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**By: Senators Green and Dorman**

Introduced and read first time: January 23, 1997

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Highways - Access Controls**

3 FOR the purpose of changing a certain term used in reference to the State Highway  
4 Administration's authority to control access on certain State highways; authorizing  
5 the State Highway Administration to acquire certain rights regarding access and  
6 deny access on certain State highways if a reasonable alternative is available;  
7 providing that the denial of access on certain State highways does not require  
8 compensation under certain circumstances; repealing a certain prohibition against  
9 denying certain access to certain State roads; and generally relating to access  
10 controls on State highways.

11 BY repealing and reenacting, with amendments,  
12 Article - Transportation  
13 Section 8-620 and 8-625  
14 Annotated Code of Maryland  
15 (1993 Replacement Volume and 1996 Supplement)

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

18 **Article - Transportation**

19 8-620.

20 (a) The Administration may designate any part of any existing State highway as [a  
21 freeway] AN EXPRESSWAY.

22 (b) (1) If an existing highway is designated as [a freeway:]AN EXPRESSWAY  
23 AND

24 [(1) The] A PROPERTY ABUTTING THE EXPRESSWAY IS NOT SERVED BY  
25 ANY OTHER REASONABLE ACCESS TO ANOTHER PUBLIC ROAD, THE Administration  
26 may acquire the right of any owner of THE property [abutting the freeway] to access to  
27 or from the abutting land to or from the [freeway] EXPRESSWAY by:

28 (i) Closing any existing access; or

29 (ii) Limiting the right of the owner to construct any new access or to  
30 enlarge or extend any existing access[; and].

1 (2) IF AN EXISTING HIGHWAY IS DESIGNATED AS AN EXPRESSWAY AND  
2 A PROPERTY ABUTTING THE EXPRESSWAY HAS REASONABLE ACCESS TO ANOTHER  
3 PUBLIC ROAD, THE ADMINISTRATION MAY:

4 (I) ACQUIRE THE RIGHT OF ANY OWNER OF THAT PROPERTY  
5 ABUTTING THE EXPRESSWAY TO CONTINUE TO USE AN EXISTING ACCESS TO OR  
6 FROM THE ABUTTING LAND TO OR FROM THE EXPRESSWAY BY CLOSING ANY  
7 EXISTING ACCESS; AND

8 (II) IN ITS OWN DISCRETION, PROHIBIT NEW ACCESS TO OR FROM  
9 THE ABUTTING LAND TO OR FROM THE EXPRESSWAY BY LIMITING THE RIGHT OF  
10 THE OWNER TO CONSTRUCT ANY NEW ACCESS.

11 (3) AN OWNER DENIED NEW ACCESS UNDER PARAGRAPH (2)(II) OF THIS  
12 SUBSECTION IS NOT ENTITLED TO ANY COMPENSATION FOR THE DENIAL OF ACCESS  
13 IF REASONABLE ACCESS TO ANOTHER PUBLIC ROAD IS AVAILABLE AT THE TIME OF  
14 THE DENIAL OF ACCESS.

15 [(2)] (4) The Administration, in its discretion, may designate points at  
16 which access will be permitted and may specify the terms and conditions of that access.

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

30 (2) If the Administration finds it expedient for traffic safety, the  
31 Administration may:

32 (I) [limit] LIMIT the width and location of access points by any  
33 method that it considers desirable; AND

34 (II) DENY AN ABUTTING PROPERTY OWNER ALL NEW ACCESS  
35 ALONG ANY PRIMARY STATE HIGHWAY IF REASONABLE ACCESS TO ANOTHER  
36 PUBLIC ROAD IS AVAILABLE TO AND FROM THE PROPERTY.

37 (3) DENIAL OF ACCESS UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION  
38 IS AN EXERCISE OF THE POLICE POWER AND DOES NOT REQUIRE THE PAYMENT OF  
39 COMPENSATION. [However, the Administration may not deny an abutting property  
40 owner all access along any State highway other than a parkway or freeway.]

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1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1997.