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Montgomery County Code

ARTICLE 8. RUSTIC ROADS PROGRAM. [Note]

Sec. 49-76. Purpose.

This Article authorizes the identification and classification of rustic roads in that part of the County located in the Maryland-Washington Regional District. This Article establishes a program to preserve as rustic roads those historic and scenic roadways that reflect the agricultural character and rural origins of the County. Preservation of rustic roads must be achieved by retaining certain physical features of rustic roads and by certain right-of-way maintenance procedures. (1993 L.M.C., ch. 9, § 1; [2007 L.M.C., ch. 8](#), § 1.)

Sec. 49-77. Definitions.

In this Article, the following terms have the meanings indicated:

Committee means the Rustic Roads Advisory Committee.

Exceptional rustic road means an existing public road or road segment which is so classified under Section 49-78.

Master Plan of Highways means the Master Plan of Highways Within Montgomery County, an amendment to the General Plan for the Physical Development of the Maryland-Washington Regional District.

Public utility means any private company or public agency that is regulated as a public utility under state law, or otherwise provides water, sewer, electric, gas, telephone, or cable service (as defined in Chapter 8A) in the County.

Rustic road means an existing public road or road segment which is so classified under Section 49-78. (1993 L.M.C., ch. 9, § 1; [2007 L.M.C., ch. 8](#), § 1.)

Sec. 49-78. Rustic road classification and reclassification.

(a) *Classification.* The County Council may classify, reclassify, or revoke the classification of an existing public road or road segment as a rustic road or an exceptional rustic road by approving an amendment to the Master Plan of Highways and the relevant area Master Plan.

(b) *Criteria for rustic road.* Before classifying a road as rustic, the Council must find that an existing public road or road segment:

- (1) is located in an area where natural, agricultural, or historic features are predominant, and where master planned land use goals and zoning are compatible with a rural/rustic character;
- (2) is a narrow road intended for predominantly local use;
- (3) is a low volume road with traffic volumes that do not detract significantly from the rustic character of the road;

(4) (A) has outstanding natural features along its borders, such as native vegetation, stands of trees, stream valleys;

(B) provides outstanding vistas of farm fields and rural landscape or buildings; or

(C) provides access to historic resources, follows historic alignments, or highlights historic landscapes; and

(5) the history of vehicle and pedestrian accidents on the road in its current configuration does not suggest unsafe conditions.

The Council must not classify a road as rustic if that classification will significantly impair the function or safety of the road network.

(c) *Criteria for exceptional rustic road.* The Council may classify an existing public road or road segment as an exceptional rustic road. Before classifying a road as an exceptional rustic road, the Council must find that the road or road segment:

(1) qualifies as a rustic road under subsection (b);

(2) contributes significantly to the natural, agricultural, or historic characteristics of the County;

(3) has unusual features found on few other roads in the County; and

(4) would be more negatively affected by improvements or modifications to the physical characteristics of the road than would most other roads in the rustic roads program.

(d) *Significant features.* When the Council classifies a road as a rustic road or an exceptional rustic road, the Council must identify the significant features of each such road that must be preserved when the road is maintained or improved.

(1993 L.M.C., ch. 9, § 1; 1996 L.M.C., ch. 31, § 1; [2007 L.M.C., ch. 8](#), § 1.)

Sec. 49-79. Maintenance and improvements.

(a) *County roads.* Each rustic road and exceptional rustic road must be maintained and improved in a manner that preserves the road's significant features which the Council identified under subsection 49-78(d), but this requirement does not preclude improvements to promote safety or movement of farm equipment. The County Executive must establish guidelines by regulation under method (2) for maintenance and improvement of rustic roads and exceptional rustic roads.

(b) *State and park roads.* The Executive must encourage the State Highway Administration and the County Parks Department to maintain and improve rustic roads owned by the State or Park Commission in a manner consistent with this Article.

(c) *Public utilities.* Public utility work on or near a rustic road or exceptional rustic road is limited by this Article only when the work will damage a structure identified as a significant feature of the road which the Council identified under subsection 49-78(d). Each public utility must make all reasonable efforts to limit irreparable damage to any significant feature when working on or near a rustic road or exceptional rustic road.

(d) If this Article conflicts with Chapter 24A, Chapter 24A prevails. (1993 L.M.C., ch. 9, § 1; 1996 L.M.C., ch. 31, § 1; [2007 L.M.C., ch. 8](#), § 1.)

Sec. 49-80. Rustic Roads Advisory Committee.

(a) *Membership.* The County Executive must appoint, subject to confirmation by the County Council, a Rustic Roads Advisory Committee. The Committee has 7 voting members. Each member must be a resident of the County. The Executive should appoint:

- (1) 3 members who are owner-operators of commercial farmland earning 50 percent or more of their income from farming, one of whom is a representative of the Agricultural Advisory Committee;
- (2) one member who knows rural preservation techniques through practical experience and training;
- (3) one member who knows roadway engineering through practical experience and training;
- (4) one member who represents civic associations located in the Agricultural Reserve; and
- (5) one member who represents civic associations in areas located outside the Agricultural Reserve where there are rustic roads.

The Chairman of the Planning Board must designate a member of the planning staff as a non-voting Committee member.

(b) *Officers.* The Committee must elect a chair annually. The Committee may select other officers annually as it finds appropriate. A member must not serve as chair for more than 2 consecutive years.

(c) *Meetings.* The Committee must meet at the call of the chair as often as required to perform its duties, but at least 6 times each year. The Committee must also meet if two-thirds of the voting members request in writing that a meeting be held. The Chair must give reasonable advance notice of all meetings to members of the Committee and the public. A majority of the members are a quorum to transact business.

(d) *By-laws.* The Committee may adopt by-laws to govern its activities.

(e) *Duties.* The Committee must:

- (1) promote public awareness and knowledge of the County rustic roads program;
- (2) review and comment on classification of rustic roads and exceptional rustic roads;
- (3) review and comment on Executive Regulations and other County policies and programs that may affect the rustic roads program; and
- (4) report on June 1 of each even numbered year to the Executive, the Council, and the Planning Board on the status of the rustic roads program.

(f) *Advocacy.* The Commission must not engage in any advocacy activity at the State or federal levels unless that activity is approved by the Office of Intergovernmental Relations.

(g) *Staff.* The Chief Administrative Officer must provide the Committee with staff, offices, and supplies as are appropriated for it. (1993 L.M.C., ch. 9, § 1; 1996 L.M.C., ch. 31, § 1; 1998 L.M.C., ch. 1, §1; [2007 L.M.C., ch. 8, § 1](#); [2016 L.M.C., ch. 15, § 1.](#))

Editor's note—1998 L.M.C., ch. 1, § 1, reads as follows:

“Notwithstanding Section 49-80(a) of the County Code, the County Executive may reappoint to the Rustic Roads Advisory Committee, subject to confirmation by the County Council, any at-large member of the Committee appointed before January 1, 1997, who otherwise may be precluded from reappointment because of the specific requirements of that subsection.”