speed and car volume over pedestrian safety – often characterize low-income communities.²⁰ Racial and ethnic differences in the social determinants of health have also been cited as drivers of racial disparities in traffic-related injuries.²¹ National data on traffic injury shows that:

- Black and Indigenous Americans have the highest rates of traffic deaths at 68.5 and 145.6 per 100,000, followed by White (55.2 per 100,000), Latinx (46.9 per 100,000) and Asian (15.3 per 100,000) persons.²²
- Black cyclists have per mile fatality rates four times higher than White cyclists, and Latinx cyclists have per mile fatality rates 70 percent higher than White cyclists.²³
- For motorcycle crashes, Black victims were 1.5 times more likely to die from their injuries than similarly injured White victims, even though they were 30 percent more likely to have been wearing helmets.²⁴
- Black and Indigenous Americans have pedestrian deaths two to three times higher than White Americans. Further, the lower the income of the census tract, the more likely a person is to be struck and killed while walking there.²⁵

Available local data also demonstrates disparities in traffic injuries by race and ethnicity:

- Between 2011 and 2015, Latinx pedestrians were the most likely to be killed in a traffic incident (2.9 per 100,000) followed by Black pedestrians (1.6 per 100,000) and White pedestrians (0.9 per 100,000).²⁶
- Between 2011 and 2015, Black residents were the most likely to be killed among vehicle occupants (4.3 per 100,000) followed by White residents (3.4 per 100,000) and Latinx residents (3.2 per 100,000).²⁷
- Local communities in Montgomery County with higher rates of poverty, persons of color, and younger residents have higher collision rates compared to the rest of the County.²⁸

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 24-22 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

RESJ Impact Statement

Bill 24-22

For the first question, OLO considered cumulative funding for road-related transportation projects (bridges, pedestrian facilities/bikeways, roads, traffic improvements) in the FY23 Capital Improvements Program (CIP) budget to understand which communities could benefit most from roadway projects developed with complete streets standards.

Table 1 summarizes the distribution of costs for road-related projects across Council districts, and Table 2 summarizes resident demographics by Council district. The 'District' categories in Table 1 include costs for projects that are identified by district in the CIP, such as the Goldsboro Road Sidewalk and Bikeway project in District 1; the Watkins Mill Road Extended project in District 3; and the Silver Spring Green Trail project in District 5. The 'Countywide' category in Table 1 includes projects where the district is identified as Countywide in the CIP and could affect one or more districts. A full listing of projects included under each category is available in Table 3 in the Appendix.

Table 1: Total Cost of FY23 CIP Road-Related Projects by Council District

District	Total Cost (in thousands)	Total Cost (%)
Countywide	\$870,601	41.3
District 1	\$427,976	20.3
District 2	\$380,724	18.1
District 3	\$62,128	2.9
District 4	\$130,534	6.2
District 5	\$235,241	11.2

Source: Montgomery County Office of Management and Budget via Open Budget.

Table 2: Resident Demographics by Council District²⁹

District	% White	% Black	% Latinx	% Asian
Countywide	45.9	17.3	18.6	14.5
District 1	71.5	4.8	8.5	12.0
District 2	40.1	19.0	19.2	18.2
District 3	45.8	12.2	18.8	19.5
District 4	38.6	18.5	26.4	12.7
District 5	33.2	32.4	20.2	10.2

Source: 2016 Demographic Profile of Council Districts.

Table 1 demonstrates where a specific district is identified, District 1 has the largest allocation for road-related projects. District 1, where 71.5 percent of residents are White, received nearly two times the funding of District 5 and three times the funding of District 4, where the majority of residents are BIPOC. Of note, District 3 has the lowest allocation, possibly because more projects within this district are funded through the incorporated localities of Rockville and Gaithersburg.

Funding for the FY23 CIP suggests White residents are disproportionate beneficiaries of road-related transportation projects and could thus be the primary beneficiaries of future roadway projects developed with complete streets standards. However, 41.3 percent of funding for road-related projects, or \$870.6 million, is not identifiable by Council district. Therefore, OLO cannot definitively conclude whether there are racial or ethnic disparities among the primary beneficiaries of this Bill.

RESJ Impact Statement

Bill 24-22

For the second question, OLO considered the effect this Bill could have on reducing transportation inequities in the County. If the adoption of complete streets standards works as intended, BIPOC residents could benefit from safer designed streets, since they are more likely to suffer from traffic-related injuries than White residents. However, as previously implied, it is unclear whether BIPOC residents and communities will be the primary beneficiaries of roadway projects developed with complete streets standards. Further, it is unclear the extent to which complete streets could generally encourage redevelopment, which often tends to favor higher-income residents, White residents, and White-owned businesses, and has the potential to displace low-income and BIPOC residents.

Taken together, OLO finds the RESJ impact of this Bill is indeterminant.

Of note, OLO assumed the primary beneficiaries of roadway projects are the residents of the districts where the projects are occurring. A more comprehensive equity analysis would consider each individual project and whether they benefit residents within a larger or smaller radius, providing a more precise understanding of affected residents and RESJ impact. See 'Recommended Amendments' for more information on equity reviews for Capital Improvement Programs.

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.³⁰ OLO finds the racial equity the RESJ impact of Bill 24-22 is indeterminant due to insufficient information on whether BIPOC residents will be the primary beneficiaries of roadway projects developed with complete streets standards. OLO does not offer recommended amendments since the Bill was not found to be inequitable.

While OLO cannot conclude BIPOC residents will not be the primary beneficiaries of Bill 24-22, funding for the FY23 CIP suggests that, where the specific Council district of a project is identified, White residents are disproportionate beneficiaries of road-related transportation projects and could thus be the primary beneficiaries of future roadway projects developed with complete streets standards. To have a more accurate understanding of the RESJ impact of adopting the complete streets framework, the Council could consider commissioning a comprehensive equity review of the CIP, as recently recommended for Expedited Bills 15-22, 16-22, and 19-22.³¹

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffer Janmarie Peña, Performance Management and Data Analyst, drafted this RESJ impact statement with assistance from Elaine Bonner-Tompkins, OLO Senior Legislative Analyst.

RESJ Impact Statement

Bill 24-22

APPENDIX

Table 3: Listing of Road-Related Transportation Projects in the FY23 Capital Improvements Program

Detailed descriptions for each project can be accessed from the [Transportation](#) page in the Open Budget website.

	(total cost in thousands)				
	Bridges	Pedestrian Facilities/Bikeways	Roads	Traffic Improvements	Grand Total
Countywide	\$117,469	\$241,665	\$183,831	\$327,636	\$870,601
ADA Compliance: Transportation		\$15,312			\$15,312
Advance Reforestation			\$1,109		\$1,109
Advanced Transportation Management System				\$68,231	\$68,231
Bicycle-Pedestrian Priority Area Improvements		\$18,945			\$18,945
Bikeway Program Minor Projects		\$23,241			\$23,241
Bridge Design	\$34,018				\$34,018
Bridge Preservation Program	\$13,963				\$13,963
Bridge Renovation	\$69,488				\$69,488
Capital Crescent Trail		\$116,097			\$116,097
Cherry Hill Road Bike Facility		\$4,000			\$4,000
Dedicated but Unmaintained County Roads			\$769		\$769
Facility Planning - Pedestrian Facilities and Bikeways		\$13,290			\$13,290
Facility Planning-Roads			\$66,557		\$66,557
Guardrail Projects				\$4,443	\$4,443
Highway Noise Abatement			\$2,915		\$2,915
Intersection and Spot Improvements				\$29,276	\$29,276
MCG Reconciliation PDF			\$0		\$0
Neighborhood Traffic Calming				\$4,491	\$4,491
Norwood Road Shared Use Path		\$4,000			\$4,000
Pedestrian Safety Program				\$55,582	\$55,582
Public Facilities Roads			\$2,171		\$2,171
Sidewalk Program Minor Projects		\$43,592			\$43,592
State Transportation Participation			\$84,450		\$84,450
Streetlight Enhancements-CBD/Town Center				\$5,930	\$5,930
Streetlighting				\$32,772	\$32,772
Subdivision Roads Participation			\$24,360		\$24,360
Traffic Signal System Modernization				\$51,118	\$51,118
Traffic Signals				\$75,793	\$75,793

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Transportation Feasibility Studies			\$1,500		\$1,500
Transportation Improvements For Schools		\$3,188			\$3,188
District 1	\$23,089	\$223,592	\$179,200	\$2,095	\$427,976
Beach Drive Bridge	\$4,202				\$4,202
Bethesda Bikeway and Pedestrian Facilities		\$12,448			\$12,448
Bethesda Transportation Infrastructure Development				\$200	\$200
Bradley Boulevard (MD 191) Improvements		\$16,465			\$16,465
Elmhirst Parkway Bridge (Bridge No. M-0353)	\$2,141				\$2,141
Garrett Park Road Bridge M-0352	\$8,406				\$8,406
Glen Road Bridge	\$4,585				\$4,585
Goldsboro Road Sidewalk and Bikeway		\$21,096			\$21,096
MacArthur Blvd Bikeway Improvements		\$21,208			\$21,208
MD 355 Crossing (BRAC)		\$108,980			\$108,980
Piney Meetinghouse Road Bridge	\$3,755				\$3,755
Platt Ridge Drive Extended			\$4,301		\$4,301
Seven Locks Bikeway and Safety Improvements		\$26,760			\$26,760
Tuckerman Lane Sidewalk		\$16,635			\$16,635
White Flint District East: Transportation			\$29,690		\$29,690
White Flint District West: Transportation			\$71,095		\$71,095
White Flint Traffic Analysis and Mitigation				\$1,895	\$1,895
White Flint West Workaround			\$74,114		\$74,114
District 2	\$42,731	\$26,377	\$311,616		\$380,724
Brink Road Bridge M-0064	\$5,551				\$5,551
Clarksburg Transportation Connections			\$10,600		\$10,600
Davis Mill Road Emergency Stabilization			\$2,340		\$2,340
Dorsey Mill Road Bridge	\$34,020				\$34,020
Frederick Road Bike Path		\$7,402			\$7,402
Goshen Road South			\$168,036		\$168,036
MD355-Clarksburg Shared Use Path		\$6,464			\$6,464
Mouth of Monocacy Road Bridge	\$3,160				\$3,160
Oak Drive/MD 27 Sidewalk		\$12,511			\$12,511

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Observation Drive Extended			\$115,593		\$115,593
Snouffer School Road North (Webb Tract)			\$15,047		\$15,047
District 3		\$45,777	\$16,351		\$62,128
County Service Park Infrastructure Improvements			\$1,489		\$1,489
East Gude Drive Roadway Improvements			\$6,027		\$6,027
Falls Road Bikeway and Pedestrian Facility		\$27,111			\$27,111
Life Sciences Center Loop Trail		\$12,901			\$12,901
Maryland/Dawson Extended			\$2,760		\$2,760
Needwood Road Bikepath		\$5,765			\$5,765
Watkins Mill Road Extended			\$6,075		\$6,075
District 4	\$16,567	\$45,868	\$68,099		\$130,534
Bicycle-Pedestrian Priority Area Improvements - Veirs Mill/Randolph		\$14,967			\$14,967
Bicycle-Pedestrian Priority Area Improvements - Wheaton CBD		\$9,995			\$9,995
Bowie Mill Road Bikeway		\$20,706			\$20,706
Brighton Dam Road Bridge No. M-0229	\$2,250				\$2,250
Dennis Ave Bridge M-0194 Replacement	\$7,850				\$7,850
Gold Mine Road Bridge M-0096	\$6,467				\$6,467
Montrose Parkway East			\$12,060		\$12,060
North High Street Extended			\$2,169		\$2,169
Sandy Spring Bikeway		\$200			\$200
Snouffer School Road			\$26,760		\$26,760
Summit Avenue Extension			\$27,110		\$27,110
District 5	\$4,850	\$112,102	\$16,739	\$101,550	\$235,241
Bicycle-Pedestrian Priority Area Improvements - Purple Line		\$12,617			\$12,617
Burtonsville Access Road			\$9,481		\$9,481
Dale Drive Shared Use Path and Safety Improvements		\$10,215			\$10,215
Fenton Street Cycletrack		\$11,561			\$11,561
Forest Glen Passageway		\$40,552			\$40,552
Franklin Avenue Sidewalk		\$3,300			\$3,300
Good Hope Road Shared Use Path		\$5,720			\$5,720
Metropolitan Branch Trail		\$20,662			\$20,662
Park Valley Road Bridge	\$4,850				\$4,850

RESJ Impact Statement

Bill 24-22

Seminary Road Intersection Improvement			\$7,258		\$7,258
Silver Spring Green Trail		\$1,975			\$1,975
US 29 Pedestrian and Bicycle Improvements		\$5,500			\$5,500
White Oak Local Area Transportation Improvement Program				\$101,550	\$101,550
Grand Total	\$204,706	\$695,381	\$775,836	\$431,281	\$2,107,204

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

² Ibid

³ “About Complete Streets,” Complete Streets Design Guide, Montgomery County Department of Planning, Last Updated July 29, 2022. <https://montgomeryplanning.org/planning/transportation/complete-streets/>

⁴ Ibid

⁵ “Montgomery County’s Goal to End Traffic Deaths,” Vision Zero, Montgomery County, MD, Accessed August 15, 2022. <https://www.montgomerycountymd.gov/visionzero/index.html>

⁶ Bill 24-22, Streets and Roads, Montgomery County Council, Montgomery County, Maryland, Introduced July 26, 2022. https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2764_1_22382_Bill_24-2022_Introduction_20220726.pdf

⁷ Racial Equity and Social Justice Impact Statement for Bill 36-21, Office of Legislative Oversight, Montgomery County, Maryland, November 9, 2021. <https://montgomerycountymd.gov/OLO/Resources/Files/resjis/2021/Bill36-21.pdf>

⁸ “Using Complete Streets to Increase Equity,” Blog, ChangeLabSolutions, April 24, 2019. <https://www.changelabsolutions.org/blog/complete-streets>

⁹ Ibid

¹⁰ Maia Ingram, et. al., “Health Disparities, Transportation Equity and Complete Streets: a Case Study of a Policy Development Process through the Lens of Critical Race Theory,” Journal of Urban Health, December 2020. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7704855/>

¹¹ Deborah N. Archer, “‘White Men’s Roads Through Black Men’s Homes’: Advancing Racial Equity Through Highway Reconstruction,” Vanderbilt Law Review, October 2020. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3539889

¹² “The Unequal Commute,” Urban Institute, October 6, 2020. <https://www.urban.org/features/unequal-commute>

¹³ “A Legacy of Disenfranchisement and Underinvestment,” from Beyond Traffic 2045 (PDF page 102), U.S. Department of Transportation, January 9, 2017. <https://www.transportation.gov/policy-initiatives/beyond-traffic-2045-final-report>

¹⁴ “Grand Prize Winner – What Happened to Gibson Grove?,” C-SPAN StudentCam, March 2022. <http://www.studentcam.org/2022/GrandPrize-EasternMiddleSchool0421.htm>

¹⁵ Ibid

¹⁶ The Unequal Commute”

¹⁷ Regan Patterson, “New Routes to Equity: The Future of Transportation in the Black Community,” Congressional Black Caucus Foundation, September 2020. <https://www.cbcfinc.org/publications/transportation/new-routes-to-equity-the-future-of-transportation-in-the-black-community/>

¹⁸ The Unequal Commute”

¹⁹ Ibid

²⁰ “Dangerous by Design 2022,” Smart Growth America and National Complete Streets Coalition, July 2022. <https://smartgrowthamerica.org/dangerous-by-design/>

²¹ “Black Motorcyclists- Even in Helmets- More Likely to Die in Crashes,” News and Publications, John Hopkins Medicine, September 23, 2010. https://www.hopkinsmedicine.org/news/media/releases/black_motorcyclists_even_in_helmets_more_likely_to_die_in_crashes

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²² “An Analysis of Traffic Fatalities by Race and Ethnicity,” Governors Highway Safety Association, June 2021.

<https://www.ghsa.org/resources/Analysis-of-Traffic-Fatalities-by-Race-and-Ethnicity21>

²³ Kea Wilson, “Study: Black Cyclists Die 4.5x More Often than White Cyclists,” StreetsBlogUSA, June 14, 2022.

<https://usa.streetsblog.org/2022/06/14/study-black-cyclists-die-4-5x-more-often-than-white-riders/>

²⁴ “Black Motorcyclists- Even in Helmets- More Likely to Die in Crashes”

²⁵ “Dangerous by Design 2022”

²⁶ “Equity and Crashes,” Montgomery County Vision Zero Data Explorer, Montgomery County, Maryland, November 2017.

<https://mccgov-gis.maps.arcgis.com/apps/MapJournal/index.html?appid=60410e6f22844d2cbbe619505cb6e7bb>

²⁷ Ibid

²⁸ “Equity Framework,” Montgomery County Vision Zero, Montgomery County Department of Transportation, December 2019.

<https://www.montgomerycountymd.gov/visionzero/Resources/Files/Equity%20Task%20Force%20Framework%20FINAL.pdf>

²⁹ Latinx people are not included in other racial groups within this table.

³⁰ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council

³¹ Racial Equity and Social Justice Impact Statement for Expedited Bill 19-22, Office of Legislative Oversight, Montgomery County, Maryland, June 29, 2022. <https://montgomerycountymd.gov/OLO/Resources/Files/resjis/2022/BillE19-22.pdf>

Racial Equity and Social Justice (RESJ) Zoning Text Amendment Statement

Office of Legislative Oversight

ZTA 22-10: STREETS AND ROADS

SUMMARY

The Office of Legislative Oversight (OLO) finds that Zoning Text Amendment 22-10, Streets and Roads, will have little to no impact on racial equity and social justice (RESJ) in the County.

PURPOSE OF RESJ STATEMENTS

The purpose of RESJ impact statements for zoning text amendments (ZTAs) is to evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. Racial equity and social justice refer to a process that focuses on centering the needs, power, and leadership of communities of color and low-income communities with a goal of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF ZTA 22-10

As noted in the RESJ impact statement for Bill 24-22, Streets and Roads, the Montgomery County Planning Department published the Complete Street Design Guide (CSDG) in February 2021 to provide “policy and design guidance on the planning, design, and operation of county roadways.”³ The Complete Street Design Guide aligns the County’s approach to designing roads to the “Complete Streets” concept to prioritize safety, sustainability, and vitality.⁴ The Guide was also developed to support the County’s Vision Zero goal of eliminating serious and fatal collisions on County roads by the end of 2030.⁵

The primary purpose of Zoning Text Amendment 22-10, Streets and Roads is to revise the Zoning Ordinance to make the road types it references consistent with the Complete Streets Design Guide (CSDG). Of note, ZTA 22-10 is one of three proposals aimed at aligning County policy to the CSDG. If enacted:

- Zoning Text Amendment 22-10 will amend Chapter 59 of the County Code (the Zoning Ordinance) to provide a new definition for residential streets and to replace road types with new typologies that align with the CSDG;
- Bill 24-22 will amend Chapter 49 of the County Code to modernize street and road standards across the County to align with the CSDG; and
- Subdivision Regulation Amendment 22-01 will amend Chapter 50 of the County Code to update standards for intersections and replace street types with new typologies that also align with the CSDG.

At the request of the County Executive, ZTA -22-10 was introduced on July 26, 2022.

ANTICIPATED RESJ IMPACTS

Among the three policies proposed to align the County policy to the Complete Streets Design Guide (CSDG), OLO finds that ZTA 22-10 would have the most minor impact on RESJ as it centers on renaming road types to align typologies in the

RESJ Impact Statement

Zoning Text Amendment 22-10

Zoning Ordinance to the CSDG. More specifically, rather than changing transportation or road policies across the County as undertaken by Bill 24-22,⁶ ZTA 22-10 makes technical revisions to the Zoning Ordinance that do not impact RESJ.

Of note, OLO published a RESJ impact statement for Bill 24-22, Streets and Roads, on August 22, 2022.⁷ That RESJ impact statement describes the historical drivers of racial inequities in transportation infrastructure and available data on racial disparities in traffic injuries that could be impacted by Bill 24-22.⁸ Based on a review of data on budgeted roadway projects in the County's Capital Improvement Program,⁹ OLO finds the RESJ impact of Bill 24-22 to be indeterminant due to insufficient information on whether Black, Indigenous, and other people of color residents would be the primary beneficiaries of roadway projects developed with complete street standards.¹⁰ Yet, given the limited potential impact of zoning text amendments on capital funding for roadway projects, OLO finds that ZTA 22-10 offers little to no impact on RESJ in the County rather than an indeterminant RESJ impact as found for Bill 24-22.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the ZTA under consideration.

CONTRIBUTIONS

OLO staffer Elsabett Tesfaye, Performance Management and Data Analyst, drafted this racial equity and social justice impact statement with assistance from Elaine Bonner-Tompkins, Senior Legislative Analyst.

¹ Definition of racial equity and social justice adopted from "Applying a Racial Equity Lens into Federal Nutrition Programs" by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools <https://www.racialequitytools.org/glossary>

² Ibid

³ Racial Equity and Social Justice (RESJ) Impact Statement, Office of Legislative Oversight. Bill 24-22, Street and Roads [Racial Equity and Social Justice Impact Statement \(montgomerycountymd.gov\)](https://www.montgomerycountymd.gov/RacialEquityandSocialJusticeImpactStatement)

⁴ Ibid

⁵ Ibid

⁶ And perhaps by SRA 22-01 although an assessment of the impact on SRA 22-01 on transportation policy in the County is beyond the scope of OLO since the County's RESJ Act does not task OLO to develop RESJ impact statements for subdivision regulation amendments.

⁷ RESJ impact statement for Bill 24-22

⁸ Ibid

⁹ Montgomery County MD Capital Budget. 2023 County Council Approved Budget. July, 2022. <https://apps.montgomerycountymd.gov/BASISCAPITAL/Common/Index.aspx>

¹⁰ RESJ impact statement for Bill 24-22

Eve Sandmeyer

Date: September 27, 2022

RE: Bill 24-22, Road Code

Dear Montgomery County Council Members,

I'm a Montgomery County resident of many decades, having grown up here and having raised my family here. And I'm an artist. One of my favorite subjects to paint is the Agricultural Reserve and the beautiful scenes along the Rustic Roads.

I'm writing in support of the proposed amendment to the Road Code to expand the Rustic Roads Advisory Committee, adding two more members. Before Covid, I was fortunate enough to participate with the committee on one of their educational retreats on beautiful, unique Martinsburg Road, and the amount of knowledge and work I saw from the committee members that day was overwhelming. The time commitment from the volunteers must have been enormous. They are doing incredible work and are a credit to you. I ask that you support them in getting the additional help they seek.

The Rustic Roads and the Agricultural Reserve are Montgomery County gems, and a credit to all of you in County leadership, past and present. Please strengthen these programs and this committee.

Thank you for all you do.

Eve Sandmeyer

From: **Caroline Taylor**

Dear council members and staff,

Rustic Roads are vital to the Agricultural Reserve and the farmers, residents, visitors and customers there. These roads also provide a sense of place, and a sense of wonder and delight to us all. With Bill 24-22 which amends County Code Chapter 49, Streets and Roads, we ask that you support and strengthen the Rustic Roads Program.

We are writing in support of the testimony from the Rustic Roads Advisory Committee to increase their membership from seven to nine members. We periodically attend the RRAC's meetings, and have observed that this group has an extraordinary amount of work to do for a group of volunteers.

Just this weekend, four of their current members and two past members spent most of the day at Linden Farm at our annual MCA Ride for the Reserve event--they set up a snazzy professional-looking tent with displays and information, they talk to residents, advocated for our Rustic Roads, and they assist with our ride. They had no staff--it was entirely volunteer hours. That single event must have involved at least 100 hours. Quite a number of members of the public were interested in learning more from them.

The RRAC is proposing that the two new members can represent a broader range of categories than they can currently. For instance, we have groups and organizations such as historic African American communities and churches in the Ag Reserve that don't have a civic association and can't currently qualify for membership. Providing these broader qualifications for membership would allow far greater representation and make it possible for underrepresented groups to participate.

The RRAC also proposes to remove the 50 percent income qualification for farmers. We support this request. A few years ago, the RRAC was directed to not recommend farmer members proposed by the Office of Agriculture because they did not meet this qualification. The Ag Advisory Committee has also needed to request permission for farmers to continue in a third term on their committee, because of the limited number of members they can find. New farmers, such as those in our Land Link program, would probably also be disqualified by the current requirement. With three farmer members on the committee, being able to find farmers who have time to support the program is vital, even if they need off-farm income to support their farms.

Warmly,

C



Caroline Taylor, Executive Director
Montgomery Countryside Alliance
P.O. Box 24, Poolesville, Maryland 20837
301-461-9831
<http://mocoalliance.org/>

“Whether we and our politicians know it or not, Nature is party to all our deals and designs, and she has more votes, a larger memory, and a sterner sense of justice than we do.” ~Wendell Berry

County Council Public Testimony, Tuesday, Sept 20, 2022 – 4 min

Complete Streets Policy (Feb 2021 Approved/Adopted)

3 Bills (laws) pending to align with the Policy

I was told I have 5 minutes because my comments cover 3 bills.

My name is Kathleen Samiy, I am a Silver Spring resident, I am speaking on behalf of myself on Bill 24-22, ZTA22-10, SRA 22-01 ALL meant to align with the “Complete Streets Design Guide” (CSDG). This County Policy Guide is 308 pages long. It was approved and adopted **by you [County Council]** in Feb 2021. There are many comprehensive environmental recommendations in this Policy Guide- but they are not yet reflected in the Law.

Missing in these 3 bills are Policy recommendations for the Natural Environment and Green Streets Chapter 7. They need to be integrated, reconciled, prioritized, and considered together with the recommendations in the 3 text amendments before you today, so there will be no conflicts in another section of the code. As the amendments are currently written, the Environment and Green Streets policy **recommendations** will not be **requirements**; we will continue seeing tree canopy loss, increasing flooding and heat island effects, and business as usual.

Get us closer to the Climate Action Goals you passed and want to achieve in 5 years. Update the Laws to align with the entire County Policy, not just some pages- but all pages. A piecemeal approach updates just road standards, road terms and engineering, and puts the environment as an after-thought for another year or more. This **will not help achieve your CAP Goals**.

Plan through the prism of a complete green street **ecosystem**, not through a technical separation of roads from the environment. Put Environmental specialists in the lead, and not generalists from DEP and Planning, review and update the language to encode natural environmental solutions, align policy and law, ensure integration, conformance and prioritization of the **Green Street ecosystem and Roads**:

These amendments before you [Bill 24-22, ZTA 22-10, SRA 22-01] are written by MC-DOT, DPS and Planning Department Road Engineers. They ONLY update road standards and systems for pedestrians, bicyclists, transit riders, and motorists. They also update new terminology, methodologies and road sections, and technical road descriptions and technical standards.

The Issue is we have a Climate Crisis, and this County Council has set CAP goals to reduce carbon emissions by 80% in 5 years. Our roads and parking lots and urban areas are too hot, upwards of 130-155 degrees in the summer sun. We urgently need our roads covered in shade to reduce the heat, and we need all our roads covered by large mature canopy trees in the ROW, medians, and sidewalks to absorb excessive heat, flooding and carbon dioxide.

Roads are not complete without Green Streets Policy in the law. Here are a few examples of what is missing:

- Ensure CSDG Policy and Road Standards are in agreement in the Law
- Reflect CSDG Chapter 7 “Green Streets’ in the County Code
- Require Street trees and landscaping in medians on ALL streets, not some
- Add Summer shade. That means a metric of 50% of our streets, roads, and sidewalk surfaces must be lined with tree canopy to reduce surface heat.
- **Good Stream Health. We need 45% tree canopy for streams, clean air, and to reduce carbon emissions.** A Large mature tree (over 18” in diameter) stores 1,809% more carbon than a small 4- inch tree. They sequester 345% more carbon and absorb 180% more stormwater runoff and remove more pollution per ounce by 174%. (*from tree fact sheet, April 2022, and Silver Spring Downtown and Adjacent Communities Appendix E, Environment*)
- Chapter 49 needs a requirement that roads conform to your approved and adopted master plans. Master plans must REQUIRE 35% Green Cover (trees, vegetation, green roofs) Add this statement to the Road Code and ensure it conforms with Streetscapes.
- Amend the Zoning Ordinance to reinstate the requirement for placing utilities underground during development or redevelopment. Underground Utility requirements, strategically placed, means large street canopy trees can grow tall (and not interfere with overhead wires)

- MC-DOT Design Standards must be modified to conform to the CSDG
- 1,500 cubic foot tree pits, along all streets means the tree roots of trees on the MC-DOT major tree list have room to thrive
- Structural soils must be used where space is limited, so soil volumes can help extend tree roots under the road and sidewalk

And, so much more in the 308-page policy is missing from these amendments. Please Assign the environmental staff scientists, specialists to sort this all out. And align, update, integrate all CSDG Environmental and Green Streets Policy with the Road and Street Laws.

Thank you for providing me with the opportunity to comment on these items.

Sept 27, 2022

Council President Albornoz and Councilmembers Glass, Friedson, Hucker, Jawando, Katz, Navarro, Rice and Riemer
100 Maryland Avenue, 6th Floor
Rockville, Maryland 20850

RE: Testimony on Bill 24-22, ZTA 22-10, SRA 22-01

Dear President Albornoz and Councilmembers,

I am a nearly lifelong resident of Montgomery County, and I represented the Planning Board on the Rustic Roads Advisory Committee from 2005-2021. I am writing as an individual who thinks we have an amazing County, but I have also witnessed some of our sausage being made.

I am writing in support of amending County Code Chapters 49, 50 and 59 to conform to the Complete Streets Design Guides you approved in 2021. I have the following comments:

- As written, Chapter 49, Streets and Roads, does not reflect the Complete Streets chapter on Green Streets. In order for this chapter to be implemented, I believe it must be reflected in Chapter 49, and thus I recommend that it be added.
- In addition, the Complete Streets Design Guide has a requirement for street trees that is not incorporated into Chapter 49. Currently, street trees are treated as if they were a liability, when they are a critical feature for pedestrians and cyclists, especially. Chapter 49 must be amended to reflect this requirement, and the MCDOT designs must be promptly updated to reflect the Complete Streets Design Guide cross sections.
- For Rustic Roads, I support the recommendations made by the Rustic Roads Advisory Committee, including:
 - Technical language updates and corrections regarding changing “accidents” to “crash” and “commission” to “committee”
 - Maximum target speeds for Rustic and Exceptional Rustic roads to match those of Country roads—i.e., 20-35 mph maximum target speeds
 - Expanding the committee from 7 to 9 members, and to have the 2 new members be at-large members as described by the RRAC to encourage representation from Rustic Roads users and residents who don’t currently have a voice on the committee. Representatives from churches, historical societies, cycling groups, young farmers and others could create room for people of color who represent a group or congregation, people who cannot afford to buy an Upcounty property but might be visitors and advocates of the Rustic Roads and Agricultural Reserve, etc.
 - Remove the 50% income requirement for farmers. At one point, the County Attorney required the RRAC to exclude farmer members proposed by the Office of Agriculture because they had an off-farm or retirement income that exceeded the 50% threshold.

If you or staff has questions regarding my comments, I would be pleased to provide more information. I hope to attend worksessions.

Thank you for providing me with the opportunity to comment on these items, and for your continued support for the astonishing and glorious parts of our County, including our irreplaceable Rustic Roads and Agricultural Reserve.

Leslie Saville



RUSTIC ROADS ADVISORY COMMITTEE



WRITTEN STATEMENT ON
BILL 24-22 STREETS AND ROADS
SEPTEMBER 27, 2022

Rustic roads are historic and scenic roadways that reflect the agricultural character and rural origins of the County. The Rustic Roads Advisory Committee is made up of seven volunteer county residents who work extremely hard to support this program. Our statutory duty is to advise the County Council, the County Executive, and the Planning Board on matters concerning the rustic roads.

Bill 24-22, ZTA 22-10, and SRA 22-01 will make changes to three chapters of the County Code to implement the Complete Streets Design Guide. Our comments are regarding Bill 24-22, Streets and Roads, specifically Chapter 49 and the Rustic Roads Program.

We have five recommendations:

1. In Section 49-32 Design Standards, regarding maximum target speeds, we recommend adding Rustic and Exceptional Rustic Roads to the section on Country Roads with the same maximum target speeds of 20-35 mph.

Explanation

Giving Montgomery County Department of Transportation this option can help slow speeds on rustic roads as well as other roads, making our roads safer.

2. In Section 49-78 Rustic Road Classification and Reclassification, criterium 5, we ask that the word "accident" be replaced with the word "crash." The result would read, "the history of vehicle and pedestrian crashes on the road in its current configuration does not suggest unsafe conditions."

Explanation

This is consistent with the Council's Vision Zero policy and with current transportation planning.

3. In Section 49-80, Rustic Roads Advisory Committee, we ask that the committee membership be increased from seven (7) to nine (9).

Explanation

This would greatly help to reduce the extremely large number of volunteer hours members are currently putting in to keep up with the committee's responsibilities. In doing so, we hope to broaden representation on the committee in accordance with the Council's Racial Equity and Social Justice efforts. We recommend that these members be considered "at-large," and

language regarding the membership qualifications be stated as “representing the geographical, social, economic, recreational and cultural concerns of the residents of the County.”

4. Also in Section 49-80, we request that the words in (a)(1) “earning 50 percent or more of their income from farming” be deleted from the section.

Explanation

The committee does not have financial disclosure requirements for membership, and this provision discourages membership from a broad range of farmers. The current language calling for farmers to be owner-operators of commercial farmland is sufficient.

5. In Section 49-80, in (f) Advocacy, we ask that the word "Commission" be replaced with "Committee" to correctly reflect the name, Rustic Roads Advisory Committee."

Explanation

This is a technical correction.

Thank you for providing the committee the opportunity to present our views.

You may reach the Committee through our staff coordinator, Darcy Buckley, at Darcy.Buckley@montgomerycountymd.gov.

Committee Members:

Laura Van Etten, Chair

N. Anne Davies, Barbara Hoover, Charles Mess,
Kamran Sadeghi, Dan Seamans, Robert Wilbur





RUSTIC ROADS ADVISORY COMMITTEE



WRITTEN STATEMENT ON
BILL 24-22 STREETS AND ROADS
OCTOBER 4, 2022

Rustic roads are historic and scenic roadways that reflect the agricultural character and rural origins of the County. The Rustic Roads Advisory Committee is made up of seven volunteer county residents who work extremely hard to support this program. Our statutory duty is to advise the County Council, the County Executive, and the Planning Board on matters concerning the rustic roads.

Bill 24-22, ZTA 22-10, and SRA 22-01 will make changes to three chapters of the County Code to implement the Complete Streets Design Guide. Our comments are regarding Bill 24-22, Streets and Roads, specifically Chapter 49.

The RRAC made five recommendations on September 27, 2002 regarding the part of the Code that covers the advisory committee directly. At our regular meeting on September 29, 2002, the committee unanimously voted to recommend legislative changes to allow the use of speed humps as a traffic calming device on rustic and exceptional rustic roads.

Residents living on the roads and nearby routinely report excessive speeds. We have reviewed an alternative traffic calming device called a Dynamic Speed Sign (flashing signs reporting the current speed of the vehicle) and while they may slow some vehicles, they do not seem visually appropriate on rustic roads, nor do they have any enforcement power as they do not contain speed cameras. Alternatively, speed humps are known by drivers to deliver an uncomfortable jolt if taken at excessive speed, and their signage is much more discreet, which would more in keeping with the rustic nature of the road. Thus, in order to address speed and safety concerns, the Committee respectfully requests that speed hump installations be allowed, on a case-by-case basis, on rustic and exceptional rustic roads (in addition to residential roads as currently allowed in the Code). The Committee would of course exercise advisory review as to whether to support the use of such installations in particular locations, along with the design details, as the RRAC does for all major maintenance projects on rustic and exceptional rustic roads.

We request that **Road Code Section 49-30 Traffic Calming** be amended to include rustic and exceptional rustic roads among the road designations where speed humps may be installed, and that the width of such speed humps on rustic and exceptional rustic roads be defined as appropriate for the specific road in the specific location. Rustic roads are unique and roads vary in width, so the current Code language specifying speed hump widths of 12 feet wide or 22 feet wide is not appropriate for these roads. Rustic and exceptional rustic roads should also be excepted from the requirement to meet all applicable regulations, as they are currently excepted from standard code and regulation requirements.

That section currently reads in subsection (b):

(b) Speed humps that are 12 feet wide may be built on any principal secondary residential street, secondary residential street, tertiary residential street, or alley, but must be spaced at least 500 feet from any other hump and 200 feet from any intersection. Speed humps that are 22 feet wide may be built on any primary residential street, but must be spaced at least 500 feet from any other hump and 200 feet from any intersection. Speed humps that are 22 feet wide may be built on a minor arterial, but must be spaced at least 750 feet from any other hump and 300 feet from any intersection. Before speed humps are installed in any road, all other requirements specified in applicable regulations must be met.

In summary, we request that the section be amended to add language stating that speed humps may be built on any rustic or exceptional rustic road and such speed humps shall be of a width that is appropriate for the road at the specific location.

Thank you again for providing the Committee the opportunity to present our recommendations. Should you have questions, you may reach the Committee through our staff coordinator, Darcy Buckley, at Darcy.Buckley@montgomerycountymd.gov.

Committee Members:

Laura Van Etten, Chair

N. Anne Davies, Barbara Hoover, Charles Mess,
Kamran Sadeghi, Dan Seamans, Robert Wilbur

Montgomery
Countryside
Alliance 

ROYCE HANSON AWARD

• 2018 WINNER •



MONTGOMERY PRIZE

• 2019 WINNER •