

HOUSE BILL 442

L1, R1

6lr0589
CF SB 303

By: **Delegates Bromwell, Aumann, Cluster, Miele, and West**

Introduced and read first time: January 29, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Counties – Transportation Adequate Public Facility Law – State Highway**
3 **Intersection**

4 FOR the purpose of prohibiting a county from amending or repealing a transportation
5 adequate public facility law in effect on a certain date; requiring that the level of
6 traffic congestion at a State highway intersection be determined by the State
7 Highway Administration for the purpose of determining whether development is
8 allowed under a county transportation adequate public facility law; defining certain
9 terms; and generally relating to determining the level of traffic congestion at State
10 highway intersections under county transportation adequate public facility laws.

11 BY adding to
12 Article – Land Use
13 Section 7–105
14 Annotated Code of Maryland
15 (2012 Volume and 2015 Supplement)

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

18 **Article – Land Use**

19 **7–105.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(2) “COUNTY ROAD” HAS THE MEANING STATED IN § 8–101 OF THE**
23 **TRANSPORTATION ARTICLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “HIGHWAY” HAS THE MEANING STATED IN § 8–101 OF THE**
2 **TRANSPORTATION ARTICLE.**

3 **(4) “STATE HIGHWAY” HAS THE MEANING STATED IN § 8–101 OF THE**
4 **TRANSPORTATION ARTICLE.**

5 **(5) “STATE HIGHWAY INTERSECTION” MEANS THE INTERSECTION OF:**

6 **(I) STATE HIGHWAYS; OR**

7 **(II) A STATE HIGHWAY AND A COUNTY ROAD.**

8 **(6) “TRANSPORTATION ADEQUATE PUBLIC FACILITY LAW” MEANS AN**
9 **ADEQUATE PUBLIC FACILITY LAW OR REGULATION THAT LIMITS DEVELOPMENT IN**
10 **AN AREA IF TRAFFIC CONGESTION IN THE AREA EXCEEDS A SPECIFIED LEVEL OR**
11 **WOULD EXCEED A SPECIFIED LEVEL IF DEVELOPMENT WERE TO PROCEED.**

12 **(B) (1) A COUNTY TRANSPORTATION ADEQUATE PUBLIC FACILITY LAW IN**
13 **EFFECT ON JANUARY 1, 2016, MAY NOT BE AMENDED OR REPEALED BY THE COUNTY.**

14 **(2) THE STATE HIGHWAY ADMINISTRATION SHALL MAKE ANY**
15 **DETERMINATION OF THE LEVEL OF TRAFFIC CONGESTION AT A STATE HIGHWAY**
16 **INTERSECTION FOR PURPOSES OF DETERMINING WHETHER DEVELOPMENT IS**
17 **ALLOWED UNDER A TRANSPORTATION ADEQUATE PUBLIC FACILITY LAW.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2016.