

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Bill 992 (Calvert County Delegation)
Environmental Matters

Finance

Calvert County - Regulation of Roads

This bill authorizes the Calvert County Commissioners to enact ordinances that (1) regulate specified activities associated with county roads and rights-of-way; and (2) establish road-related fees, penalties, and minimum standards. An exemption is provided for privately owned roads constructed by September 30, 2011. Any violations of such ordinances must be enforced in the same manner and to the same extent as a municipal infraction. Calvert County Commissioners are authorized to seek other remedies provided by law.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: Potential increase in Calvert County expenditures to establish and implement ordinances. Potential increase in Calvert County revenues, to the extent the county elects to impose fees and implement civil penalties for violations.

Small Business Effect: Potential meaningful, in Calvert County.

Analysis

Bill Summary: Calvert County Commissioners may enact an ordinance that:

- regulates the grading, constructing, improving, maintaining, and repairing of county roads and new roads intended for future public use, including roads proposed for any subdivision approved by the county planning commission;

- establishes standards for utility cuts in and across county rights-of-way;
- regulates access to county-owned roads;
- establishes minimum standards for new road construction;
- regulates the engineering and constructing of any new public road, bridge, sidewalk, curb, gutter, and storm drainage facility;
- regulates the acceptance of any new public road, bridge, sidewalk, curb, gutter, and storm drainage facility into the county roads system;
- establishes fees to defray the cost of reviewing plans and performing inspections for the construction of roads and for utility cuts; and
- establishes a civil penalty for specified violations.

Current Law: The county commissioners of Carroll and St. Mary's counties are authorized to regulate any public road, street, avenue, lane, alley, or bridge which is not within the corporate limits of any incorporated city or town and which has not been designated or maintained as a part of the State or federal highway system, with respect to (1) the weight, parking, abandonment, and speed of vehicles; and (2) use by public and private utilities for construction and maintenance. In Carroll County, violators are guilty of a misdemeanor and subject to a fine of up to \$25. In St. Mary's County, violators are guilty of a misdemeanor and subject to maximum penalties of a \$1,000 fine, six months imprisonment per violation, or both. In addition, St. Mary's County is authorized to establish civil penalties for violations and seek an injunction against further violations.

Generally, municipalities may specify that violations of municipal ordinances and resolutions are punishable as misdemeanors. However, a municipality may declare a violation of a municipal ordinance to be a municipal infraction unless the violation is declared to be a felony or misdemeanor by State law. A municipality may impose a fine of up to \$1,000 for each municipal infraction. Fines must be paid to the municipality within 20 days of the citation.

Background: There is some concern in Calvert County about damage being done on and along county roads. For example, some county roads have been damaged during the course of upgrading or fixing underground utilities. There is interest in giving the county (1) better notice of potential actions that may impact county roads; and (2) greater authority to hold entities accountable for any damage that is done on and along county roads and rights-of-way.

Small Business Effect: The bill has a potentially meaningful impact on small businesses in Calvert County. To the extent ordinances are enacted that, among other things, establish new fees, penalties, and road construction and access requirements, the workloads and operating expenses of small businesses working on road construction or other related infrastructure projects in the county increase.

Additional Information

Prior Introductions: None.

Cross File: None designated; however, SB 393 (Calvert County Senators – Finance) is essentially identical.

Information Source(s): Calvert County, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 17, 2011
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