

[(1) (i)] (I) 1. Constructed with a curb and gutter and an enclosed type storm drainage system;

[(ii) Located] 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; [or]

[(iii) Located] 3. LOCATED within urban boundaries as defined by the U.S. Census Bureau; OR

4. LOCATED WITHIN THE BOUNDARIES OF A MUNICIPAL CORPORATION; and

[(2)](II) Part of the State highway system.

(b) (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) (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 paragraph (3) 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 designated neighborhood as defined in Article 83B, §§ 4-202 and 4-203 of the Code 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) 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