

**Department of Fiscal Services**  
Maryland General Assembly

**FISCAL NOTE**

Senate Bill 395 (Chairman, Finance Committee)  
(Departmental - Transportation)

Finance

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**State Highways - Access Controls**

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This departmental bill provides that the State Highway Administration may deny an owner, whose property abuts a highway, new access to the highway if the highway is designated as an expressway. The property owner is not entitled to compensation if there is reasonable access to another public road from the property. However, SHA may continue to acquire the rights of access of property with no alternative access.

The bill also authorizes SHA to deny new access to any primary State highway if it is deemed necessary by SHA for traffic safety, provided that abutting commercial and industrial property owners have reasonable access to another public road. Under the bill's provisions, compensation is not required for this denial of access.

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**Fiscal Summary**

**State Effect:** Potential indeterminate decrease in special fund expenditures as discussed below. Revenues would not be affected.

**Local Effect:** None.

**Small Business Effect:** The Department of Transportation has determined that the bill has minimal or no impact on small businesses (attached). Fiscal Services disagrees with this assessment as discussed below.

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**Fiscal Analysis**

**State Expenditures:** Current law provides that the State Highway Administration may compensate property owners who are denied new access to an expressway or primary highway, regardless of whether or not the owner has access to another public road. SHA

advises that compensation is required based on court decisions. Limiting this requirement to property owners with no alternative access would result in a decrease in expenditures for the Transportation Trust Fund. However, it is difficult to quantify the amount that would be saved.

**Small Business Effect:** The bill could have a potentially meaningful impact on small businesses. To the extent that small businesses are denied compensation for the denial of new access to an expressway or primary highway, a revenue loss could be realized. The number of businesses affected by the bill is assumed to be minimal.

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**Information Source(s):** Department of Transportation (State Highway Administration),  
Department of Fiscal Services

**Fiscal Note History:** First Reader - February 7, 1997  
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