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§8–310.

(a) In this section, “Board” means the State Highway Access Valuation Board.

(b) (1) The Secretary shall establish a State Highway Access Valuation Board in the Administration.

(2) The Board shall consist of:

(i) The Administrator or the Administrator’s designee;

(ii) The Secretary of the Department of Planning or the Secretary’s designee; and

(iii) The Secretary of Commerce or the Secretary’s designee.

(3) The Administrator or the Administrator’s designee shall serve as chairman of the Board.

(4) The Board shall determine the times and locations of its meetings and shall conduct business in accordance with procedures established by the Board.

(5) A member of the Board:

(i) May not receive compensation as a member of the Board; but

(ii) Is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(6) The Administration shall provide staff to the Board.

(c) (1) This subsection does not apply to an interstate highway.

(2) If an owner of property that abuts a State highway where the State owns control of access seeks to purchase a right of access to the highway, the owner may petition the Administration to sell to the owner a right of access.

(3) Within 60 days of receiving a petition under paragraph (2) of this subsection, the Administration shall act on the petition.

(4) The Administration shall:

(i) Approve the granting of the right to access the State highway, the terms governing access, and, if available at the time, the cost of the right of access; or

(ii) Deny the petition, citing the Administration's reasons for denial.

(5) If the Administration is willing to grant access to a State highway to the owner of abutting property but is unable to determine the cost within the time required under paragraph (3) of this subsection, the Administration shall inform the property owner of the cost of the right of access within 60 days after its response under paragraph (4)(i) of this subsection.

(d) If a petitioner is not satisfied with the decision of the Administration on the cost of the right of access under subsection (c)(4) or (5) of this section, the owner may appeal the Administration's decision to the Board.

(e) Following receipt of an appeal under subsection (d) of this section, the Board shall:

(1) Review the appeal and request any documentation that the Board considers necessary to fully consider the property owner's request to purchase the right of access and the Administration's response;

(2) Hold at least one public hearing on the appeal of the property owner and response of the Administration; and

(3) Evaluate the appeal in terms of the impact that a grant of access rights would have on economic development, environmental protection, and other policy considerations that the Board considers relevant.

(f) (1) At any time following the public hearing, but within 6 months of the date of the petition, the Board shall render a final decision on the appeal.

(2) The Board may affirm, reverse, or modify the decision of the Administration on the cost of the right of access from which the property owner appealed.

(3) The Board may include the terms of the sale related to the cost of the right of access in its decision on the cost of the right of access.

(4) A decision by the Board under this subsection:

(i) Shall be based on the record developed by the Board;

(ii) Shall require the affirmative vote of at least two members of the Board; and

(iii) Notwithstanding any other provision of law, shall be binding on the Administration, but subject to approval of the Board of Public Works.

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