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**By: Delegate Gordon**

Introduced and read first time: February 7, 1996  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration - Performance and Payment Bonds**

3 FOR the purpose of requiring the State Highway Administration to require applicants for  
4 certain permits to obtain a performance bond and a payment bond and to provide  
5 proof of the acquisition of the bonds under certain circumstances; requiring a  
6 person to obtain a permit from the Administration before placing an improvement  
7 on a State highway; providing for the construction of this Act; and generally relating  
8 to performance and payment bonds.

9 BY repealing and reenacting, with amendments,  
10 Article - Transportation  
11 Section 8-625 and 8-646  
12 Annotated Code of Maryland  
13 (1993 Replacement Volume and 1995 Supplement)

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

16 **Article - Transportation**

17 8-625.

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

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

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

26 (C) (1) THE ADMINISTRATION SHALL REQUIRE EACH APPLICANT FOR A  
27 PERMIT TO CONSTRUCT A COMMERCIAL ENTRANCE STREET INTERSECTION TO  
28 OBTAIN A PERFORMANCE BOND AND A PAYMENT BOND IF:

29 (I) THE AMOUNT OF THE CONSTRUCTION PROJECT EXCEEDS  
30 \$50,000; AND

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1 (II) THE PROJECT IS FINANCED, IN WHOLE OR IN PART, BY  
2 PRIVATE FUNDS.

3 (2) THE APPLICANT FOR THE PERMIT SHALL PROVIDE TO THE  
4 ADMINISTRATION PROOF OF THE ACQUISITION OF THE BONDS.

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

9 (2) If the Administration finds it expedient for traffic safety, the  
10 Administration may limit the width and location of access points by any method that it  
11 considers desirable. However, the Administration may not deny an abutting property  
12 owner all access along any State highway other than a parkway or freeway.

13 8-646.

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

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

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

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

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

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

22 (6) Place any obstruction OR IMPROVEMENT on any State highway.

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

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

27 (3) The person to whom the permit is issued or by whom the work is done  
28 shall pay the cost of replacing the highway in as good a condition as before the work was  
29 done.

30 (4) THE ADMINISTRATION SHALL REQUIRE AN APPLICANT FOR A  
31 PERMIT ISSUED UNDER THIS SUBSECTION TO SUBMIT A PERFORMANCE BOND AND A  
32 PAYMENT BOND.

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

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
36 construed to hold the State Highway Administration responsible in any way for fulfilling  
37 the conditions of a performance bond required under the provisions of §8-625(c) of the  
38 Transportation Article as enacted by this Act.

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1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1996.