

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2023 Legislative Session

Reference No.: CB-069-2023

Draft No.: 2

Committee: TIEE

Date: 9/28/2023

Action: FAV(A)

REPORT:

Committee Vote: Favorable as Amended, 5-0 (In Favor: Council Members Olson, Dernoga, Hawkins, Ivey, and Watson).

The Committee convened on September 14, 2023, and again on September 28, 2023, to discuss CB-69-2023, which codifies the new 2023 Urban Street Design Standards as part of the County's Urban Street Design Policy. CB-069-2023 adds the new 2023 Urban Street Design Standards set forth in CR-067-2023 to the Prince George's County Code to supplement the Urban Street Design Policy that is already codified. CR-068-2023 incorporates by resolution the 2023 Urban Street Design Standards into section I of the code. The Urban Street Design Policy and Standards are consistent with the County Council's 2014 approval of its most current general plan for the County, Plan Prince George's 2035. CB-069-2023 removes the term principles and adds the word standards to Section 23-146, currently titled Urban Street Design Policy. In section (a), the bill removes the term principles and references the 2023 Urban Streets Design Standards incorporated in the 2007 version and revised in 2023 of the Department of Public Works and Transportation Specifications and Standards for Roadways and Bridges. In section (b), the word "Urban" is removed, and the title "Regional Transit Districts and Local" is added, which is language consistent with Plan 2035.

Additionally, the bill requires annual reporting from DPW&T and a ten-year plan for compliance around Regional Centers. CB-069-2023 seeks to update the code to the latest national standards. Some changes include prohibiting slip lanes and arterials that encourage cars to speed, promoting 2-4 travel lane widths, buffers, bike, and pedestrian facilities, a max speed of 25 miles per hour, and 10-foot lane widths (11' for bus routes), 15' minimum corner turning radius, buffered sidewalks and bike facilities.

As a result of input from the County Executive's office, MNCPPC, DPWT, and various stakeholders, there were several amendments offered regarding modifications and deviations from standards, consistency with approved master, sector, or functional master plans, and the provision of collaborative effective dates. (These amendments are included below for informational purposes.)

After discussion, the Committee voted favorably on CB-69-2023 as amended by a vote of 5-0.

AMENDMENTS

Amendment #1

1. On page 1, in line 10, strike “23-146” substitute “23-105, 23-146, and 23-615”.

2. On page 1, after line 12, insert:

SECTION 1. BE IT ENACTED by the County Council of Prince George’s County,

Maryland that Section 23-105 of the Prince George’s County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 23. ROADS AND SIDEWALKS.**DIVISION 1 GENERAL PROVISIONS.****Sec. 23-105. - Authority of the Director.**

(a) The Director shall administer and enforce this Subtitle except as specifically provided otherwise. In addition, the Director is authorized and empowered to make, adopt, and amend such rules and regulations as are reasonably necessary to implement the requirements and purpose of this Subtitle, and to fully exercise the authority of Article 25A of the Annotated Code of Maryland and the County Charter, to protect the public safety and health with respect to public roads under the jurisdiction of the County.

(b) The Director shall review the Design and Construction Standards and may recommend amendments or revisions as he deems necessary, from time to time, except as otherwise specifically prohibited. Prior to implementing a revision to the Design and Construction Standards, the proposed revision shall be made available to the public for input.

(c) The Director may disapprove the issuance of a permit for all or part of the proposed road construction where the work will interfere with the access to adjacent properties or the abutting lots, will not provide adequate traffic safety or circulation or continuation of the road, or the road construction may have an adverse effect on the public roads or nearby properties.

(d) At any time prior to acceptance of the completed road construction under a permit issued by the Department, the Director may find that the limits or details of the work called for in the permit will not provide proper grading, will interfere with access to adjacent properties or the abutting lots, or will not provide adequate drainage or traffic circulation or continuation of the road, and for these and other reasons indicating that the road construction may have an adverse effect on the public roads or nearby properties may:(1)Alter the permit requirements to extend, reduce, or modify the extent or details of the road construction; or(2)Revoke the permit where work has not started pursuant to the procedures contained herein.

(e) Where the Director finds that road construction has been performed by an owner, occupant, or developer of property abutting a road, or by another person, whether the work was under a permit or not, and a situation has been created which constitutes or creates a hazard or interference to the users of the road, results in a nuisance, or is otherwise not in compliance with the County Code or the Design and Construction Standards, the Director may order the owner or developer of the abutting properties, or the person who created the situation, to correct or remove the construction or correct the situation within a specified period of time. If the owner or developer of the abutting property fails to take corrective action as specified in the order within the designated period of time, in conformance with this Subtitle, the Director may cause the necessary corrections to be made, and the costs of this action may be assessed to the owner in accordance with the provisions of Section 23-109. If a person who is not the owner, developer, or representative of same for the abutting property creates a situation, as set forth above, which

the person fails to correct when notified by the Department, the Department may perform the necessary corrective action and the person who created the situation shall be guilty of a misdemeanor.

(f)The Director of Public Works and Transportation shall establish and apply standards for the maintenance of all County roads.

.(g)(1)The Director is authorized to waive, defer, or accept payment in lieu of compliance with the requirements of this Subtitle (except as provided in Subsection (h)), in whole or in part, where construction of road improvements is not practicable or desirable due to scattered ownership of lots in the area, insufficient right-of-way, or other factors determined by the Director to constitute an unreasonable hardship to the applicant or permittee, or hazard or nuisance to the public. Nothing herein shall be deemed to authorize the Director to waive or reduce any private right-of-way or easement standards set forth in Subtitle 24 of this Code, but the Director may increase these standards when deemed appropriate.(2)As relates to a small wireless facility permit only, upon an Applicant's showing that enforcement of a requirement found in this Subtitle or in the Design Manual for Small Wireless Facilities and this Subtitle would conflict with any applicable law, the Director is authorized to waive any such requirement but only to the minimum extent required for compliance.

(h)The Director must verify for land located within the Chesapeake Bay Critical Area, that any and all proposed grading and/or construction is in accordance with the requirements of the Conservation Manual and Subtitles 4, 5B, 24, and 27 of the County Code prior to the approval or issuance of any permit within the Critical Area. The Director may not waive or grant a variance from this Subsection.

(i) If the Director disapproves a permit complying with Urban Street Design standards, they shall provide formal findings with full documentation that includes detailed evidence, analysis, and justification for a permit disapproval. These findings shall be published within the annual report.

2. On page 1, in line 13, strike “1.” and substitute “2.”

3. On page 2, in line 4, strike “Urban” and substitute “Regional Transit Districts and Local”; strike beginning with “include” in line 5 down through “area” in line 9 and substitute “be constructed pursuant to the adopted County Urban Street Design Standards and the applicable master, sector, or functional master plan.”

4. On page 2, after line 13, insert:

SECTION 3. BE IT ENACTED by the County Council of Prince George’s County, Maryland, that Section 23-615 of the Prince George’s County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 23. ROADS AND SIDEWALKS.

DIVISION 7. COMPLETE AND GREEN STREETS.

Sec. 23-615. - Complete and Green Streets Policy.

(a) The County hereby adopts a complete and green street policy and principles, consistent with the adopted Complete Street Policy by National Capital Region Transportation Planning Board and the National Complete Streets Coalition, as revised by the County Code.

(b) All planned County financed and approved road, sidewalk, trail and transit related construction and reconstruction projects shall include environmental site design and facilities for the combined use of motor, emergency and freight vehicles, transit, bicycles and pedestrians, [except when cost shall be disproportionate to the projected need or when such facilities would be inappropriate due to the nature of the project, including the context and character of the surrounding built and natural environment of the neighborhood or area] and shall be constructed

pursuant to the adopted County Urban Street Design Standards and the applicable master, sector, or functional master plan.

(c)The Department will review and revise, as deemed necessary by the Director, plans, manuals, policies, processes, and the capital improvement program to foster the implementation of a complete and green street on public roadways projects, including privately built projects approved by the Department or on non-County projects funded in part or entirely by county funds.

5. On page 2, after line 13, insert:

“(d) Notwithstanding any other provision of this Subtitle, the requirements of the County’s adopted Urban Street Design Standards may only be adjusted as is minimally necessary to address existing geotechnical or environmental constraints, and/or existing development, that inhibits construction of the Urban Street to its required buildout. In such cases, the Director may only authorize the following alternatives to the applicable required Urban Street Design Standard:

1. Reduction in number of travel lanes; and/or,
2. Reduction in width of travel lanes; and/or,
3. Reduction in width or elimination of median; and/or,
4. Reduction in width or elimination of center turn lane; and/or,
5. Replacement of an off-street bicycle facility with a barrier- or parking-separated on-street facility; and/or,

6. Reduction in width or elimination of on-street parking.
Under no circumstances shall any bicycle, pedestrian, or transit facility or accommodation required by the Urban Street Design Standards be reduced or eliminated except as permitted by that Standard or as identified in Section 23-146(d)(5).”

6. On page 2, after line 20, insert: SECTION 5. BE IT FURTHER ENACTED that the implementation date of the provisions of this Act shall be June 1, 2024.

7. On page 2, in line 14, strike “2.” and substitute “4.”; and on page 2, in line 21, strike “3” and substitute “6”.

Amendment #2

On the Amendment Sheet for CB-69-2023, dated September 14, 2023, strike Amendment 5, and substitute the following amendment to CB-69-2023:

1. On page 2, after line 13, insert:

“(d) Notwithstanding any other provision of this Subtitle, the requirements of the County’s adopted Urban Street Design Standards may only be adjusted as is minimally necessary to address existing geotechnical, approved development or environmental constraints, and/or existing development, that inhibits construction of the Urban Street to its required buildout. In such cases, the Director may only authorize the following alternatives to the applicable required Urban Street Design Standard:

1. Reduction in number of travel lanes; and/or,
2. Reduction in width of travel lanes; and/or,
3. Reduction in width or elimination of median; and/or,
4. Reduction in width or elimination of center turn lane; and/or,
5. Replacement of an off-street bicycle facility with a barrier- or parking-separated

6. Reduction in width or elimination of on-street parking.

Under no circumstances shall any bicycle, pedestrian, or transit facility or accommodation required by the Urban Street Design Standards be reduced or eliminated except as permitted by that Standard or as identified in Section 23-146(d). If the Director determines that circumstances require modifications deviating from the standards and as identified in Section 23-146(d), they shall document their findings, to include analysis and justification for the modification or deviation. That shall be published in the annual report. The findings and documentation shall explain how the facilities will achieve a 25-mph design speed (or lower), and how the facility will achieve future compliance with the applicable standard. The findings shall be made available to the Council, Planning Board, and Public upon request.”.

2. On page 3, in line 14, after “(i)” insert: “Notwithstanding Section 23-105 of this Division, [If] if”.