

# **APPENDIX A**

## **State Law Related to Cycling and Walking**



# Appendix A

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The Annotated Code of Maryland is the official register of state laws, organized by subject matter. Within the Transportation section, many provisions across a variety of subject areas (or Titles) impact walking and bicycling. The following is a list of excerpts of legislative language that relates to walking and bicycling, along with appropriate code citations. This text is current as of December 2013. The Annotated Code of Maryland is available in its entirety online.

## TITLE 2. DEPARTMENT OF TRANSPORTATION

### SUBTITLE 6. BICYCLE AND PEDESTRIAN ACCESS

#### *§ 2-602 Public Policy*

The General Assembly finds that it is in the public interest for the State to include enhanced transportation facilities for pedestrians and bicycle riders as an essential component of the State's transportation system, and declares that it is the policy of the State that:

- (1) Access to and use of transportation facilities by pedestrians and bicycle riders shall be considered and best engineering practices regarding the needs of bicycle riders and pedestrians shall be employed in all phases of transportation planning, including highway design, construction, reconstruction, and repair as well as expansion and improvement of other transportation facilities;
- (2) The modal administrations in the Department shall ensure that the State maintains an integrated transportation system by working cooperatively to remove barriers, including restrictions on bicycle access to mass transit, that impede the free movement of individuals from one mode of transportation to another;
- (3) As to any new transportation project or improvement to an existing transportation facility, the Department shall work to ensure that transportation options for pedestrians and bicycle riders will be enhanced and that pedestrian and bicycle access to transportation facilities will not be negatively impacted by the project or improvement; and
- (4) In developing the annual Consolidated Transportation Program, the Department shall:
  - (i) Ensure that there is an appropriate balance between funding for:
    1. Projects that retrofit existing transportation projects with facilities for pedestrians and bicycle riders; and
    2. New highway construction projects; and
  - (ii) In transit-oriented areas within priority funding areas, as defined in § 5-7B-02 of the State Finance and Procurement Article, place increased emphasis on projects that retrofit existing transportation projects with facilities for pedestrians and bicycle riders and increase accessibility for the greatest number of pedestrians and bicycle riders.

#### *§ 2-604. Bicycle-Pedestrian Master Plan*

(a) Requirements; goals of Plan. -- The Director shall develop and coordinate policies and plans for the provision, preservation, improvement, and expansion of access to transportation facilities in the State for pedestrians and bicycle riders, including development of a Statewide 20-Year Bicycle-Pedestrian Master Plan that:

- (1) (i) Identifies short-term and long-range goals that are consistent with the purposes of this subtitle; and
- (ii) For each identified goal, includes:
  1. Reasonable cost estimates for achieving the goal; and

2. For purposes of the annual report required under § 3-216 of this article, objective performance criteria against which progress in achieving the goal can be measured;

(2) Complies with applicable federal funding requirements;

(3) Provides a model to guide political subdivisions of the State in enhancing bicycle and pedestrian access to transportation facilities;

(4) Proposes long-term strategies for improving the State's highways to ensure compliance with the most advanced safety standards for pedestrians and bicycle riders; and

(5) After consultation with political subdivisions in the State, identifies bicycle-pedestrian priority areas to facilitate the targeting of available funds to those areas of the State most in need.

(b) Revision of Plan at time of revision of Maryland Transportation Plan. -- The Statewide 20-Year Bicycle-Pedestrian Master Plan shall be reviewed and updated each year that the Maryland Transportation Plan, as described in § 2-103.1 of this title, is revised.

(c) Duties of Director. -- To carry out the purposes of this subtitle, the Director shall:

(1) Participate in the planning of new transportation facilities and improvements to existing transportation facilities;

(2) Advise the Secretary on matters concerning bicycle and pedestrian access and any other matter as requested by the Secretary;

(3) Initiate a program of systematic identification of and planning for projects related to bicycle and pedestrian transportation that qualify for funds under Federal Highway Administration guidelines;

(4) Monitor State transportation plans, proposals, facilities, and services to ensure maximum benefits for pedestrians and bicycle riders in the State; and

(5) Consult regularly with the Bicycle and Pedestrian Advisory Committee established under § 2-606 of this subtitle.

(d) Secretary's authority. -- The exercise of the powers and duties of the Director is subject to the authority of the Secretary.

### **§ 2-606. Bicycle and Pedestrian Advisory Committee**

(a) Purpose. -- The Governor shall appoint a Bicycle and Pedestrian Advisory Committee to provide guidance to State agencies concerning:

(1) Funding of bicycle and pedestrian related programs;

(2) Public education and awareness of bicycling and pedestrian related activities;

(3) Public education and awareness of bicycling and pedestrian safety; and

(4) Any other issue directly related to bicycling and pedestrians.

(b) Composition. -- The Committee shall consist of the following:

(1) One representative each from:

- (i) The Department of Transportation;
  - (ii) The Department of Natural Resources;
  - (iii) The State Department of Education;
  - (iv) The Department of State Police;
  - (v) The Department of Business and Economic Development;
  - (vi) The Department of Health and Mental Hygiene;
  - (vii) The Department of Planning;
  - (viii) The Department of Disabilities; and
  - (ix) The Maryland-National Capital Park and Planning Commission;
- (2) One citizen member from each of the following areas:
- (i) The Eastern Shore;
  - (ii) Western Maryland; and
  - (iii) Southern Maryland;
- (3) Two citizen members from each of the following areas:
- (i) The Baltimore metropolitan area; and
  - (ii) The Washington metropolitan area; and
- (4) Up to six citizen members selected to represent the interests of bicyclists, pedestrians, and the disabled community to include:
- (i) A representative of individuals who are visually impaired; and
  - (ii) A representative of individuals who are mobility impaired.
- (c) Citizen members; qualifications. -- One of the citizen members selected under subsection (b) of this section shall have an expertise in bicycle and pedestrian safety.
- (d) Maximum membership. -- The total membership of the Committee may not exceed 22 members.
- (e) Chairman. -- The Governor shall select a chairman from among the citizen members.
- (f) Terms. --
- (1) The term of a member is 4 years.
  - (2) The terms of members are staggered as required by the terms provided for members of the Committee on October 1, 2001.
  - (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
  - (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (g) Business procedures. -- The Committee may adopt procedures necessary to ensure the orderly transaction of business.
- (h) Meetings. -- The Committee shall hold regular meetings as it deems appropriate.
- (i) Reimbursements. -- A member of the Committee may not receive compensation but shall be reimbursed for expenses under the Standard State Travel Regulations, as provided for in the State budget.
- (j) Staff, support, operating expenses. -- The Department shall provide staff, administrative support, and operating expenses for the Committee as provided in the State budget.

## **§ 2-607. Pedestrian Safety Program**

- (a) "Program" defined. -- In this section, "Program" means the Maryland Pedestrian Safety Program.
- (b) Established. -- There is a Pedestrian Safety Program within the Department.
- (c) Funding. -- The Program is funded by:
- (1) The Highway Safety Operating Program of the State Highway Administration; and
  - (2) Any other moneys accepted for the benefit of the Program from any governmental or private source.
- (d) Grants -- Awards; matching funds. --
- (1) The Secretary shall award grants under the Program to counties, municipalities, and nonprofit organizations to carry out the provisions of this section.
  - (2) When awarding grants under the Program, the Secretary shall consider any matching fund an applicant proposes to provide.
- (e) Grants -- Purposes. -- Counties, municipalities, and nonprofit organizations may apply for grants under the Program for the following purposes:
- (1) To educate automobile drivers and pedestrians about methods to increase pedestrian safety;
  - (2) To enhance efforts to enforce State and local motor vehicle laws that protect the safety of pedestrians;
  - (3) To design or redesign intersections to increase pedestrian safety and access; and
  - (4) To enhance safe pedestrian access to transit facilities as defined in § 3-101 of this article.
- (f) Grants -- Application procedures. -- The Secretary shall establish procedures for counties, municipalities, and nonprofit organizations to apply for grants under the Program.

# **TITLE 7. MASS TRANSIT**

## **SUBTITLE 9. RAILROADS**

### **§ 7-902. Passenger railroad services**

- (f) Regulations. -- The Administration shall adopt regulations to facilitate the transportation of bicycles on board passenger railroad services.

# **TITLE 8. HIGHWAYS**

## **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS**

### **§ 8-101. Definitions**

- (d) Bicycle and pedestrian priority area. -- "Bicycle and pedestrian priority area" means a geographical area where the enhancement of bicycle or pedestrian traffic is a priority.
- (i) Highway. -- "Highway" includes:
- (1) Rights-of-way, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance

plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and

(2) Any other property acquired for the construction, operation, or use of the highway.

### ***§ 8-204. General powers and duties of Administration***

(c) Establishment and maintenance of State highway system. --

(1) The Administration shall:

(i) Determine and may change from time to time the location, construction, geometrics, design, and maintenance of the State highway system; and

(ii) 1. If the Administration and a local government designate an area as a bicycle and pedestrian priority area, implement a plan developed in cooperation with the local government to increase safety and access for bicycle or pedestrian traffic.

2. If there is no State highway within the limits of the bicycle and pedestrian priority area, the plan shall be developed by the local government.

(2) A plan for traffic management in a bicycle and pedestrian priority area shall provide for:

(i) Appropriate changes to the location, construction, geometrics, design, and maintenance of the State highway system to increase safety and access for bicycle or pedestrian traffic in the bicycle and pedestrian priority area; and

(ii) The appropriate use of traffic control devices including pedestrian control signals, traffic signals, stop signs, and speed bumps.

## **SUBTITLE 4. HIGHWAY USER REVENUES**

### ***§ 8-409. Establishment and maintenance of footpaths, bridle paths or horse trails, and bicycle trails***

(a) Legislative policy. -- It is the policy of this State that bicycle trails are important and their construction is encouraged wherever feasible.

(d) Administration to provide technical assistance. --

(1) If requested by a local government, the Administration shall provide technical assistance and advice on carrying out the purposes of this section.

(2) The Administration shall recommend construction standards for footpaths, bridle paths or horse trails, and bicycle trails and shall establish a uniform system of signs for all the footpaths, bridle paths or horse trails, and bicycle trails constructed under this section, whether construction is undertaken by the Administration or by the local government.

### ***409 § 8-601. Project resulting in severance or destruction of bicycle route***

(a) Prohibition. -- The Administration may not construct any project that will result in the severance or destruction of an existing major route for bicycle transportation traffic, unless the project provides for construction of a reasonable alternative route or such a route already exists.

(b) Guidelines. -- The Administration shall develop guidelines jointly with local governments to carry out the provisions of this section.

## SUBTITLE 6. CONSTRUCTION AND MAINTENANCE

### ***§ 8-629. Sidewalk construction by developers of industrial, commercial, or apartment areas along highways***

- (a) Administration may require construction of sidewalks. --
  - (1) With the concurrence of the local government, the Administration may require any developer of an industrial, commercial, or apartment area along a highway maintained by the Administration to construct sidewalks parallel to the highway.
  - (2) The construction of these sidewalks shall meet the conditions specified in entrance permits and the standards adopted by the Administration or the local government.
- (b) When sidewalks not required. -- Sidewalks may not be required under this section if the Administration determines that:
  - (1) The establishment of sidewalks would be contrary to public safety;
  - (2) The cost of establishing the sidewalks would be too great considering the need for them or their probable use; or
  - (3) The sparsity of population, the existence of other available ways, or any other factor indicates that there is no need for the sidewalks.
- (c) Maintenance of sidewalks. -- After sidewalks are constructed under this section, they shall be maintained and repaired by the political subdivision in which they are located.

### ***§ 8-630. Sidewalks or bicycle pathways along urban highways; nighttime illumination***

- (a) Definitions. --
  - (1) In this section the following words have the meanings indicated.
  - (2) "Municipal corporation" means a municipality as defined in § 1-101 of the Local Government Article.
  - (3) "Urban highway" means a highway, other than an expressway, that is:
    - (i) 1. Constructed with a curb and gutter and an enclosed type storm drainage system;
    - 2. Located in an urban area and on which is located a public facility that creates appreciable pedestrian traffic along the highway from adjacent areas;
    - 3. Located within urban boundaries as defined by the U.S. Census Bureau; or
    - 4. Located within the boundaries of a municipal corporation; and
    - (ii) Part of the State highway system.
- (b) Sidewalks -- Construction generally. --
  - (1) Sidewalks shall be constructed at the time of construction or reconstruction of an urban highway, or in response to the request of a local government unless:
    - (i) The Administration determines that the cost or impacts of constructing the sidewalks would be too great in relation to the need for them or their probable use; or
    - (ii) The local government indicates that there is no need for sidewalks.
  - (2) Sidewalks constructed under this section shall be consistent with area master plans and transportation plans adopted by the local planning commission.

- (c) Sidewalks and bicycle pathways -- Financing; maintenance; construction when no adjacent roadway construction. --
- (1) If sidewalks or bicycle pathways are constructed or reconstructed as part of a roadway construction or reconstruction project, the Administration shall fund the sidewalk or bicycle pathway construction or reconstruction as a part of the cost of the roadway project.
  - (2) Except as provided in paragraphs (3) and (4) of this subsection, if sidewalks or bicycle pathways are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway shall be shared equally between the State and local governments.
  - (3) If sidewalks or bicycle pathways within a sustainable community as defined in § 6-301 of the Housing and Community Development Article are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the cost to construct or reconstruct the sidewalk or bicycle pathway may be funded entirely by the State.
  - (4) (i) This paragraph does not apply to a priority funding area that is a sustainable community as defined in § 6-301 of the Housing and Community Development Article.
    - (ii) If sidewalks or bicycle pathways within an area designated as a priority funding area under § 5-7B-02 of the State Finance and Procurement Article are constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, and if the Administration determines that construction would not occur under this section due to insufficient contribution of funds by the local government, the cost to construct or reconstruct the sidewalk or bicycle pathway shall be shared between the State and local government as follows:
      1. 75 percent of the cost shall be funded by the State; and
      2. 25 percent of the cost shall be funded by the local government.
    - (iii) If sidewalks or bicycle pathways within an area designated as a priority funding area under § 5-7B-02 of the State Finance and Procurement Article are constructed or reconstructed based on a determination by the Administration that a substantial public safety risk or significant impediment to pedestrian access exists and the adjacent roadway is not being concurrently constructed or reconstructed, then:
      1. The Administration shall categorize the sidewalk or bicycle pathway construction project as "system preservation" and give corresponding funding priority to the project; and
      2. The cost to construct or reconstruct the sidewalk or bicycle pathway may be funded entirely by the State.
  - (5) If sidewalks or bicycle pathways are being constructed or reconstructed in response to a request from a local government and the adjacent roadway is not being concurrently constructed or reconstructed, the local government shall:
    - (i) Provide public notice and opportunities for community involvement prior to the construction of a sidewalk or bicycle pathway project; and
    - (ii) Secure any necessary right-of-way that may be needed beyond the right-of-way already owned by the State.
  - (6) (i) Except as provided in subparagraph (ii) of this paragraph, after sidewalks and bicycle pathways are constructed under this section, they shall be maintained and repaired by the political subdivision in which they are located.
    - (ii) Subject to approval and the availability of funds, the Administration promptly shall reimburse a political subdivision for the preapproved and documented costs incurred in reconstructing a segment of a sidewalk or bicycle pathway that has deteriorated to the extent that repair is not practical or desirable for public safety.

- (d) Existing pedestrian routes. -- The Administration may not construct any project that will result in the severance or destruction of an existing major route for pedestrian transportation traffic, unless the project provides for construction of a reasonable alternative route or such a route already exists.
- (e) Guidelines. -- The Administration shall develop guidelines jointly with local governments to carry out the provisions of this section.
- (f) Nighttime illumination. -- The Administration shall maintain and repair all facilities for nighttime illumination that:
  - (1) Are constructed by the Administration for the safe conduct of vehicular traffic; and
  - (2) Exist adjacent to urban highways.

### **§ 8-648. Storm drain covers in highways**

Any new or replacement storm drain cover, installed on a street or highway in the State, after January 1, 1980, shall consist of:

- (1) Bars running perpendicular to the flow of traffic on the highway;
- (2) A grating composed of intersecting bars; or
- (3) Other designs approved by the Department of Transportation which meet safety design criteria as well as engineering and structural design demands.

## **TITLE 11. VEHICLE LAWS -- DEFINITIONS; GENERAL PROVISIONS**

### **SUBTITLE 1. DEFINITIONS**

#### **§ 11-104. Bicycle**

"Bicycle" means a vehicle that:

- (1) Is designed to be operated by human power;
- (2) Has two or three wheels, of which one is more than 14 inches in diameter; and
- (3) Has a drive mechanism other than by pedals directly attached to a drive wheel.

#### **§ 11-127. Highway**

- (1) The entire width between the boundary lines of any way or thoroughfare of which any part is used by the public for vehicular travel, whether or not the way or thoroughfare has been dedicated to the public and accepted by any proper authority; and
- (2) For purposes of the application of State laws, the entire width between the boundary lines of any way or thoroughfare used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the State.11.145

#### **§ 11-151. Roadway**

- (a) In general. -- "Roadway" means that part of a highway that is improved, designed, or ordinarily used for vehicular travel, other than the shoulder.

## TITLE 21. VEHICLE LAWS -- RULES OF THE ROAD

### SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS

#### § 21-101. Definitions

- (c) Bicycle path. -- "Bicycle path" means any travelway designed and designated by signing or signing and marking for bicycle use, located within its own right-of-way or in a shared right-of-way, and physically separated from motor vehicle traffic by berm, shoulder, curb, or other similar device.
- (d) Bicycle way. --
- (1) "Bicycle way" means:
- (i) Any trail, path, part of a highway, surfaced or smooth shoulder, or sidewalk; or
  - (ii) Any other travelway specifically signed, marked, or otherwise designated for bicycle travel.
- (2) "Bicycle way" includes:
- (i) Bicycle path; and
  - (ii) Bike lane.
- (e) Bike lane. -- "Bike lane" means any portion of a roadway or shoulder designated for single directional bicycle flow.

### SUBTITLE 2. TRAFFIC SIGNS, SIGNALS AND MARKINGS

#### § 21-203. Pedestrian control signals

- (a) In general. -- Where special pedestrian control signals showing the words "walk", "dont walk", or "wait" or the symbols of "walking person" or "upraised hand" are in place, the signals have the indications provided in this section.
- (b) Walk. -- A pedestrian facing a "walk" or "walking person" signal may cross the roadway in the direction of the signal and shall be given the right-of-way by the driver of any vehicle. At an intersection where an exclusive all-pedestrian interval is provided, a pedestrian may cross the roadway in any direction within the intersection.
- (c) Don't walk. -- A pedestrian may not start to cross the roadway in the direction of a "dont walk" or "upraised hand" signal.
- (d) Wait signal -- Beginning crossing prohibited. -- A pedestrian may not start to cross the roadway in the direction of a "wait signal".
- (e) Wait signal -- Partially completed crossing. -- If a pedestrian has partly completed crossing on a "walk" or "walking person" signal, the pedestrian shall proceed without delay to a sidewalk or safety island while the "don't walk", "wait", or "upraised hand" signal is showing.21-301

### SUBTITLE 5. PEDESTRIAN RIGHTS AND RULES

#### § 21-501. Pedestrians subject to traffic regulations

At an intersection, a pedestrian is subject to all traffic control signals, as provided in §§ 21-202 and 21-203 of this title. However, at any other place, a pedestrian has the rights and is subject to the restrictions stated in this title.

### **§ 21-501.1. Person using EPAMD or wheelchair subject to traffic regulations**

- (a) EPAMD. -- At an intersection, a person using an EPAMD is subject to all traffic control signals, as provided in §§ 21-202 and 21-203 of this title. However, at any other place, a person using an EPAMD has the rights and is subject to the restrictions applicable to pedestrians under this title.
- (b) Wheelchair. -- At an intersection, a person using a wheelchair is subject to all traffic control signals, as provided in §§ 21-202 and 21-203 of this title. However, at any other place, a person using a wheelchair has the rights and is subject to the restrictions applicable to pedestrians under this title.

### **§ 21-502. Pedestrians' right-of-way in crosswalks**

- (a) In general. --
  - (1) This subsection does not apply where:
    - (i) A pedestrian tunnel or overhead pedestrian crossing is provided, as described in § 21-503 (b) of this subtitle; or
    - (ii) A traffic control signal is in operation.
  - (2) The driver of a vehicle shall come to a stop when a pedestrian crossing the roadway in a crosswalk is:
    - (i) On the half of the roadway on which the vehicle is traveling; or
    - (ii) Approaching from an adjacent lane on the other half of the roadway.
- (b) Duty of pedestrian. -- A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- (c) Passing of vehicle stopped for pedestrian prohibited. -- If, at a marked crosswalk or at an unmarked crosswalk at an intersection, a vehicle is stopped to let a pedestrian cross the roadway, the driver of any other vehicle approaching from the rear may not overtake and pass the stopped vehicle.

### **§ 21-503. Crossing at other than crosswalks**

- (a) In general. -- If a pedestrian crosses a roadway at any point other than in a marked crosswalk or in an unmarked crosswalk at an intersection, the pedestrian shall yield the right-of-way to any vehicle approaching on the roadway.
- (b) Where special pedestrian crossing provided. -- If a pedestrian crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing is provided, the pedestrian shall yield the right-of-way to any vehicle approaching on the roadway.
- (c) Between adjacent intersections. -- Between adjacent intersections at which a traffic control signal is in operation, a pedestrian may cross a roadway only in a marked crosswalk.
- (d) Crossing intersection diagonally. -- A pedestrian may not cross a roadway intersection diagonally unless authorized by a traffic control device for crossing movements. If authorized to cross diagonally, a pedestrian may cross only in accordance with the traffic control device.

### **§ 21-504. Drivers to exercise due care**

- (a) In general. -- Notwithstanding any other provision of this title, the driver of a vehicle shall exercise due care to avoid colliding with any pedestrian.
- (b) Duty to warn pedestrians. -- Notwithstanding any other provision of this title, the driver of a vehicle shall, if necessary, warn any pedestrian by sounding the horn of the vehicle.

(c) Duty to exercise precaution on observing child or certain other individuals. -- Notwithstanding any other provision of this title, the driver of a vehicle shall exercise proper precaution on observing any child or any obviously confused or incapacitated individual.

### **§ 21-506. Pedestrians on roadways**

(a) Where sidewalks provided. -- Where a sidewalk is provided, a pedestrian may not walk along and on an adjacent roadway.

(b) Where sidewalks not provided. -- Where a sidewalk is not provided, a pedestrian who walks along and on a highway may walk only on the left shoulder, if practicable, or on the left side of the roadway, as near as practicable to the edge of the roadway, facing any traffic that might approach from the opposite direction.

### **21-511. Right-of-way of blind or deaf pedestrians**

(a) In general. -- The driver of a vehicle shall yield the right-of-way to:

- (1) A blind or partially blind pedestrian using a guide dog or carrying a cane predominantly white or metallic in color (with or without a red tip);
- (2) A deaf or hearing impaired pedestrian accompanied by a guide dog; or
- (3) A mobility impaired individual crossing a roadway while using any of the following mobility-assisted devices:
  - (i) A manual or motorized wheelchair;
  - (ii) A motorized scooter;
  - (iii) Crutches; or
  - (iv) A cane.

(b) Use of white or metal cane by others prohibited. -- A person who is not blind or partially blind may not use or carry a white cane, a cane that is white tipped with red, or a chrome, nickel, aluminum, or other reflecting or shining metal cane, in the manner described in subsection (a) (1) of this section.

## **SUBTITLE 6. TURNING AND STARTING; SIGNALS ON STOPPING, TURNING AND STARTING**

### **§ 21-606. Method of giving hand and arm signals**

(a) In general. -- Except as otherwise provided, each required signal given by hand and arm shall be given from the left side of the vehicle in the manner specified in this section.

(b) Left turn. -- A left turn signal is given by the hand and arm extended horizontally.

(c) Right turn. -- A right turn signal is given by the hand and arm extended upward; except that a bicyclist may extend the right hand and arm horizontally to the right.

(d) Stop or decrease speed. -- A stop or decrease in speed signal is given by the hand and arm extended downward.

### **§ 21-1201. Scope of subtitle**

(a) Authorizing minor or ward to violate provisions. -- The parent of any minor or the guardian of any ward may not authorize the minor or ward to violate any provision of this subtitle.

- (b) Knowingly permitting minor or ward to violate provisions. -- The parent of any minor or the guardian of any ward may not knowingly permit the minor or ward to violate any provision of this subtitle.
- (c) Applicability of subtitle. -- With the exceptions stated in this subtitle, the provisions of this subtitle that are applicable to bicycles apply whenever a bicycle, an EPAMD, or a motor scooter is operated on any highway or whenever a bicycle or an EPAMD is operated on any path set aside for the exclusive use of bicycles.

## **SUBTITLE 12. OPERATION OF BICYCLES AND PLAY VEHICLES**

### ***§ 21-1202. Traffic laws apply to bicycles and motor scooters***

Every person operating a bicycle or a motor scooter in a public bicycle area has all the rights granted to and is subject to all the duties required of the driver of a vehicle by this title, including the duties set forth in § 21-504 of this title, except:

- (1) As otherwise provided in this subtitle; and
- (2) For those provisions of this title that by their very nature cannot apply.

### ***§ 21-1205. Riding on roadways or on highway***

- (a) Riding to right side of roadway. -- Each person operating a bicycle or a motor scooter at a speed less than the speed of traffic at the time and place and under the conditions then existing on a roadway shall ride as near to the right side of the roadway as practicable and safe, except when:
  - (1) Making or attempting to make a left turn;
  - (2) Operating on a one-way street;
  - (3) Passing a stopped or slower moving vehicle;
  - (4) Avoiding pedestrians or road hazards;
  - (5) The right lane is a right turn only lane; or
  - (6) Operating in a lane that is too narrow for a bicycle or motor scooter and another vehicle to travel safely side by side within the lane.
- (b) Riding two abreast. -- Each person operating a bicycle or a motor scooter on a roadway may ride two abreast only if the flow of traffic is unimpeded.
- (c) Passing. -- Each person operating a bicycle or a motor scooter on a roadway shall exercise due care when passing a vehicle.
- (d) Walking bicycles on right side of highway. -- Each person operating a bicycle or a motor scooter on a roadway may walk the bicycle or motor scooter on the right side of a highway if there is no sidewalk.

### ***§ 21-1207.1. Helmets required***

- (a) In general. --
  - (1) The provisions of this section apply:
    - (i) At all times while a bicycle is being operated on any highway, bicycle way, or other property open to the public or used by the public for pedestrian or vehicular traffic; and

- (ii) To a person under the age of 16 who is riding on a bicycle, including a person under the age of 16 who is a passenger on a bicycle:
  - 1. In a restraining seat attached to the bicycle; or
  - 2. In a trailer being towed by the bicycle.
- (2) The provisions of this section do not apply to passengers in commercial bicycle rickshaws.
- (b) Inapplicable on Ocean City boardwalk. -- This section does not apply in the town of Ocean City, Maryland, on the boardwalk between the Ocean City inlet and 27th Street, during the hours in which bicycles are permitted by local ordinance to be operated on the boardwalk.
- (c) Helmets. -- A person to whom this section applies may not operate or ride as a passenger on a bicycle unless the person is wearing a helmet that meets or exceeds the standards of the American National Standards Institute, the Snell Memorial Foundation, or the American Society for Testing and Materials for protective headgear for use in bicycling.
- (d) Enforcement. -- This section shall be enforced by the issuance of a warning that informs the offender of the requirements of this section and provides educational materials about bicycle helmet use.

### ***§ 21-1209. Throwing object at bicycle, EPAMD, or motor scooter.***

- (a) Drivers to exercise due care. -- Notwithstanding any other provision of this title, the driver of a vehicle shall:
  - (1) Exercise due care to avoid colliding with any bicycle, EPAMD, or motor scooter being ridden by a person; and
  - (2) When overtaking a bicycle, an EPAMD, or a motor scooter, pass safely at a distance of not less than 3 feet, unless, at the time:
    - (i) The bicycle, EPAMD, or motor scooter rider fails to operate the vehicle in conformance with § 21-1205(a) of this subtitle ("Riding to right side of roadway") or § 21-1205.1(b) of this subtitle ("Roadway with bike lane or shoulder paved to smooth surface");
    - (ii) A passing clearance of less than 3 feet is caused solely by the bicycle, EPAMD, or motor scooter rider failing to maintain a steady course; or
    - (iii) The highway on which the vehicle is being driven is not wide enough to lawfully pass the bicycle, EPAMD, or motor scooter at a distance of at least 3 feet.
- (b) Throwing objects. -- A person may not throw any object at or in the direction of any person riding a bicycle, an EPAMD, or a motor scooter.
- (c) Opening doors with intent to strike, injure, etc. -- A person may not open the door of any motor vehicle with intent to strike, injure, or interfere with any person riding a bicycle, an EPAMD, or a motor scooter.
- (d) Yielding right-of-way. -- Unless otherwise specified in this title, the driver of a vehicle shall yield the right-of-way to a person who is lawfully riding a bicycle, an EPAMD, or a motor scooter in a designated bike lane or shoulder if the driver of the vehicle is about to enter or cross the designated bike lane or shoulder.

### ***§ 21-1210. Wearing earplugs, headsets, etc., prohibited***

- (a) Wearing headset coverings. -- A person may not operate a bicycle, an EPAMD, or a motor scooter on any highway, or on any roadway, while the person is wearing any headset covering both ears.
- (b) Earplugs. -- A person may not operate a bicycle, an EPAMD, or a motor scooter on any highway, or on any roadway, while the person is wearing any earplugs in both ears.

(c) Exceptions. -- The provisions of this section do not apply to:

- (1) Any person wearing personal hearing protectors in the form of custom earplugs or molds that are designed to attenuate injurious noise levels, if the custom plugs or molds are designed in such a manner as to not inhibit the wearer's ability to hear a siren or horn from an emergency vehicle or a horn from another vehicle;
- (2) Any person wearing a prosthetic device used to aid the hard of hearing; or
- (3) Any person operating a bicycle on a public bicycle pathway expressly authorized for the use of persons operating bicycles.

## **SUBTITLE 14. OPERATION OF VEHICLES ON CERTAIN TOLL FACILITIES**

### ***§ 21-1405. Pedestrians and bicycles prohibited***

- (a) Pedestrians. -- Unless authorized by the Chairman of the Maryland Transportation Authority, pedestrians may not use any Authority highway.
- (b) Bicycles. -- Unless authorized by the Chairman of the Maryland Transportation Authority, bicycles may not use any Authority highway.<sup>25-102(a)</sup>

### ***§ 25-107. Authority to require pedestrian obedience to traffic control signals***

As to any highway under its jurisdiction, a local authority may:

- (1) Require pedestrians to obey strictly any traffic control signal; and
- (2) Prohibit pedestrians from crossing, except in a crosswalk:
  - (i) Any roadway in a business district; or
  - (ii) Any designated highway.