

HOUSE BILL 545

R1

5lr2283

By: **Delegates Korman, Frick, and Kelly**
Introduced and read first time: February 11, 2015
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Highway Work Permittees – Notice of Sidewalk**
3 **Closure**

4 FOR the purpose of requiring a person who obtains a certain permit from the State
5 Highway Administration for work that will cause a sidewalk to be closed or who does
6 the work under the permit to provide written notice of any sidewalk closure
7 associated with the work, in a certain manner, to affected business and property
8 owners and post a notice at the work site providing certain information under certain
9 circumstances; and generally relating to the closure of sidewalks due to
10 highway-related construction or maintenance.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 8–646
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2014 Supplement)

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

18 **Article – Transportation**

19 8–646.

20 (a) Except as permitted by this section or in accordance with a permit obtained
21 from the Administration, a person may not:

22 (1) Make an opening in any State highway;

23 (2) Place any structure on any State highway;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) Change or renew any structure placed on any State highway;

2 (4) Dig up any State highway for any purpose, including the placement of
3 pipes, sewers, poles, wires, or rails;

4 (5) Plant or remove any tree on any State highway; or

5 (6) Place any obstruction or improvement on any State highway.

6 (b) (1) The Administration may issue a permit for work otherwise prohibited
7 by subsection (a) of this section.

8 (2) Work done under the permit shall be performed to the satisfaction of
9 the Administration and under its supervision.

10 (3) The person to whom the permit is issued or by whom the work is done
11 shall [pay]:

12 (I) **PAY** the cost of replacing the highway in as good a condition as
13 before the work was done; **AND**

14 (II) **IF THE WORK FOR WHICH THE PERMIT IS ISSUED WILL**
15 **CAUSE A SIDEWALK TO BE CLOSED:**

16 1. **A. EXCEPT AS PROVIDED IN ITEM B OF THIS ITEM,**
17 **AT LEAST 72 HOURS BEFORE THE CLOSURE OF THE SIDEWALK, PROVIDE WRITTEN**
18 **NOTICE OF THE CLOSURE TO EACH BUSINESS AND PROPERTY OWNER DIRECTLY**
19 **AFFECTED BY THE CLOSURE; OR**

20 **B. IF THE PERMIT IS ISSUED FOR AN EMERGENCY**
21 **PURPOSE THAT WILL CAUSE A SIDEWALK TO BE CLOSED, THE PERSON TO WHOM THE**
22 **PERMIT IS ISSUED OR BY WHOM THE WORK IS DONE SHALL, WITHIN 72 HOURS**
23 **BEFORE THE CLOSURE OF THE SIDEWALK, PROVIDE WRITTEN NOTICE OF THE**
24 **CLOSURE TO EACH BUSINESS AND PROPERTY OWNER DIRECTLY AFFECTED BY THE**
25 **CLOSURE; AND**

26 2. **AS SOON AS REASONABLY POSSIBLE, POST A NOTICE**
27 **AT THE WORK SITE STATING:**

28 **A. THE PERIOD DURING WHICH THE SIDEWALK WILL BE**
29 **CLOSED; AND**

30 **B. THE CONTACT INFORMATION FOR THE PERSON TO**
31 **WHOM THE PERMIT WAS ISSUED OR THE PERSON WHO IS DOING THE WORK.**

1 (4) (i) The Administration shall require a nongovernment applicant for
2 a permit issued under this subsection who is a developer to submit a performance bond,
3 letter of credit, or other surety acceptable to the Administration.

4 (ii) The Administration shall require a nongovernment applicant for
5 a permit issued under this subsection to submit a payment bond, letter of credit, or other
6 surety acceptable to the Administration if:

7 1. The amount of the improvement is estimated to exceed
8 \$100,000;

9 2. The project is financed, in whole or in part, by private
10 funds; and

11 3. The entire improvement is located outside the applicant's
12 property.

13 (c) The Administration may apply to the circuit court in the subdivision in which
14 the violation occurred or is threatened for appropriate injunctive relief.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2015.