

# HOUSE BILL 286

R1

5lr1128

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By: **Delegates O'Donnell and Fisher**

Introduced and read first time: February 4, 2015

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Highways~~ **Calvert and St. Mary's Counties – Scenic Byways – Signs**

3 FOR the purpose of authorizing the State Highway Administration to issue a permit for a  
4 certain sign along or near a scenic byway on a federal-aid primary highway in  
5 Calvert County or St. Mary's County in conformance with federal law if the sign was  
6 erected on or before a certain date or is a directional sign for a certain facility located  
7 in a certain area; establishing certain standards for a sign erected under this Act;  
8 requiring the State Highway Administration to adopt a plan and appropriate policies  
9 to implement this Act on or before a certain date; and generally relating to signs  
10 erected along scenic byways in Calvert and St. Mary's counties.

11 BY repealing and reenacting, with amendments,  
12 Article – Transportation  
13 Section 8-730  
14 Annotated Code of Maryland  
15 (2008 Replacement Volume and 2014 Supplement)

16 Preamble

17 WHEREAS, Federal law establishes and Federal Highway Administration  
18 regulations implement the Federal Highway Beautification Act (federal Act) for the control  
19 of outdoor advertising signs on areas adjacent to the federal highway system to protect  
20 public investment in the highways, promote the safety and recreational value of public  
21 travel, and preserve natural beauty; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1       WHEREAS, The federal Act disproportionately affects rural and agricultural areas;  
 2       and

3       WHEREAS, In Maryland, agriculture and aquaculture are significant contributors  
 4       to the economy in the rural counties of the State; and

5       WHEREAS, Many tobacco farmers in the State voluntarily participated in the State  
 6       sponsored tobacco buyout program, often investing the funds obtained under the program  
 7       to pursue retail agricultural pursuits, including wineries, fruit and vegetable farms,  
 8       nurseries, and agritourism; and

9       WHEREAS, These retail agricultural operations rely heavily on directional signs to  
 10      attract business; and

11      WHEREAS, The federal Act and federal regulations recognize that prohibiting or  
 12      removing directional signs that provide information about goods and services to the  
 13      traveling public may cause substantial economic hardship and thus provide certain  
 14      exemptions; and

15      WHEREAS, These retail agricultural operations would have been able to have their  
 16      signs remain in place lawfully under State law had the permits been issued before 2011;  
 17      now, therefore,

18               SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 19       That the Laws of Maryland read as follows:

## 20                       Article – Transportation

21       8–730.

22               **(A)**   **[The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**  
 23       Administration may not issue a permit for any outdoor sign along or near any federal–aid  
 24       primary highway, if the sign:

25                       (1)   Imitates or resembles any official traffic sign, signal, or device;

26                       (2)   Is erected or maintained on any tree or painted or drawn on any rock  
 27       or other natural feature;

28                       (3)   Is erected or maintained in a way that:

29                               (i)   Obscures or otherwise interferes with the effectiveness of an  
 30       official traffic sign, signal, or device; or

31                               (ii)  Obstructs or interferes with a driver’s view of approaching,  
 32       merging, or intersecting traffic;

1 (4) Is located within 250 feet of any public park, public forest, playground,  
2 or cemetery that is adjacent to a federal-aid primary highway; or

3 (5) Is along or near a scenic byway located on the federal-aid primary  
4 highway.

5 (B) (1) THIS SUBSECTION APPLIES ONLY IN CALVERT COUNTY AND ST.  
6 MARY'S COUNTY.

7 (2) THE ADMINISTRATION MAY, IN CONFORMANCE WITH FEDERAL  
8 LAW, ISSUE A PERMIT FOR AN OUTDOOR SIGN ALONG OR NEAR A SCENIC BYWAY  
9 LOCATED ON A FEDERAL-AID PRIMARY HIGHWAY IF THE SIGN:

10 ~~(1)~~ (I) WAS ERECTED ON OR BEFORE JANUARY 1, 2008; OR

11 ~~(2)~~ (II) IS A DIRECTIONAL SIGN FOR A FACILITY THAT:

12 ~~(H)~~ 1. SELLS PRINCIPALLY LOCAL AGRICULTURAL OR  
13 AQUACULTURAL PRODUCTS; AND

14 ~~(H)~~ 2. IS LOCATED WITHIN A 5-MILE RADIUS OF THE SIGN.

15 (3) A SIGN ERECTED UNDER THIS SUBSECTION SHALL BE ERECTED  
16 AND MAINTAINED IN A MANNER THAT IS SAFE AND DOES NOT DETRACT FROM THE  
17 SCENIC OR CULTURAL CHARACTER OF THE SCENIC BYWAY ALONG WHICH THE SIGN  
18 IS LOCATED.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway  
20 Administration shall develop a plan and appropriate policies to implement this Act on or  
21 before October 1, 2015.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 ~~October~~ June 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.