

M E M O R A N D U M

October 12, 2022

TO: Transportation and Environment Committee

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

SUBJECT: Bill 24-22, Streets and Roads - continued

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
- Jason Sartori, Chief, 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

DISCUSSION (CONTINUED)

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 prior to a final decision it must consult with Planning staff.**

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 start¹ 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.

¹ 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.

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;
- (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.

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.

The Agricultural Preservation Advisory Board (APAB) opposes both proposals. They believe they would diminish farmers’ influence in the decisions made by the RRAC. They claim they would allow the RRAC to select candidates that would not keep agricultural interests in the forefront.

Council staff concurs with both RRAC’s proposals. The RRAC does not pick the candidates: the County Executive does. There is nothing to prevent the ACAB or the Executive’s Office of Agriculture to recommend to the Executive one or more farmers to fill an open farmer position, or an open at-large position, for that matter. Either should be able to identify legitimate farmer candidates without having to delve into one’s private finances.

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.**

This packet contains:

Bill 24-22 as introduced	©1-64
Planning Board comments	©65-68
Rustic Roads Advisory Committee comments: humps	©69-70
Other Rustic Roads Advisory Committee comments	©71-72
Montgomery Countryside Alliance comments	©73-74
Leslie Saville comments	©75-76
Eve Sandmeyer comments	©77
Agricultural Preservation Advisory Board comments	©78-79
Greater Colesville Citizens Association comments	©80-81

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:

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:

321

* * *

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

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

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

328 *Director* means the Director of the Department of Transportation.

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

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

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

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

340 (1) any portion of the Purple Line that is located within the public
 341 right-of-way under a valid franchise agreement approved by the
 342 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
 503 to a safe, convenient, and comfortable travel experience, which may include such
 504 features as sidewalks; [shared use paths] sidepaths, bike lanes, and separated bike
 505 lanes; bike stations and bike storage facilities; narrow motor vehicle lanes and
 506 tight curb radii; street trees, planting strips, and other right-of-way landscaping;
 507 curbs and accessible 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 (1) Alleys retain their classifications as Alleys.
- 926 (1) Rustic Roads retain their classifications as Rustic Roads.
- 927 (1) Exceptional Rustic Roads retain their classifications
 928 as Exceptional Rustic Roads.
- 929 (1) Transitions along continuous roadways:
- 930 (A) If a Downtown road type changes classification to or
 931 from 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
 1183 other maintenance;
 1184 (B) are drought tolerant and require little watering at any time;
 1185 () 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
 1332 this Article for sidewalks, bikeways, rights-of-way widths, grade
 1333 percentages, full-width grading, and the construction of both roadways
 1334 of a dual road, or any combination of them, as allowed in this
 1335 Section, for any road constructed by the County or a permittee.

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

1338 (1) *Sidewalks and Sidepaths.*

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

1342 (i) the lots abutting the right-of-way are unimproved;

1343 (ii) the street was lawfully graded before August
 1344 15, 1950, and the terrain is so steep and uneven
 1345 that grading for sidewalks or sidepaths cannot be
 1346 done except at excessive cost, or

1347 (iii) houses or buildings abutting the right-of-way
 1348 which were constructed before August 15, 1950,
 1349 are so situated, and the property upon which those
 1350 houses or buildings are located is so graded,
 1351 that the construction of sidewalks or sidepaths is
 1352 undesirable.

1353 (B) *Waivers not allowed.* [Notwithstanding the
 1354 preceding subparagraph, the] The Director [may] must
 1355 deny a waiver if:

1356 (i) the street involved is [a Primary Residential _____
 1357 Street] an Area Connector, Neighborhood
Connector, 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 Plan 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

Approved:

Gabe Albornoz, President, County Council

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Judy K. Rupp, Clerk of the Council

Date

September 19, 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: Bill 24-22

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission met on September 15, 2022 and by a vote of 5:0 recommended transmitting comments supporting Bill 24-22 with modifications. Bill 24-22 is part of a larger collection of legislation also including Subdivision Regulation Amendment 22-01 and Zoning Text Amendment 22-10 that together amend the County Code to implement aspects of the Complete Streets Design Guide (CSDG).

The introduced Bill is a technical amendment that introduces changes within Chapter 49 with new area and street types, consistent with the CSDG. The Bill contains major changes to Section 49-28 (Standards and Specifications), Section 49-29 (Pedestrian Sidewalks, Bikeways and Wheelchair Traffic section), Section 49-30 (Traffic Calming Standards), Section 49-31 (Road Classification), and Section 49-32 (Design Standards for Types of Roads). Additional changes not related specifically to the CSDG have also been included by the County Executive in the proposed changes in Bill 24-22.

The Board considered the recommendations of Planning staff, as well as comments received at the meeting from representatives of the Montgomery County Department of Transportation (MCDOT) and a citizen comment related to Rustic Roads. The Planning Board (“Board”) recommends the modifications identified in the Planning staff report (Attachment A), except as noted in the summary below:

- **Issue 1 – Defining the Area Types**

- Authorize Area Types and Identify Interim Area Types – Board concurs with Planning staff.
- Designate three additional downtowns... – Board concurs with Planning staff.
- Add Industrial as the Fifth Area Type... – Board concurs with proposal, however it accepts a revised definition recommended by MCDOT as follows: “Industrial areas are areas with predominantly Industrial Zoning.”

- **Issue 2 – Removing legacy area types from the county code**
 - After a discussion with MCDOT representatives, the Board concurs with MCDOT to not recommend the Planning staff modifications.

- **Issue 3 – Interim Translations for Arterials, Minor Arterials and Business District Streets**
 - After a discussion with MCDOT representatives, the Board concurs with MCDOT to not recommend the Planning staff modifications.

- **Issue 4 – Interim Translations for Primary Residential Streets in the Country Area**
 - Change the translation for Primary Residential Streets in a Country Area – Board concurs with Planning staff.

- **Issue 5 – Transition Between Street Types on Continuous Roads**
 - Delete transitions along continuous roadways – Board concurs with Planning staff.

- **Issue 6 – Authority to Modify Interim Street Type Designations**
 - Establish the Planning Board as the appropriate authority, in consultation with MCDOT, for determining when to deviate from interim street types – Board concurs with Planning staff.

- **Issue 7 – Minimum Rights of Way**
 - Correctly identify how minimum rights-of-way are to be established – Board concurs with Planning staff proposed edits, but the Board emphasized its view that newer standards introduced in the CSDG and more recent functional master plans have precedence over older master and sector plans.

- **Issue 8 – Curb Radius**
 - Revise and reorganize the curb radius section of Bill 24-22 to capture all conditions and better reflect the guidance in the CSDG – Board concurs with Planning staff, but also accepts a proposed edit proposed by MCDOT in Section 49-32(f) to be revised as follows.

As proposed by Planning Staff:

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

As recommended by the Planning Board:

(3) a 25-foot radius is acceptable where at least one street is an Industrial Street.

- **Issue 9 – Modify Target Speeds**
 - Designate the target speed for Boulevards as 35 mph as there are no Boulevards in Urban areas – Board concurs with Planning staff.
 - Change Town Center Boulevard target speed from 30 mph to 25 mph as these streets will be located in Urban areas – Board concurs with Planning staff.
 - Reflect “Twenty is Plenty” on residential streets by reducing the target speed for Neighborhood Connectors from 25 mph to 20 mph – Board concurs with Planning staff.

- **Issue 10 – Sidewalk Exemptions**
 - 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 – Board concurs with Planning staff and suggests further edits be considered to clarify the distinct authority of subsections 29 and 33 regarding capital projects versus development projects.
 - Clarify what it means to connect to other sidewalk segments “within the foreseeable future” as the future is not foreseeable – Board deletes this comment.
 - Authorize the Planning Board to develop criteria for mitigation payments – Board concurs with Planning staff.
 - Do not permit mitigation payments for sidewalks or bikeways that are conditions of Planning Board development approval – Board concurs with Planning staff and further requests that it be clarified in code that the Department of Permitting Services may only waive improvements not required as a condition of Planning Board approval.

- **Minor Issues**
 - The Board concurs with Planning staff on proposed changes to address the minor issues identified with the exception of bullet ten, where the Board accepts a modified definition for protected crossing suggested by MCDOT as follows:

Protected Crossing: Specific traffic control devices that improve the safety and comfort of pedestrians and bicyclists crossing streets by reducing or eliminating conflicts, as well as increasing stopping and yielding for pedestrians and bicyclists, using measures such as traffic signals (full signals with pedestrian signals) pedestrian hybrid (HAWK) beacons, all-way stop control, or grade-separated crossings.

The Board also heard testimony from Leslie Saville, a Silver Spring resident, and suggests that her concerns regarding Rustic Roads be considered in final adoption of the bill and forthcoming executive regulations.

The Board appreciates the Council's action on this Bill updating Chapter 49 to reflect the vision of the CSDG. These changes, while technical in nature, are an important step in implementing the CSDG and in keeping the Road Code consistent with other County Codes and policies.

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, September 15, 2022.



Casey Anderson
Chair

Attachment A: Planning Board Staff Report Package for Bill 24-22

Attachment B: Comment letter from Leslie Saville

CA:SA:aj



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

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MONTGOMERY PRIZE

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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

Montgomery
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Alliance

ROYCE HANSON AWARD

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PRESERVATION

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Fwd: Bill 24-22 - support for RRAC comments

From: Leslie Saville <lsaville@gmail.com>
Sent: Monday, October 3, 2022 5:33 PM
To: Orlin, Glenn <Glenn.Orlin@montgomerycountymd.gov>
Subject: Fwd: Bill 24-22 - support for RRAC comments

EXTERNAL EMAIL]

----- Forwarded message -----

From: **Caroline Taylor** <caroline@mocoalliance.org>
Date: Tue, Sep 27, 2022 at 5:04 PM
Subject: Bill 24-22 - support for RRAC comments
To: Councilmember Albornoz's Office <Councilmember.Albornoz@montgomerycountymd.gov>, <councilmember.Jawando@montgomerycountymd.gov>, Nancy Navarro <councilmember.navarro@montgomerycountymd.gov>, <Councilmember.Rice@montgomerycountymd.gov>, <Councilmember.Friedson@montgomerycountymd.gov>, <councilmember.Glass@montgomerycountymd.gov>, Hans Riemer <Councilmember.Riemer@montgomerycountymd.gov>, Sidney Katz <councilmember.katz@montgomerycountymd.gov>, <councilmember.hucker@montgomerycountymd.gov>

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

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

Eve Sandmeyer

10303 Leslie Street
Silver Spring, MD 20902
410.418.1010

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



AGRICULTURAL PRESERVATION ADVISORY BOARD

October 10, 2022

The Honorable Gabe Albornoz, President
The Honorable Tom Hucker, Chair, T&E Committee
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Re: Bill 13-22, ZTA 22-10, SRA 22-01, Streets and Roads

Dear Council President Albornoz and Chair Hucker,

The Montgomery County Agricultural Preservation Advisory Board – APAB is providing its comments on the above listed legislation.

The agricultural community continues to see the deemphasis of farming in the County. Contained within these pieces of legislation are recommendations to reduce the farmers voice at the table of government. On page 10 of the T&E committee pack for these legislative actions, there is a proposal to remove the 50% income requirement of owner-operators of commercial farmland to come from farming. Once again, the concern of farmers is ignored from the Rustic Road Advisory Committee. The agricultural community is tightly knit, and the farmers know who has applied for committee positions. Bona-fide farmers applied for positions on the Rustic Roads Advisory Committee and were not selected.

The farmers who applied for the committee met the income requirements and have served on other County committees. They have a unique perspective on farming in Montgomery County and how their operations are effected by rustic roads.

Another troubling proposal is the addition of two at-large members to the committee. When the program began, 60% of the members were farmer, with this proposal only 33% of the members would be farmers. It does not appear to be a committee concerned with the voice of the farmers.

The Rustic Roads Advisory Committee must represent the concerns of the agricultural community, most of the rustic roads are in the Agricultural Reserve. If this committee wants buy in from the farmers, don't waive the income requirement. If the income requirement is waived, the farmers will feel once again this program is not designed to help but to hinder their industry. The farming community feels these amendments would allow the Rustic Roads Committee to circumvent the current selection process, creating an opportunity to cherry pick individuals whom the committee deems qualified for the position based sharing their ideals and viewpoints.

The APAB asks the T&E committee to maintain the income requirement for farmer members of the Rustic Roads Advisory Committee and keep the committee membership at 7.

Sincerely,

Office of Agricultural Services

18410 Muncaster Road · Derwood, Maryland 20855 · 301/590-2823, FAX 301/590-2839



AGRICULTURAL PRESERVATION ADVISORY BOARD

Michael B. Jamison

Michael Jamison, Chairman

cc: Marc Elrich, County Executive
Jeremy Criss, Director, Office of Agriculture

From: djwilhelm@verizon.net <djwilhelm@verizon.net>
Sent: Friday, October 7, 2022 12:31 PM
To: Glass's Office, Councilmember <Councilmember.Glass@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>; Hucker's Office, Councilmember <Councilmember.Hucker@montgomerycountymd.gov>
Cc: Orlin, Glenn <Glenn.Orlin@montgomerycountymd.gov>
Subject: Re: Bill 24-22

[EXTERNAL EMAIL]

Greater Colesville Citizens Association

PO Box 4087
October 7, 2022

County Council T&E Committee
Attn: Tom Hucker, Chair
100 Maryland Ave

Re: Bill 24-22

Dear Chair Hucker and Fellow T&E Committee Members:

Sec 49-31. Classifications

(a) This section identifies downtown, town center, rural area and suburban areas.

This list is not consistent with the Thrive Plan (Figure 29). To avoid confusion, the Thrive-listed locations should be used in this document. However, the town center should only be those locations listed as medium centers in Thrive as a urban location. The smaller centers and villages should be identified as suburban in the bill.

We also want to point out this definition of “suburban” is different than what the Planning Department has been showing as suburban and urban for decades. In that other figure, the area inside the beltway and much of the area along I-270 and MD355 south of Germantown have been identified as urban. Since the density is greater in these residential areas than what had been classified as suburban, there probably should be some distinction here.

Sec 49-32 Design Standards

(h) Dealing with maximum target speed by road type.

The proposed change in maximum speed in areas without much development or without safety issues is too low. We understand the design standards apply only to county roads, not state or federal roads. The bill is applying a single standard to the entire length of a road independent of the nature of the road and surrounding development, which changes along its length. For example, Randolph Rd between Georgia Ave and New Hampshire Ave is currently a major highway where the speed limit is 35mph from Georgia Ave to near Glennallan Ave and then increases to 40 mph. It changes again to 45 mph near Kemp Mill Rd and is unchanged the remainder of the way to New Hampshire Ave. (Note that the speed

limit is sometimes different dependent upon the direction of travel.) The proposed change for the entire length is 35mph as a Boulevard. The speed limit along this road currently matches the density. The speed limit needs to remain at the existing speeds because of the nature of the road and adjacent development.

The bill changes primary residential roads to a neighborhood connector designation but doesn't take into account the there are two types of primary residential roads. Some primary roads are in residential neighborhoods, while others are for higher speed and higher volumes, more like an arterial. Cannon Rd, Wolfe Dr, Kara Lane, Broadmore Rd, Tamarack Rd and Shaw Ave are examples of the first type and their speed limit should remain at 25 mph. Notley Rd, Old Columbia, Bonifant Rd east of Layhill Rd are examples of the second type and a proposed speed limit of 25 mph is too low. Today these roads are either 30 mph or 35 mph and need to remain at the current speed limit. The existing speed limit needs to be maintained because of the nature of the road and adjacent development.

The capacity of a road is directly linked to the speed vehicles travel. If drivers actually drove the speed limit suggested in this bill, the result would be increased congestion. That is contrary of what elected officials should be doing – they should be working to reduce congestion, not increase it. Without adequate enforcement the lower speeds will not be adhered to by the public assuming they consider it safe to travel at the higher speed. This approach would just be teaching the public to ignore the law, more than is already the case.

If safety is the reason for the lower speeds, then put lower speed limits in those short segments where safety dictates.

We understand the desire to reduce accidents involving pedestrians. Speed is only one factor. Another factor that the county appears to be ignoring is getting pedestrians out of the road. There are many pan-handlers walking in the streets, often between cars, and sometimes at night when driver visibility is poor. We observe many people walking in the street when there is a good sidewalk only a few feet away. There needs to be a campaign to get people to use available sidewalks.

In conclusion, do not change the speed limits that are currently set or try to have a single speed limit for the entire length of a road.

Thanks for considering our position.

Sincerely,

Daniel L. Wilhelm
GCCA President