

HOUSE BILL 1380

R1

8lr3175

By: **Delegate Lafferty**

Introduced and read first time: February 9, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Access to State Highways – Consideration of**
3 **Pedestrian, Bicycle, and Public Transportation Activity**

4 FOR the purpose of requiring a certain person to submit certain information related to
5 pedestrian, bicycle, and public transportation activity to the State Highway
6 Administration when submitting a certain development plan or traffic impact study
7 to the Administration or applying for a permit to access certain State highways;
8 providing for the application of this Act; and generally relating to consideration of
9 pedestrian, bicycle, and public transportation activity in the permitting process for
10 access to certain State highways.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 8–625
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2017 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 8–625.

20 (a) For purposes of this section, average daily traffic volume shall be determined
21 over a 1–year period by the procedures that the Administration uses to establish traffic
22 density.

23 (b) (1) Except in accordance with a permit issued by the Administration, a
24 person may not make any entrance from any commercial or industrial property to any State
25 highway that carries an average traffic volume of more than 2,000 vehicles a day.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (c) (1) To promote highway safety, the Administration may limit the width of
4 existing entrances and exits and determine the locations of access points that may be used
5 by any commercial or industrial property owner or user into any existing section of a State
6 highway that carries an average traffic volume of more than 2,000 vehicles a day.

7 (2) If the Administration finds it expedient for traffic safety, the
8 Administration may:

9 (i) Limit the width and location of access points by any method that
10 it considers desirable; and

11 (ii) Deny an abutting property owner all new access along any
12 primary State highway if reasonable access to another public road is available to and from
13 the property.

14 (3) Denial of access under paragraph (2)(ii) of this subsection is an exercise
15 of the police power and does not require the payment of compensation.

16 (d) **(1) THIS SUBSECTION APPLIES TO A PERSON:**

17 **(i) SUBMITTING A DEVELOPMENT PLAN OR TRAFFIC IMPACT**
18 **STUDY TO THE ADMINISTRATION AS PART OF THE PERMIT PROCESS UNDER THIS**
19 **SECTION; OR**

20 **(ii) APPLYING FOR A PERMIT ISSUED UNDER THIS SECTION.**

21 **(2) TO ASSIST THE ADMINISTRATION IN ITS REVIEW OF A PLAN, A**
22 **STUDY, OR AN APPLICATION, A PERSON SHALL SUBMIT TO THE ADMINISTRATION:**

23 **(i) DATA ON CURRENT AND HISTORIC PEDESTRIAN, BICYCLE,**
24 **AND PUBLIC TRANSPORTATION ACTIVITY FOR THE AREA SUBJECT TO THE PLAN,**
25 **STUDY, OR APPLICATION;**

26 **(ii) DATA ON THE IMPACT THE PROPOSED ENTRANCE WILL**
27 **HAVE ON PEDESTRIAN, BICYCLE, AND PUBLIC TRANSPORTATION ACTIVITY,**
28 **INCLUDING WHETHER THE ENTRANCE WILL INTERSECT WITH A BICYCLE PATH OR**
29 **CROSSWALK;**

30 **(iii) THE LOCATION OF FACILITIES IN THE AREA SUBJECT TO**
31 **THE PLAN, STUDY, OR APPLICATION THAT SERVE PEDESTRIANS, BICYCLISTS, OR**
32 **USERS OF PUBLIC TRANSPORTATION; AND**

1 **(IV) PLANS FOR HOW THE PERSON’S PROPOSED ENTRANCE**
2 **WILL:**

3 **1. IMPROVE CONDITIONS FOR PEDESTRIAN AND**
4 **BICYCLE ACTIVITY AND ACCESS TO PUBLIC TRANSPORTATION; OR**

5 **2. MITIGATE THE IMPACTS ON PEDESTRIAN AND**
6 **BICYCLE ACTIVITY AND ACCESS TO PUBLIC TRANSPORTATION SO THAT THE**
7 **ENTRANCE ENHANCES PEDESTRIAN ACTIVITY, BICYCLING, AND ACCESS TO PUBLIC**
8 **TRANSPORTATION.**

9 **(E)** (1) This subsection does not apply to an expressway, freeway, interstate
10 highway, or parkway.

11 (2) Notwithstanding subsection (c)(2)(ii) of this section, the Administration
12 may not deny an owner of property abutting a State highway all access to the highway if
13 the abutment is within the boundaries of a municipal corporation unless:

14 (i) The property abuts another public road to which reasonable
15 access can be granted;

16 (ii) The denial is based on an access management plan that has been
17 agreed to by the Administration and the municipal corporation; or

18 (iii) The Administration pays just compensation to the property
19 owner as part of the exercise of eminent domain powers.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2018.