Attachment A

Montgomery County Council

Committee: TE
Committee Review: At a future date
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #sidewalks

AGENDA ITEM #1A
October 20, 2026
Introduction

SUBJECT

Bill 51-26, Streets and Roads - Public Hearing Requirements – Amendments

Lead Sponsor: Councilmember Glass

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; Introduction

DESCRIPTION/ISSUE

Bill 51-26 would:

(1) modify requirements related to public hearing for a sidewalk or side path; and
(2) generally amend the County law concerning streets and roads.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report Pages 1-2
Bill 51-26 ©1

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Attachment A

Agenda Item #1A
October 20, 2026
Introduction

M E M O R A N D U M

October 15, 2026

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: Bill 51-26, Streets and Roads - Public Hearing Requirements – Amendments

PURPOSE: Introduction – no Council votes required

Councilmember Glass is the Lead Sponsor of Bill 51-26, Streets and Roads - Public Hearing Requirements – Amendments, scheduled for introduction on October 20, 2026. A public hearing is tentatively scheduled for November 10, 2026, and a Transportation and Environment (TE) Committee worksession will be scheduled at a later date.

Bill 51-26 would:

(1) modify requirements related to public hearing for a sidewalk or sidepath; and
(2) generally amend the County law concerning streets and roads.

BACKGROUND

The Montgomery County Department of Transportation (MCDOT) manages and implements the Annual Sidewalk Program. As stated on MCDOT's website, the Annual Sidewalk Program installs multiple minor sidewalk projects each year to fill out missing links in existing sidewalk networks. The program's major goals are to provide safer access for people with disabilities and to improve pedestrian access to schools and nearby public transportation or public facilities.[1]

New construction already requires sidewalk installation, and the Sidewalk Program supports funding for older communities that need to comply with safety standards, address neighborhood concerns, or better meet community needs. An individual or organization can request a sidewalk.

Under Section 49-53(d), before beginning construction of any road (a sidewalk is considered a road as defined under Section 49-26), the Director of Transportation or the Director's designee must hold a public hearing to receive comments on the proposed design of the road.

[1] https://www.montgomerycountymd.gov/department-transportation/about-mcdot/divisions/division-transportation-engineering-dte/sidewalk-program

However, the law also allows the Director to waive a public hearing under certain circumstances. In 2010, the Council enacted Bill 3-10, Streets and Roads – Sidewalk – Public Hearing Requirements,[2] which waived the required public hearing for certain sidewalks and side paths. The purpose was to expedite the administrative approval process by allowing faster construction of noncontroversial sidewalks and hiker-biker paths that have substantial community support, are entirely in the public right-of-way, and don't require detailed engineering design.

Bill 51-26 seeks to further modify the public hearing requirements.

BILL SPECIFICS

Currently, under Section 49-53(e), a public hearing may be waived if:

> (1) the sidewalk or path can be constructed entirely in one or more existing public rights-of-way without a detailed engineering design;
>
> (2) (A) **[a civic association, homeowner's association, or other organization, which includes a substantial number of owners of property located on the proposed route of the sidewalk or path, has filed a notice of its support for the sidewalk or path with the Executive or a designee**]; or (B) if no such organization has filed a notice of support, a petition signed by a **[majority of owners of property**] located on the proposed route of the sidewalk or path has been filed with the Executive or a designee; and
>
> (3) the Executive finds, after the Executive's designee has given notice to and met with residents of the area, that no significant controversy has arisen that would require a public hearing to be held.

Bill 51-26 would reduce the administrative public hearing requirement under Section 49-53 for sidewalk or side path construction but still retain a community-support mechanism.

Specifically, the Bill would amend paragraph (2), as bolded above, by removing the notice-of-support requirement submitted by a civic association, homeowner's association, or other organization and instead have MCDOT determine whether the proposed sidewalk would impact private property. An impact on private property would include: 1) require the acquisition or use of private property; 2) materially impair access to private property; or 3) impose a special assessment on the affected property owner.

In addition, the Bill would lower the number of property owners required to sign a petition to waive the public hearing, from "a majority of owners of property" to at least 25% of property owners located on the proposed route of the sidewalk or path, as filed with the Executive. Therefore, lowering the petition threshold.

This packet contains:	Circle #
Bill 51-26	1

[2] https://apps.montgomerycountymd.gov/ccllims/BillDetailsPage?RecordId=710&fullTextSearch=3-10

Bill No. 51-26
Concerning: Streets and Roads – Public Hearing Requirements – Amendments
Revised: 10/15/2026 Draft No. 1
Introduced:
Expires: December 7, 2026
Enacted:
Executive:
Effective:
Sunset Date: None
Ch. ____, Laws of Mont. Co. ____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Glass

AN ACT to:

(1) modify requirements related to public hearing for a sidewalk or sidepath; and
(2) generally amend the County law concerning streets and roads.

By amending
Montgomery County Code
Chapter 49, Streets and Roads
Section 49-53

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets**]**	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets**]]**	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

Sec. 1. Section 49-53 is amended as follows:

49-53. Public hearing; notice.

* * *

(d) Before beginning construction of any road, the Director of Transportation or the Director's designee must hold a public hearing to receive comments on the proposed design of the road.

(e) The Director need not hold a hearing under subsection (d) before a sidewalk or sidepath is constructed if:

(1) the sidewalk or path can be constructed entirely in one or more existing public rights-of-way without a detailed engineering design;

(2) **[**(A) a civic association, homeowner's association, or other organization, which includes a substantial number of owners of property located on the proposed route of the sidewalk or path, has filed a notice of its support for the sidewalk or path with the Executive or a designee;**]** the sidewalk or sidepath will not:

(A) require the acquisition or use of private property;

(B) materially impair access to private property; or

(C) impose a special assessment on an affected property owner;

(3) **[**(B) if no such organization has filed a notice of support,**]** a petition signed by **[**a majority of owners**]** at least 25% of property owners located on the proposed route of the sidewalk or path has been filed with the Executive or a designee; and

[(3)**]** (4) the Executive finds, after the Executive's designee has given notice to and met with residents of the area, that no significant controversy has arisen that would require a public hearing to be held.