

Reference Guide to Federal and Maryland State Bicycle and Pedestrian Laws and Policies



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REFERENCE GUIDE TO FEDERAL AND MARYLAND STATE BICYCLE AND PEDESTRIAN LAWS AND POLICIES

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As interest in bicycling and walking increases in Maryland, so has the need in understanding laws and policies that provide the foundation for developing a well integrated non-motorized transportation network.



A. Federal Laws and Policies Relating to Bicycling and Walking

Federal transportation policy calls for mainstreaming non-motorized transportation. Specifically the policy promotes increasing nonmotorized transportation to include at least 15 percent of all trips and to simultaneously reduce the number of

transportation systems and facilities. They are also required to consider a range of projects and strategies that will increase the safety of the transportation system for nonmotorized users...*TEA-21, Sections 1203, 1204.*

6. Each state shall fund a bicycle and pedestrian coordinator



position within the state department of transportation...*23 USC, Section 217(d).*

7. For purposes of Title 23 USC construction of pedestrian walkways and bicycle transportation facilities shall be deemed as highway projects...*23 USC, Section 217(f).*
8. Reconstruction work to interstate facilities can include “new features.” Improvements for the benefit of pedestrians and bicyclists such as safety or facility improvements to interchanges and overcrossings can be considered as “new features” that may be financed using Interstate Maintenance funds...*TEA-21, Section 1107(a).*

9. Bicycle and pedestrian facilities built within federally designated National Highway System corridors, including projects within Interstate rights-of-way (e.g. shared-use paths along Interstate highways), may be financed using NHS funds. Opportunities to improve conditions for non-motorized modes should be taken whenever resurfacing, reconstruction or expansion projects on NHS routes are undertaken...*FHWA Guidance Bicycle and Pedestrian Provisions of Federal Transportation Legislation, 2/24/99, Appendix 2, page 23.*

10. The Safe Routes to Schools (SR2S) program is a Federal-aid program of the U.S. Department of Transportation's Federal Highway Administration (FHWA). The program provides funds to substantially improve the ability of primary and middle school students to walk and bicycle to school safely. The purposes of the SR2S program are to; a) enable and encourage children, including those with disabilities, to walk and bicycle to school; b) make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an earlier age; and c) to facilitate the planning, development, and implementation of projects and activities that will improve safety and air quality and simultaneously reduce traffic congestion and fuel consumption in the vicinity (approximately 2 miles) of primary and middle schools (grades K-8).

Additional information on the SR2S program can be found at www.saferoutesinfo.org or you may call Maryland's Safe Routes To Schools Coordinator at 410-787-7620 or 1-888-963-0307 toll free.



B. Maryland Transportation Law Relating to Bicycling and Walking

The Annotated Code of Maryland provides legislative direction regarding bicycling and walking through several titles of the transportation volumes. The following is a list of topics in numerical order relating to bicycling and walking and the applicable code citations.

The entire Maryland Annotated Code can be found on-line through the Maryland Archive site at www.mdarchives.state.md.us. From the home page, click on "Maryland Manual On-Line" then click on "Code of Maryland." From this site you can either scroll down to the "Transportation" volume or do a topic search which should help answer your question.

Transportation Title 2
Department of Transportation

Subtitle 6. Bicycle and Pedestrian Access

- 2-601. Definitions
- 2-602. Public Policy
- 2-603. Director of Bicycle and Pedestrian Access
- 2-604. Bicycle and Pedestrian Master Plan
- 2-605. Powers of the Department
- 2-606. Maryland Bicycle and Pedestrian Advisory Committee
- 2-607. Pedestrian Safety Program

Transportation Title 3
Financing by Department

Subtitle 2. Consolidated Transportation Funds

Transportation Trust Fund

3-216 (c)(2)(ii) - Each fiscal year MDOT shall budget sufficient funds to finance projects programs determined by the Secretary to be necessary to achieve the bicycle and pedestrian transportation goals identified for the fiscal year under Title 2, Subtitle 6 of this article.

3-216 (d)(5) – Allows use of funds for purposes specified in Section 3-216 (c)(2)(ii) to include construction and maintenance of public bicycle areas, bicycle ways and sidewalks as defined in Section 21-101 of this article.

3-216 (d)(6)- Requires annual MDOT expenditure and progress attainment report submitted to the General Assembly regarding bicycle and pedestrian transportation goals listed in Title 2,



Subtitle 6 of this article prior to General Assembly's consideration of proposed Maryland Transportation Plan and Consolidated Transportation Program.

Transportation Title 7
Mass Transit

Subtitle 9. Railroads

Passenger Rail Services

7-902(d) - Requires the Mass Transit Administration to adopt regulations to facilitate the transportation of bicycles on board passenger railroad services.

Transportation Title 8

Highways

Subtitle 1. Definitions; General Provisions

- 8-101 (d) Bicycle and pedestrian priority area
- 8-101 (f) Controlled access highway
- 8-101 (g) County Road
- 8-101 (h) Expressway
- 8-101 (i) Highways –Defines bicycle and walking paths as highways
- 8-101 (o) Road – Means a highway
- 8-101 (s) Street – Means a highway

Subtitle 2. State Highway Administration

Part I. Administration in General

8-204 (c) (1) (ii) Bicycle and Pedestrian Priority Area, procedures to implement if established jointly by SHA and a local government.

8-204 (i) Bicycle priority route system-Requires SHA to plan, select, construct and maintain the State highway system and by 7/1/97, in accordance with local governments, draft a plan for a bicycle priority route system that provides a viable Statewide network for bicycle transportation.

Subtitle 4. Highway User Revenues

8-409. Establishment and maintenance of footpaths, bridle paths or horse trails, and bicycle paths and who may use them.

Subtitle 6. Construction and Maintenance

- 8-601 (a) SHA duty to construct, repair and maintain highways in good condition.
- 8-601.1 Bicycle transportation routes may not be severed or destroyed unless reasonable alternative route exists or will be provided.
- 8-602(a) General rule that SHA will keep highways reasonably clear of brush, snow, and other debris.
- 8-611(b)(2) SHA to inventory State and local facilities near rail and subway stations to determine needed bike and pedestrian access improvements by 7/1/97.
- 8-629 SHA, with concurrence of local government, may require developers to construct sidewalks parallel to highways.
- 8-630 Sets policies for SHA construction of sidewalks and bicycle paths along urban highways.
- 8-648 Requires bicycle safe storm drain cover design for any new or replacement storm drain covers installed on any street or highway in Maryland after 1/1/80.

Title 11

Vehicle Laws-Definitions; General Provisions

Subtitle 1. Definitions

- 11-104 Bicycle
- 11-113 Divided highway
- 11-114 Drive

11-115	Driver
11-127	Highway
11-130.1	Low Speed Vehicle
11-134.1	Moped
11-134.4	Motor scooter
11-135	Motor vehicle
11-145	Pedestrian
11-151	Roadway
11-154.1	Scooter
11-176	Vehicle

Title 13

Certificates of Title and Registration of Vehicles

Subtitle 4. Registration of Vehicles

- 13-421 Bicycle registration repealed by Acts 1982, Chapter 207, effective 7/1/82.

Title 15

Vehicle Laws-Licensing of Businesses and Occupations

Subtitle 1. Definitions; General Provisions

- 15-112 (b) Requires minibike sellers to inform buyers in writing that motorized minibikes may not be driven on a highway in Maryland.
- 15-112 (c) Requires minibike sellers to inform buyers in writing that local law, ordinance, and regulation may limit the use of the minibike.

Title 16

Vehicle Laws – Driver’s Licenses

Subtitle 1. Issuance, Expiration, and Renewal of Licenses

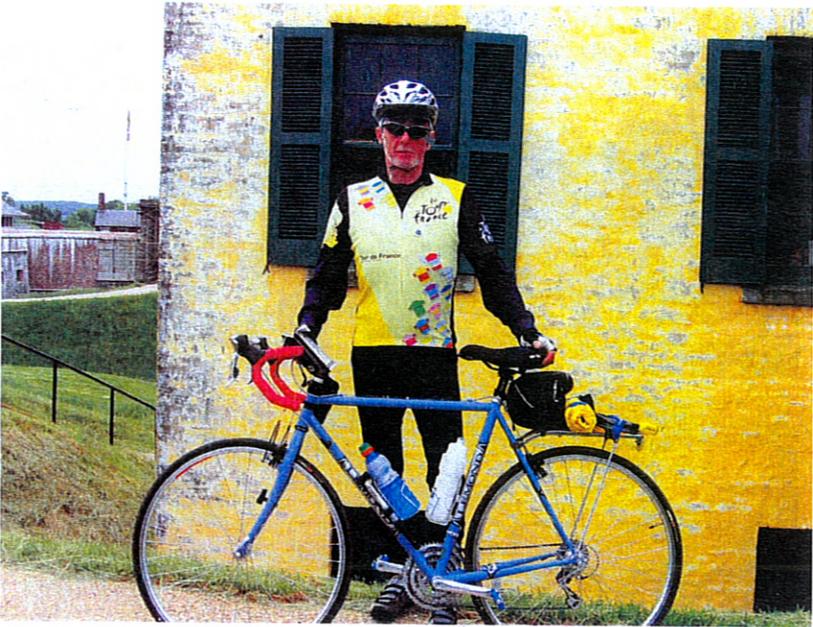
- 16-101 (b) Licensing requirements for operating mopeds
- 16-104.2 Moped operator’s permit



Title 21 Vehicle Laws
Rules of Road

Subtitle 1. Definitions; General Provisions

- 21-101 (c) Bicycle Path
- 21-101 (d) Bicycle way
- 21-101 (e) Bike lane
- 21-101 (g) Controlled-access highway
- 21-101 (i) Crosswalk
- 21-101 (j) Electric personal assistive mobility device
- 21-101 (k) Expressway
- 21-101 (l) Intersection
- 21-101 (m) Play vehicle
- 21-101 (o) Public bicycle area



- 21-101 (t) Right-of-way
- 21-101 (u) Safety zone
- 21-101 (v) Shoulder
- 21-101 (w) Sidewalk
- 21-101 (z) Wheelchair

- 21-102 Required obedience to traffic laws
- 21-104 Persons riding animals or driving animal-drawn vehicles

Subtitle 2. Traffic Signs, Signals, and Markings

- 21-201 Obedience required to traffic control devices
- 21-202 Traffic lights with steady indicator
- 21-203 Pedestrian control devices



Subtitle 3. Driving on Right Side of Roadway; Overtaking and Passing; Use of Roadway

- 21-301(b) Driving on right side of roadway, special rule for slow moving traffic.
- 21-313 Authorizes SHA and local authorities to prohibit bicycling and certain other travel controlled-access highways and requires placement of signs addressing such prohibitions.

Subtitle 5. Pedestrian rights and duties.

- 21-501.1 Pedestrians subject to traffic regulations
- 21-501.1 Person using EPAMD subject to traffic regulations
- 21-502 Pedestrians' right-of-way in crosswalks
- 21-503 Crossing at other than crosswalks
- 21-504 Drivers to exercise due care
- 21-505 Pedestrians to use right half of crosswalks

- 21-506 Pedestrians on roadways
- 21-507 Certain activities by pedestrians prohibited
- 21-508 Driving through safety zone prohibitions
- 21-509 Controlled access highways
- 21-510 Pedestrians to yield right-of-way to emergency vehicles
- 21-511 Right-of-way of blind or deaf pedestrians.

Subtitle 6. Turning and Starting; Signals on Stopping, Turning, and Starting

- 21-604 Required Signals for Turning, Slowing and Stopping Movements
- 21-606 Method of giving Hand and Arm Signals

Subtitle 10. Stopping, Standing, and Parking

- 21-1007 Unobstructed entrances for individuals with disabilities.
- 21-1008 Requires public institutions of higher education and State employment facilities to provide reasonable access and parking to bicycles.

Subtitle 11. Miscellaneous Rules

- 21-1103 Driving on sidewalk
- 21-1105 Opening and closing vehicle doors.
- 21-1114 Prohibits driving or walking upon new or newly repaired roadways before they are officially opened.
- 21-1124 Minors holding learner's permit or provisional license prohibited from using wireless communication device while driving.
- 21-1125 Limitations on driving low speed vehicles



Subtitle 12. Operation of Bicycles and Play Vehicles

- 21-1201 Scope of subtitle. Parents and guardians not to authorize or knowingly permit their children and wards to violate subtitle provisions.
- 21-1202 Traffic laws apply to bicyclists.
- 21-1203 Bicycle riders must use bicycle seats. Seats must be firmly affixed to the bicycle.
- 21-1204 Prohibits clinging to vehicles.
- 21-1205 Rules for riding on roadways or on highway.
- 21-1205.1 Bicycles, motor scooters, and EPAMDs prohibited on certain roadways and highways; speed limit.
- 21-1206 Carrying articles; tampering with bicycle, motor scooter or EPAMDs.

- 21-1207 Lamps and other equipment on bicycles and motor scooters.
- 21-1207.1 Helmets required.
- 21-1207.2 Protective helmets.
- 21-1208 Securing bicycle, motor scooter or EPAMD to certain objects is prohibited.
- 21-1209 Protects bicyclists, motor scooter and EPAMD operators against driver lack of care, vehicle occupants opening car doors onto, and being targets of thrown objects.
- 21-1210 Wearing earplugs, headsets, etc., prohibited.
- 21-1211 Bicycle racing events.
- 21-1211.1 Foot racing events.
- 21-1212 Requires SHA to publish and distribute upon request summaries of State laws that regulate the operation of bicycles to retail bicycle dealers. Dealers are required to furnish these summaries to bicycle purchasers.

Subtitle 14. Operation of Vehicles on Certain Toll Facilities

- 21-1401 (e) Vehicular crossing defined.
- 21-1405 Pedestrians and bicyclists may not use any vehicular crossing.
- 21-1406 Hitchhiking, pickup and discharge of passengers on vehicular crossings prohibited.

Title 25

Vehicle Laws – Respective Powers of State and Local Authorities; Disposition of Abandoned Vehicles

Subtitle 1. Powers of State and Local Authorities

25-101.1 Maryland vehicle law is applicable statewide; effect of local regulation.



25-102 (a)(8) Provides local authority to regulate the operation of bicycles, to require bicycle registration and to impose registration fees.

25-107 Provides local authority to require pedestrian obedience to traffic control signals.

C. Maryland Department of Transportation's 20-Year Bicycle and Pedestrian Access Master Plan

The vision of MDOT's 20-Year Bicycle and Pedestrian Access Master Plan is that, "*Maryland will be a place where people have the safe and convenient option of walking and bicycling for transportation, recreation, and health. Our transportation system will be designed to provide a seamless, balanced and barrier-free network for all.*" The Plan is composed of three separate documents: the Main Plan document, the Bicycle and Pedestrian Needs Inventory, and the Model Ordinance document.

The first two documents provide additional information regarding MDOT's policies for achieving the Plan's vision. The Model Ordinance document provides suggested strategies to counties and municipalities to ensure their communities grow in a manner conducive for bicycling and walking.

The Main Plan document lists 5 goals that are supported by 12 strategies and 66 action items. These goals, strategies, and action items, along with project selection criteria listed in the Needs Inventory document provides additional bicycle and pedestrian policy information that complements federal policies as well as State and federal laws.

Copies of Maryland's Bicycle and Pedestrian Access Master Plan can be obtained on-line at www.mdot.state.md.us, then clicking onto the bicycle/pedestrian icon on MDOT's homepage screen. You may also contact MDOT's Director of Bicycle and Pedestrian Access at 410-865-1237 direct, 1-888-713-1414 toll-free or at mjackson3@mdot.state.md.us.

To order this booklet

Contact the Director of Bicycle and Pedestrian Access
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, Maryland 21076
Telephone: 410-865-1237 or toll free: 1-888-713-1414
Impaired Hearing or Speech call: 410-865-1342

This document is available in alternative format upon request from a qualified individual with a disability.



*Maryland Department
Of Transportation*