



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Deputy County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: June 7, 2021

Subject: Bill No. 59-21 – Public Safety – Traffic – Vehicles on Sidewalks

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of the attached bill, which will allow certain vehicles, including bicycles, to be operated on public sidewalks and public sidewalk areas under certain conditions.

Background.

Subsection 21-1103(a) of the Transportation Article of the State Code prohibits driving any vehicle on a sidewalk or in a sidewalk area other than a driveway. However, subsection (b) of that section provides that a bicycle, play vehicle, or unicycle may be ridden on a sidewalk or in a sidewalk area if allowed by local ordinance. “Bicycle” is defined in § 11-104 of the Transportation Article of the State Code as:

- (1) A vehicle that:
 - (i) Is designed to be operated by human power;
 - (ii) Has two or three wheels, of which one is more than 14 inches in diameter; and
 - (iii) Has a drive mechanism other than by pedals directly attached to a drive wheel;
- (2) An electric bicycle;

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

(3) A moped; or

(4) An electric low speed scooter.

Wheelchairs are permitted on sidewalks and sidewalk areas at all times (§ 21-1103(d)), and individuals with disabilities may use special vehicles on sidewalks or sidewalk areas unless prohibited by local ordinance.

Section 12-3-103 of the County Code prohibits driving a vehicle on the sidewalk or sidewalk area other than a driveway with certain exceptions. Currently, golf carts, bicycles, play vehicles, or unicycles may be ridden on a sidewalk or sidewalk area “where permitted”. There is no indication of where these activities are permitted, but the statute requires a specific designation of any sidewalks and sidewalk areas on which the vehicles may be ridden. Disabled persons are permitted to use special vehicles or golf carts on sidewalks or sidewalk areas from one-half hour after sunrise to one-half hour before sunset. Golf carts are not permitted on sidewalks or sidewalk areas under State law, even if permitted by local law. A violation of the section is punishable by a fine of \$50.

Purpose.

The Bill is the “local ordinance” required to allow bicycles, play vehicles, and unicycles to be ridden on public sidewalks and public sidewalk areas in the County. The Bill also addresses the use of golf carts so that the County law comports with State law.

Summary.

SECTION 1 of the Bill restructures subsection **12-3-301(b)**. Paragraph **(b)(1)** is new and, for purposes of subsection (b), adopts the State law the definition of “bicycle”, excluding “mopeds” as defined in the State law. Existing language is included in **(b)(2)(i)**, which now states that, with certain exceptions, a person may ride bicycles, play vehicles, and unicycles on public sidewalks and public sidewalk areas. Golf carts are removed from the subsection because use of golf carts on sidewalks is prohibited under State law.

Subparagraph **(b)(2)(ii)** is new and provides that the County Executive may prohibit the use of the vehicles on certain public sidewalks or public sidewalk areas by designating those areas with signs. Subparagraph **(b)(2)(iii)** is also new, and states that riders have all rights and duties of pedestrians in the same circumstances, requires riders to yield the right-of-way to pedestrians, to obey all State and County rules of the road, and to ride at reasonable speeds and to not otherwise create a hazard.

Existing language related to disabled persons is now designated as paragraph **(b)(3)**, is modified to remove golf carts because use of golf carts on sidewalks is prohibited under State law. There is no exception in State law for use of golf carts on sidewalks by persons with a disability.

SECTION 2 provides that the Bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill.
Thank you.

cc: Honorable Steuart Pittman, County Executive
Kai Boggess-deBruin, Chief of Staff
Matthew Power, Chief Administrative Officer
Peter Baron, Legislative Liaison
Chris Trumbauer, Budget Officer
Ramond Robinson, Transportation Officer
Christopher Phipps, Director of Public Works
Christine Romans, Central Services Officer
Nicole Liening, Risk Management Division Manager