

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-2-2012

Chapter No. 5

Proposed and Presented by Council Members Olson and Franklin

Introduced by Council Members Olson, Franklin, Lehman, Davis and Patterson

Co-Sponsors _____

Date of Introduction April 3, 2012

SUBDIVISION BILL

1 AN ACT concerning

2 Adequate Public Pedestrian and Bikeway Facilities in Centers and Corridors

3 For the purpose of requiring the Planning Board to make a finding of adequacy of public

4 Pedestrian and Bikeway Facilities for development proposals within County Centers and

5 Corridors, to include standards for ensuring the adequacy of non-motorized multimodal

6 transportation facilities including sidewalks, bikeways, and pathways, clarifying requirements for

7 adequate roads by implementing “complete streets” principles and policies in the 2009 Approved

8 Countywide Master Plan of Transportation , and providing that these provisions shall be

9 prospectively applied.

10 BY adding:

11 SUBTITLE 24. SUBDIVISIONS.

12 Section 24-124.01,

13 The Prince George’s County Code

14 (2011 Edition).

15 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
16 Maryland, that Section 24-124.01 of the Prince George's County Code be and the same is hereby
17 added:

18 SUBTITLE 24. SUBDIVISIONS.

19 DIVISION 4. REQUIREMENTS: TRANSPORTATION AND CIRCULATION.

20 Sec. 24-124.01. Adequate Public Pedestrian and Bikeway Facilities Required in County
21 Centers and Corridors.

1 (a) Statement of Legislative Intent. This Section establishes general criteria by which to
2 ensure the adequacy of public pedestrian and bikeway facilities in County Centers and Corridors
3 as designated by the General Plan (or as designated, defined, or amended by a subsequent master
4 plan or sector plan). It also sets forth the requirements for those who establish subdivisions
5 within Centers and Corridors to construct on-site and off-site pedestrian and bikeway facilities
6 and other public streetscape improvements as part of any development project. The Approved
7 2002 General Plan states that the County should provide for a multimodal pedestrian-friendly
8 transportation system at Centers and Corridors that is integrated with the desired development
9 pattern. Accomplishing this requires the incorporation, to the maximum extent possible, of
10 appropriate pedestrian, bicycle and transit-oriented design (TOD) and transit-supporting design
11 (TSD) features in all new development within Centers and Corridors. Such features include
12 integrated sidewalk, trail, and bikeway networks to divert as many trips as possible from
13 automobile travel and increase the multimodal accessibility and attractiveness of trips to transit
14 stops, schools, parks, libraries, stores, services and other destinations for all users. Pedestrian and
15 bikeway facilities should be designed to increase safety, reduce travel time and offer the most
16 direct routes to destinations for persons of all abilities. These concepts are further articulated in
17 the “complete streets” principles and policies set forth in the 2009 Approved Countywide Master
18 Plan of Transportation.

19 (b) Except for applications for development projects proposing five (5) or fewer units or
20 otherwise proposing development of 5,000 or fewer square feet of gross floor area, before any
21 preliminary plan may be approved for land lying, in whole or part, within County Centers and
22 Corridors, the Planning Board shall find that there will be adequate public pedestrian and
23 bikeway facilities to serve the proposed subdivision and the surrounding area.

24 (1) The finding of adequate public pedestrian facilities shall, at a minimum, include
25 the following criteria:

26 (A) The degree to which the sidewalks, streetlights, street trees, street furniture,
27 and other streetscape features recommended in the Countywide Master Plan of Transportation
28 and applicable area master plans or sector plans have been constructed or implemented in the
29 area.

30 (B) The presence of elements that make it safer, easier, and more inviting for
31 pedestrians to traverse the area (e.g., adequate street lighting, sufficiently wide sidewalks on both

1 sides of the street buffered by planting strips, marked crosswalks, advance stop lines and yield
 2 markings, “bulb-out” curb extensions, crossing signals, pedestrian refuge medians, street trees,
 3 benches, sheltered commuter bus stops, trash receptacles, and signage).

4 (2) The finding of adequate public bikeway facilities shall, at a minimum, include the
 5 following criteria:

6 (A) the degree to which the bike lanes, bikeways, and trails recommended in the
 7 Countywide Master Plan of Transportation and applicable area master plans or sector plans have
 8 been constructed or implemented in the area;

9 (B) the presence of specially marked and striped bike lanes or paved shoulders in
 10 which bikers can safely travel without unnecessarily conflicting with pedestrians or motorized
 11 vehicles;

12 (C) the degree to which protected bicycle lanes, on-street vehicle parking,
 13 medians, or other physical buffers exist to make it safer or more inviting for bicyclists to traverse
 14 the area; and

15 (D) the availability of safe, accessible, and adequate bicycle parking at transit
 16 stops, commercial areas, employment centers, and other places where vehicle parking, visitors,
 17 and/or patrons are normally anticipated.

18 (c) As part of any development project requiring the subdivision or re-subdivision of land
 19 within Centers and Corridors, the Planning Board shall require the developer/property owner to
 20 construct adequate pedestrian and bikeway facilities (to the extent such facilities do not already
 21 exist) throughout the subdivision and within one-half mile walking or biking distance of the
 22 subdivision if the Board finds that there is a demonstrated nexus to require the applicant to
 23 connect a pedestrian or bikeway facility to a nearby destination, including a public school, park,
 24 shopping center, or line of transit within available public rights of way. The cost of the
 25 additional off-site pedestrian or bikeway facilities shall not exceed thirty-five cents (\$0.35) per
 26 gross square foot of proposed retail or commercial development proposed in the application and
 27 Three Hundred Dollars (\$300.00) per unit of residential development proposed in the
 28 application, indexed for inflation.

29 (d) Examples of adequate pedestrian and bikeway facilities that a developer/property
 30 owner may be required to construct shall include, but not be limited to (in descending order of
 31 preference):

1 (1) installing or improving sidewalks, including curbs and gutters, and increasing safe
2 pedestrian crossing opportunities at all intersections;

3 (2) installing or improving streetlights;

4 (3) building multi-use trails, bike paths, and/or pedestrian pathways and crossings;

5 (4) providing sidewalks or designated walkways through large expanses of surface
6 parking;

7 (5) installing street furniture (benches, trash receptacles, bicycle racks, bus shelters,
8 etc.); and

9 (6) installing street trees.

10 (e) For the purposes of this Section:

11 (1) “Walking or biking distance” is measured from the outer limits of the
12 circumference of the smallest circle encompassing all the land area of the subdivision and
13 includes the entire lot line of any property partially included within such distance; and
14 “throughout the subdivision” includes all the land area within such circumference.

15 (2) No developer/property owner shall be required to acquire additional land not
16 already owned by that developer/property owner in order to construct adequate pedestrian and
17 bikeway facilities. All adequate pedestrian and bikeway facilities required under this Section
18 shall be constructed within existing public easements and rights-of-way, or within land dedicated
19 (or to be dedicated) by the applicant to public use.

20 (f) If a conceptual or detailed site plan approval is required for any development within the
21 subdivision, the developer/property owner shall include, in addition to all other required
22 information in the site plan, a pedestrian and bikeway facilities plan showing the exact location,
23 size, dimensions, type, and description of all existing and proposed easements and rights-of-way
24 and the appurtenant existing and proposed pedestrian and bikeway facilities throughout the
25 subdivision and within the designated walking or biking distance of the subdivision specified in
26 Subsection (c) of this Section, along with the location, types, and description of major
27 improvements, property/lot lines, and owners that are within fifty (50) feet of the subject
28 easements and rights-of-way.

29 (g) Prior to the issuance of any building permit for development within the subdivision, the
30 developer/property owner shall show that all required adequate pedestrian and bikeway facilities
31 have full financial assurances, have been permitted for construction through the applicable

1 operating agency's access permit process, and have an agreed-upon timetable for construction
2 and completion with the appropriate operating agency.

3 (h) Nothing contained within this Section shall be deemed to inhibit in any way the
4 authority of the Planning Board to require a developer/property owner to construct pedestrian
5 and bikeway facilities beyond those required in Subsection (c) of this Section, if such facilities
6 relate to the implementation of "complete streets" principles on roadways required to be
7 improved, constructed, or reconstructed to accommodate motor vehicle traffic that would be
8 generated by proposed subdivisions. Any such pedestrian and bikeway facilities shall be subject
9 to the cost limitations set forth in Subsection (c) of this Section.

10 (i) On or before June 1, 2013, the Planning Board shall, in consultation with the Director
11 of Public Works and Transportation, amend its *Guidelines for the Analysis of the Traffic Impact*
12 *of Development Proposals* (hereinafter "Guidelines") to include appropriate multimodal
13 pedestrian, bicycle, and transit quality/level-of-service (Q/LOS) or level-of-comfort (LOC)
14 standards and methodologies by which to identify and assess various design features and
15 facilities affecting pedestrians and bicyclists—at signalized and unsignalized intersections and
16 along the street—to assist all parties with selecting the appropriate combination of design and
17 operational features to satisfy the requisite comfort, safety, and aesthetic needs of pedestrians,
18 bicyclists, and transit users within Centers and Corridors. The Planning Board shall, from time to
19 time and in consultation with the Director of the Department of Public Works and
20 Transportation, reevaluate said "Guidelines" and make any necessary revisions and refinements,
21 as appropriate.

22 (j) Not later than June 1, 2013, the Director of Public Works and Transportation, in
23 consultation with the Planning Department, shall adopt and submit for the County Council's
24 consideration and approval any necessary amendments and revisions to the Department's
25 "General Specifications and Standards for Highway and Street Construction" and the
26 "Specifications and Standards for Highway Traffic Signals" for purposes of incorporating the
27 "complete streets" principles of the 2009 Approved Countywide Master Plan of Transportation
28 and other appropriate "complete streets" principles into said design and construction standards.
29 The Department's design and construction standards shall, at a minimum, provide:

30 (1) All new transportation improvement projects shall include appropriate
31 accommodation for pedestrians, bicyclists, transit riders, and persons of all abilities, while

1 promoting safe operation for all users. The appropriateness of the accommodation will vary
2 depending on the land use context and roadway type.

3 (2) Bicycle and pedestrian ways (including but not limited to continuous sidewalks
4 on both sides of all streets and appropriate on-road bicycle facilities in each direction of travel on
5 roads other than local and high-speed roads) shall be provided in all new construction and
6 reconstruction projects and all roadway capital improvement projects in Centers and Corridors
7 unless bicyclists and pedestrians are prohibited by law from using the roadway, the cost of
8 constructing the pedestrian or bikeway facilities substantially encumbers the public benefit of the
9 proposed development project, or other topographic or environmental factors would effectively
10 prohibit pedestrian or bicycle travel.

11 (3) The design of facilities for bicyclists and pedestrians shall be in accordance with
12 generally recognized and commonly used transportation engineering and planning standards and
13 practices, including but not limited to, those found in relevant guidance from the Federal
14 Highway Administration of the U.S. Department of Transportation (FHWA), the Maryland
15 Department of Transportation (MDOT), the American Association of State Highway and
16 Transportation Officials' (AASHTO) *Guide for the Development of Bicycle Facilities*,
17 AASHTO's *A Policy on Geometric Design of Highways and Streets*, the Institute of
18 Transportation Engineers' (ITE) "*Design and Safety of Pedestrian Facilities*," and the American
19 Planning Association's and National Complete Streets Coalition's *Complete Streets: Best Policy*
20 *and Implementation Practices*.

21 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act shall be
22 construed only prospectively and may not be applied or interpreted to have any effect on or
23 application to any preliminary plan application filed and accepted before the effective date of this
24 Act.
25

1 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect June 1, 2013.
2 Adopted this 24th day of April, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.