



**Bill 33-13: Streets and Roads – Urban Road Code Standards and Pedestrian Safety Improvements, and
Bill 32-13: Motor Vehicles and Traffic - Off-Street Public Parking Regulations - Plug-in Vehicles**

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Completed: 01/16/14

Description

Item 7A, Bill 33-13: Streets and Roads – Urban Road Code Standards Pedestrian Safety Improvements

Bill 33-13 (see Attachment 1) has been introduced to amend Chapter 49 of the County Code in an effort to expand and enhance the County’s Complete Streets policy, as initiated in the 2007 overhaul of the County’s Road Code. The bill is scheduled for a public hearing at 7:30 pm in the 3rd floor hearing room of the Council Office Building in Rockville on the same day as the Board’s meeting - January 23, 2014.

Bill 33-13 would make several significant changes to the Road Code to promote a transportation system that better accommodates all users. In particular, it would improve pedestrian and bicyclist accommodation and safety in our mixed-use activity centers. The bill:

1. **Reduces the width of travel lanes and turn lanes in urban areas, as defined by the Road Code.** The lane widths in the County’s current road standards in urban areas are typically 11’, with curb lanes at 14’. These widths would be changed to 10’ and 11’, respectively. Subsequent changes to the road standards in urban areas would need to be made to reflect this change. The narrower lane widths would encourage lower operating speeds and shorten pedestrian crossing distances.
2. **Reduces the curb radius in urban areas to 15 feet.** While there is not currently a standard curb radius, it is usually 30 feet in these areas. The smaller radius would shorten the pedestrian crossing distance and reduce their time in the roadway.
3. **Sets a minimum width for pedestrian refuges and require them on wide roadways.** The provision of refuges would enable a safer crossing of wide roadways. A six-foot width can more easily accommodate a bicycle or baby stroller.
4. **Sets target speeds for each classification of roadway unless otherwise specified by a master plan or by the County Council in an approved capital improvements program.** When the Road Code was revised in 2007, an introductory section was included that specified various design requirements, including such target speeds, that would come into effect unless the County Executive submitted a set of Executive Regulations governing road standards that was

acceptable to the Council. These standards were submitted and approved but they did not include target speeds for each classifications of road. This bill would correct that omission.

5. **Expands the language on public-private participation and on public projects to include provisions for bikeshare stations, electric vehicle charging stations, and other smart transportation technologies.** These provisions are intended to facilitate easier and cheaper future retrofits as new technologies become available.
6. **Adds language to ensure that handicap ramps are constructed as part of frontage improvements required of developers.**
7. **Ensures that ADA Best Practices are reflected in the County's road standards and specifications.** While projects that are currently built meet the minimum requirements of the law, they do not often reflect ADA Best Practices, resulting in facilities that are more difficult to use.
8. **Requires that the County Executive notify the Board why waivers of the road standards as approved by the Board in a subdivision or site plan have not been granted.** The current Road Code permits a denial of such a waiver only when the Executive finds that the waiver would significantly impair public safety.

Item 7B, Bill 32-13: Motor Vehicles and Traffic - Off-Street Public Parking Regulations - Plug-in Vehicles
Bill 32-13 (see Attachment 2) has been introduced to amend Chapter 49 of the County Code in an effort to promote the use of electric vehicles by means of ensuring that recharging stations and designated parking spaces are not occupied by non-electric vehicles. . The bill is scheduled for a public hearing at 1:30 pm in the 3rd floor hearing room of the Council Office Building in Rockville on January 28, 2014.

The bill:

1. **Defines what a plug-in vehicle is.**
2. **Prohibits non-plug-in vehicles from using a space designated for plug-in vehicles or that provides access to a recharging station.**

Recommendations

We recommend that the Board support the Bills 33-13 and 32-13 and transmit the following additional changes to Bill 33-13 to the County Council. Additions are shown as underlined text; deletions are shown in brackets.

1. Delete "Section 3. Regulations" in its entirety.
2. Add "Bicycle-Pedestrian Priority Area" to Section 49-11(b)(1) as shown:
Section 49-11 Permit to obstruct public rights-of-way.

(b) The Director must not issue a permit for reconstruction or repair of a sidewalk or shared use path for more than 6 months, or to close a curb lane, sidewalk, or shared use path for work on an abutting structure, utilities, or infrastructure for more than 15 days, unless a safe alternate walkway or shared use path is provided on the same side of the street:

(1) in a Metro Station Policy Area, Town Center Policy Area, Bicycle-Pedestrian Priority Area, or other area expressly identified in a Council resolution;

3. Add: “Section 49-11(i): The Director of the Department of Permitting Services must maintain a publicly accessible database of all current permits granted by this section to close sidewalks, curb lanes, or bikeways with the dates of closure and reopening.”

4. Section 49-26 Bikeway

a. (a): Revise as follows: “Shared use path : A paved path that is typically 10[8’ – 12]’wide but that can vary between 8’ and 14’, and that is designated for bicycles and pedestrians that is separated from motorized traffic by a [curb,]barrier[,] or landscape panel.”

b. Add: “(d): Cycle Track: A bicycle facility that is physically separated from vehicular and pedestrian infrastructure. Separation may be vertical (curb), horizontal (landscaped panel, parking lane, bollards), or a combination.”

5. Section 49-27: Revise as follows:

(a) This Article applies to all roads in the County, except any:

([a]1) State road;

([b]2) Federal road;

([c]3) Road located in any park under the jurisdiction of the Maryland-National Capital Park and Planning Commission;

([d]4) Private road; or

([e]5) Municipally owned and maintained road.

(b) This Article also applies to County-maintained sidewalks and off-road bikeways along any road.

6. Sec 49-29(b): Add “and accessibility” after safety: “To promote the safety and accessibility of bicycle, pedestrian, and wheelchair travel throughout the County, the County Executive must establish, by regulation, standards and specifications to build and maintain ramps at curbed intersections and storm water gratings and other openings along roads and streets, in each case of a design and type that is not a hazard to bicycle and wheelchair traffic. These ramps, gratings, and openings must be built and maintained as part of each project under subsection (a).”

7. Add “at curb ramps at T intersections and” after “provided” in Section 49-32(h) as shown in Bill 33-13. (The underlines in the bill are not shown to clarify what text is recommended by staff to

be added.) “The curb radius at the corner of each intersection of urban roads must not exceed 15 feet. Curb extensions must be provided at curb ramps at T intersections and at the ends of each permanent parking lane except where a right-turn lane is designated.”

8. Add Section 49-22(k): Shared use paths must be at least 10 feet wide except where:
 - (1) bicycle traffic and pedestrian use of the facility is expected to be low and adequate passing opportunities would be provided; or
 - (2) a physical constraint such as an environmental feature, bridge abutment, utility structure, or wall is present.

9. Add language on curb extensions to provide adequate and safe access: Section 49-33(e): If a lot or lots front on a public road, the permittee must install sidewalks, curbs, and gutters except on any Secondary or Tertiary Residential Street, or Service Drive fronting on any lot in a residential zone. This requirement does not apply if the minimum net lot area for a one-family detached dwelling in that zone is larger than 25,000 square feet, except that a sidewalk must be installed on any primary or higher classification road. However, the Planning Board may require sidewalks, curbs[,] and gutters, and curb extensions in any such zone if the Board finds, as a condition of approval of a preliminary subdivision plan or site plan, that sidewalks, curbs[,] and gutters, and curb extensions at that location are necessary to allow adequate and safe access:
 - (1) to a sidewalk;
 - (2) to a bus or other public transit stop;
 - (3) to an amenity or public facility that will be used by occupants of the site or subdivision; or
 - (4) by persons with disabilities.

10. Add Section 49-33(l)(3): “Curbs in urban areas must not exceed six inches in height.”

11. Add Section 49-33(m): Continuous street lighting must be provided on all public roads and intersections in urban areas and Bicycle-Pedestrian Priority Areas to the standards of the American Association of State Highway and Transportation Officials.

12. Add reference to sidewalk: Section 49-36(g): “For any proposed road or sidewalk construction the permittee must post a notice in a conspicuous place on each project site as near to a public road as practicable. The notice must take the form of a sign that the Department must furnish to the permittee when the Department issues the permit. The sign must state that the construction is authorized by the Department of Permitting Services under permit and must display the permit number. The permittee must post the sign continuously during construction of the work covered by the permit and until final inspection. A person must not remove the sign until the Department completes its final inspection. If any other person removes the sign or if the sign is damaged, lost, or destroyed, the permittee must replace the sign within 24 hours,

excluding Saturdays and Sundays. The Department must issue new signs upon request to replace signs that are damaged, lost, or destroyed. A permittee who does not comply with this subsection has violated the permit.”

13. Replace the term “shared use path” with “bikeway” in the following sections: 40-45(a), 49-34(e), 49-35(a)(1), 49-51, 49-57(1), 49-57(2), and 49-62(a).

Analysis

Bill 33-13

All of the changes included in the bill would enhance the Complete Streets approach to roadway design that was initiated by the significant revisions to the Road Code in 2007 and the subsequent revisions of the road standards in 2008. We support the changes included in the bill, but have the following comments on three of the provisions:

#1: Reduce the travel lane width to 10’, or 11’ where adjacent to the curb. This change would be in accordance with the recently released National Association of City Transportation Officials (NACTO) “Urban Street Design Guide”, which is intended to reflect a design approach that is more attuned to the heavier concentrations of pedestrians and bicyclists in urban areas and the need to encourage slower speeds to ensure their safety. While the current 14’ curb lane was intended in part to provide more space for bicyclists, current bike planning theory is moving away from the wider lanes in favor of having bicyclists use the entire lane if a dedicated space in the roadway is not provided.

#2: Reduce the curb radius in urban areas to 15 feet. While there is not currently a standard curb radius, it is usually 30 feet in urban areas. The need for intersection standards was identified as a follow-up to the 2007 Road Code changes but they have not yet been created; putting this requirement into the Code would provide necessary guidance in urban areas. As with the above change in travel lane width, the smaller curb radius is in accordance with NACTO’s “Urban Design Guide”. The smaller radius would shorten the pedestrian crossing distance and reduce their time in the roadway. While a small radius is therefore desirable, there are several circumstances that could require a greater radius that MCDOT will likely comment on during the T&E Committee worksession. If necessary, additional wording could be added at that time to cover any need for waivers.

#8: Require that the County Executive notify the Board why waivers of the road standards as approved by the Board in a subdivision or site plan have not been granted. The current Road Code permits a denial of such a waiver only when the Executive finds that the waiver would significantly impair public safety. However, permits are often significantly delayed until changes for reasons other than safety are made to the approved plan. This Code change would bring more clarity to the process.

Additional Changes Recommended by Staff

The following recommendations are made with the same objective as the bill itself – to promote a transportation system that better accommodates all users, particularly in our urban areas.

Recommendation #1: The “Section 3. Regulations” that appear at the start of Chapter 49 were put in place by the County Council to set default values for a number of roadway elements if the County Executive did not submit appropriate Executive Regulations to assist in the implementation of the 2007

Road Code changes. The Executive subsequently submitted regulations, which the Council approved, but this section still appears in the code. This is a potential source of confusion since some readers may use the design values in this section without realizing that they are not an active part of the Code. We recommend that this section be deleted for clarity as part of this bill.

Recommendation #2: Language should be added to reflect the designation of two dozen Bicycle-Pedestrian Priority Areas in the Countywide Transit Corridors Functional Master Plan, promoting better and safer accommodation during construction in the areas where pedestrians and bicyclists are most prevalent.

Recommendation #3: While the changes that were made to this section of the code several years ago greatly improved pedestrian accommodation during construction, we have seen some sidewalk closures that greatly exceed the limits of the law as well as a lack of coordination between different parties implementing sidewalk closures on the same block. A database that is publicly accessible should improve compliance with the law and would allow deficiencies to be more easily reported, helping ensure that these disruptions be kept to a minimum (as recommended above).

Recommendation #4a: We recommend that language be added to clarify the standard width of a shared use path, even if site-specific conditions may cause it to vary. Widths of greater than 10' are used in locations that are anticipated to serve a high percentage of pedestrians and high user volumes. A width of 8' to 9' may be used where the following conditions prevail: 1) bicycle traffic is expected to be low, even on peak days or during peak hours, 2) pedestrian use of the facility is not expected to be more than occasional, and 3) horizontal and vertical alignments provide frequent, well-designed passing and resting opportunities. In addition, a path width of 8' may be used for a short distance due to a physical constraint such as an environmental feature, bridge abutment, utility structure, fence, etc. The definition describes the range of width for a shared use path, but Recommendation #8 (see below) sets the standard at 10' wide.

Recommendation #4b: Cycle tracks are fairly new to the repertoire of bicycle treatments, being recommended in both the Takoma-Langley Crossroads Sector Plan and the Countywide Transit Corridors Functional Master Plan, and should be added to the definition of "bikeway."

Recommendation #5: Section 49-27 addresses the applicability of the article and states that, among other road types, state roads are exempt. The County is responsible for maintenance of sidewalks along State highways however and frequently constructs standard concrete sidewalks, brick sidewalks in urban areas, and shared-use paths along such roads. These sidewalks and shared use paths should meet the requirements of this article both during and after construction.

Recommendation #6: The recommended addition of the words "and accessibility" more accurately reflects the objective of this section.

Recommendation #7: The language in the bill would require that the unused space in the roadway at the ends of permanent parking bays be converted to additional sidewalk area to shorten the pedestrian crossing distance. Our recommended additional language would require that the space opposite the

intersecting road at a T intersection be treated the same way. This would eliminate a problem at unsignalized T intersections where on-street parking often blocks the legal pedestrian crossing.

Recommendation #8: We recommend language be added to set the standard shared use path width at 10'. See further description in Recommendation #4a above.

Recommendation #9: We recommend language be added to require developers to make the curb extensions discussed in Recommendation #7 above if Board made them a condition of approval of a preliminary subdivision plan or site plan.

Recommendation #10: The State's standard curb height is eight inches; the County's is six inches, but occasionally the eight-inch height is used. The curb height is directly related to the length of handicap ramp required since the maximum ramp slope is one inch per foot, i.e. a six-inch curb will require a six-foot-long ramp and an eight-inch curb will require an eight-foot-long ramp. The longer ramp causes a greater reduction of the level area of sidewalk between the top of the ramp and the back of the sidewalk. The recommendation for the lower curb height in urban areas was recently included in the Countywide Transit Corridors Functional Master Plan.

Recommendation #11: Continuous street lighting is generally provided on all newly constructed and widened County roads, however there is no current requirement in the Road Code. Continuous street lighting is generally not provided on State roads in conjunction with their projects, as part of which lighting is generally provided at signalized intersections only.

Adequate street lighting is a critically important safety measure for pedestrians and bicyclists. Therefore, we recommend that street lighting that meets the standards of the American Association of State Highway and Transportation Officials be required in urban areas .

Recommendation #12: We recommend the addition of sidewalk construction to this section, which would add the requirement to post a notice listing the permitted work and the duration of the permit. This change is recommended to provide a much greater degree of accountability for sidewalk construction and closures and is intended to function together with Recommendations 2, 3, and 5.

Recommendation #13: Several changes are recommended to bring a greater level of consistency throughout Chapter 49 where the term "shared use path", but the more general term "bikeway" would be more appropriate. This recommendation is made in conjunction with Recommendation 4b, which would add the term "cycle track" as one type of bikeway.

Bill 32-13

This bill would promote the expansion of electric vehicle usage and has similar goals to some of the changes included in Bill 33-13. We recommend that the Board support Bill 32-13 as introduced.

Conclusion

We recommend that the Board support 32-13 and support Bill 33-13 with the recommended changes.

MEMORANDUM

TO: County Council

FROM: ^{MF} Michael Faden, Senior Legislative Attorney
^{GO} Glenn Orlin, Deputy Council Administrator

SUBJECT: **Introduction:** Bill 33-13, Streets and Roads – Urban Road Standards and Pedestrian Safety Improvements

Bill 33-13, Streets and Roads – Urban Road Standards and Pedestrian Safety Improvements, sponsored by Councilmember Berliner, is scheduled to be introduced on December 10, 2013. A public hearing is tentatively scheduled for January 23, 2014, at 7:30 p.m.

Bill 33-13 would limit the width of travel lanes, turning lanes, and parking lanes, as well as the size of intersection curb radii in urban areas. Curb extensions (sidewalk bulb-outs) would be required in many cases where a road in an urban area is reconstructed. The Bill also would set target speeds at which vehicles should operate in specific contexts, to provide both for mobility for motor vehicles and a safe environment for pedestrians and bicyclists.

The Bill would require certain road improvements to include a sufficient pedestrian refuge area, direct developers building road improvements to add curb ramps where appropriate, and require curb ramps to be built in accordance with federal ADA Best Practices.

This packet contains:	<u>Circle #</u>
Bill 33-13	1
Legislative Request Report	7

Bill No. 33-13
Concerning: Streets and Roads – Urban
Road Standards and Pedestrian
Safety Improvements
Revised: _____ Draft No. _____
Introduced: December 10, 2013
Expires: June 10, 2015
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: Councilmember Berliner

AN ACT to:

- (1) specify maximum standards for lane widths and curb radii on urban roads,
- (2) further define certain required certain pedestrian improvements; and
- (3) generally amend the laws governing road design and construction.

By amending

Montgomery County Code
Chapter 49, Streets and Roads
Sections 49-4, 49-29, 49-32, and 49-33

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

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

1 **Sec. 1. Sections 49-4, 49-29, 49-32, and 49-33 are amended as follows:**

2 **49-4. Public-private participation.**

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

9 **49-25. Purpose and short title.**

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

- 13 (a) maximize the choice, safety, convenience, and mobility of all users,
14 (b) respect and maintain the particular character of the community where it
15 is located, [and]
16 (c) minimize stormwater runoff and otherwise preserve the natural
17 environment, and
18 (d) facilitate the future accommodation of improved transportation
19 technology elements, such as intelligent signals, smart meters, electric
20 vehicle charging, car- and bicycle-sharing, and way-finding systems.

21 To achieve these goals, each County road and street must be designed so that
22 the safety and convenience of all users of the roadway system - including pedestrians,
23 bicyclists, transit users, automobile drivers, commercial vehicles and freight haulers,
24 and emergency service vehicles - is accommodated. Each road and street must
25 facilitate multi-modal use and assure that all users can travel [safety] safely in the
26 public right of way. A specified quantity of stormwater must be managed and treated
27 on- site, in the road or street right-of-way, including through the use of vegetation-

28 based infiltration techniques. These [contest] context-sensitive policies must be
29 employed in all phases of publicly or privately funded facility development,
30 including planning, design, construction, [and] reconstruction, and streetscaping.

31 * * *

32 **49-26. Definitions.**

33 * * *

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

39 * * *

40 **49-29. Pedestrian walkways, bikeways, and wheelchair traffic.**

41 * * *

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

51 **49-32. Design standards for types of roads.**

52 (a) The design standards adopted under this Article govern the construction
53 or reconstruction of any County road except Rustic Roads and
54 Exceptional Rustic Roads. If the Planning Board, in approving a

55 subdivision or site plan, [determines] finds that a waiver from any
 56 applicable design standard is necessary to promote context-sensitive
 57 design of a specific road, the Executive or the Executive’s designee
 58 must adopt the Board’s recommendation unless the Executive or [the]
 59 designee [concludes that] notifies the Board why approving the waiver
 60 would significantly impair public safety. The County Council may
 61 adopt alternative standards for a specific road constructed or
 62 reconstructed in a project in the approved capital improvements
 63 program.

64 * * *

- 65 (g) Each through travel or turning lane on an urban road must be no wider
 66 than 10 feet, except a through travel or turning lane abutting an outside
 67 curb, which must be no wider than 11 feet, including the gutter pan.
 68 Each parking lane on an urban road must be no wider than 8 feet,
 69 including the gutter pan.
- 70 (h) The curb radius at the corner of each intersection of urban roads must
 71 not exceed 15 feet. Curb extensions must be provided at the ends of
 72 each permanent parking lane except where a right-turn lane is
 73 designated.
- 74 (i) Each pedestrian refuge must be at least 6 feet wide. A pedestrian refuge
 75 must be provided at each intersection on a divided highway with 6 or
 76 more through travel lanes.
- 77 (j) Unless otherwise specified in a master plan or the approved capital
 78 improvements program, the target speeds in the table below must
 79 govern the construction or reconstruction of any County road except
 80 Rustic Roads and Exceptional Rustic Roads:

85 (e) If a lot or lots front on a public road, the permittee must install
 86 sidewalks, ramps, curbs, and gutters, except on any Secondary or
 87 Tertiary Residential Street[,] or on any Service Drive fronting on any lot
 88 in a residential zone. This requirement does not apply if the minimum
 89 net lot area for a one-family detached dwelling in that zone is larger
 90 than 25,000 square feet, except that [a sidewalk must be installed] the
 91 permittee must install sidewalks and ramps on any primary or higher
 92 classification road. However, the Planning Board may require the
 93 applicant to install sidewalks, ramps, curbs, and gutters in any such zone
 94 if the Board finds, as a condition of approval of a preliminary
 95 subdivision plan or site plan, that sidewalks, ramps, curbs, and gutters at
 96 that location are necessary to allow access:

- 97 (1) to a sidewalk;
- 98 (2) to a bus or other public transit stop;
- 99 (3) to an amenity or public facility that will be used by occupants of
 100 the site or subdivision; or
- 101 (4) by persons with disabilities.

102 Before the Planning Board approves any requirement under the
 103 preceding sentence, the Board must give the Departments of Permitting
 104 Services and Transportation a reasonable opportunity to comment on
 105 the proposed requirement.

106 * * *

107 *Approved:*

108 _____
 109
 Craig L. Rice, President, County Council Date

LEGISLATIVE REQUEST REPORT

Bill 33-13


Streets and Roads – Urban Road Standards and Pedestrian Safety Improvements

- DESCRIPTION:** Limits the width of travel lanes, turning lanes, and parking lanes, as well as the size of intersection curb radii in urban areas. Requires curb extensions (sidewalk bulb-outs) in many cases where a road in an urban area is reconstructed. Sets target speeds at which vehicles should operate in specific contexts. Requires certain road improvements to include a sufficient pedestrian refuge area, directs developers building road improvements to add curb ramps where appropriate, and requires curb ramps to be built in accordance with federal ADA Best Practices.
- PROBLEM:** Certain design standards currently do not produce roads that are appropriate for urban areas and do not provide sufficient accommodate for pedestrians and bicyclists.
- GOALS AND OBJECTIVES:** To provide both for mobility for motor vehicles and a safer environment for pedestrians and bicyclists.
- COORDINATION:** Department of Transportation, Department of Permitting Services, Planning Board
- FISCAL IMPACT:** To be requested.
- ECONOMIC IMPACT:** To be requested.
- EVALUATION:** To be requested.
- EXPERIENCE ELSEWHERE:** To be researched.
- SOURCE OF INFORMATION:** Michael Faden, Senior Legislative Attorney, 240-777-7905
Glenn Orlin, Deputy Council Administrator, 240-777-7936
- APPLICATION WITHIN MUNICIPALITIES:** To be researched.
- PENALTIES:** Not applicable.

MEMORANDUM

December 6, 2013

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Introduction:** Bill 32-13, Motor Vehicles and Traffic – Off-Street Public Parking Regulations – Plug-in Vehicles

Bill 32-13, Motor Vehicles and Traffic – Off-Street Public Parking Regulations – Plug-in Vehicles, sponsored by Councilmembers Riemer and Berliner, is scheduled to be introduced on December 10. A public hearing is tentatively scheduled for January 28, 2014 at 1:30 p.m.

Bill 32-13 would prohibit parking of a vehicle that is not a plug-in vehicle in a public off-street parking space reserved for plug-in vehicles. Plug-in vehicle parking spaces with a recharging station are becoming more popular as plug-in electric vehicles become more available in the County. There is currently no prohibition on parking a non plug-in vehicle in a parking space reserved for a plug-in electric vehicle. The Bill would encourage the use of plug-in electric vehicles in the County and the installation of parking spaces with a recharging station reserved for plug-in vehicles.

This packet contains:	<u>Circle #</u>
Bill 32-13	1
Legislative Request Report	3

Bill No. 32-13
Concerning: Motor Vehicles and Traffic –
Off-Street Public Parking Regulations
– Plug-in Vehicles
Revised: December 3, 2013 Draft No. 1
Introduced: December 10, 2013
Expires: June 10, 2015
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Riemer and Berliner

AN ACT to:

- (1) define a plug-in vehicle;
- (2) prohibit parking of a vehicle that is not a plug-in vehicle in a public parking space reserved for plug-in vehicles; and
- (3) generally amend the laws governing off-street public parking in the County.

By adding

Montgomery County Code
Chapter 31, Motor Vehicles and Traffic
Article IV, Off-Street Public Parking Regulations
Section 31-26B

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

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

1 **Sec. 1. Section 31-26B is added as follows:**

2 **31-26B. Parking spaces reserved for a plug-in vehicle.**

3 (a) In this Section, a *plug-in vehicle* means a vehicle that:

4 (1) is made by a vehicle manufacturer;

5 (2) is manufactured primarily for use on a public street, road, and
6 highway;

7 (3) has not been modified from the original manufacturer's
8 specifications;

9 (4) has a rated unloaded gross vehicle weight of no more than 8,500
10 pounds;

11 (5) has a maximum speed of at least 65 miles per hour;

12 (6) is propelled to a significant extent by an electric motor that draws
13 electricity from a battery that:

14 (A) for a 4-wheeled vehicle, has a capacity of at least 4
15 kilowatt-hours;

16 (B) for a 2-wheeled or a 3-wheeled vehicle, has a capacity of at
17 least 2.5 kilowatt-hours; and

18 (C) can be recharged from an external source of electricity.

19 (b) A person may not stop, stand, or park a vehicle that is not a plug-in
20 vehicle in a space that:

21 (1) is marked for the use of plug-in vehicles with an official sign that
22 conforms to regulations adopted pursuant to Section 31-23; and

23 (2) provides access to a plug-in vehicle recharging station.

LEGISLATIVE REQUEST REPORT

Bill 32-13

Motor Vehicles and Traffic – Off-Street Public Parking Regulations – Plug-in Vehicles

DESCRIPTION: Bill 32-13 would prohibit a person from parking a non plug-in electric vehicle in an off-street public parking space reserved for plug-in vehicles.

PROBLEM: Plug-in vehicle parking spaces with a recharging station are becoming more popular as plug-in electric vehicles become more available in the County. There is currently no prohibition on parking a non plug-in vehicle in a parking space reserved for a plug-in electric vehicle.

GOALS AND OBJECTIVES: The goal is to encourage the use of plug-in electric vehicles in the County and the installation of parking spaces with a recharging station reserved for plug-in vehicles.

COORDINATION: Police, County Attorney, Department of Transportation

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Robert H. Drummer, Senior Legislative Attorney, 240-777-7895

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: Class B Violation

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