

HOUSE BILL 996

Unofficial Copy  
R1

1999 Regular Session  
9r1501  
CF 9r2409

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By: **Delegate Wood**  
Introduced and read first time: February 12, 1999  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **State Highways - Expressway Designation Process and Regulation of**  
3 **Highway Access**

4 FOR the purpose of requiring the State Highway Administration (SHA) to follow  
5 specified procedures when designating any part of a State highway as an  
6 expressway; requiring, as part of the expressway designation procedures, notice  
7 to certain local governments, an opportunity for certain local officials to meet  
8 and confer with representatives of SHA, a public informational meeting, and a  
9 public hearing; requiring that certain notices be published in a specified  
10 manner; prohibiting SHA from denying the owner of property abutting certain  
11 highways, within the boundaries of a municipal corporation, all access to the  
12 highway unless specified conditions are met; and generally relating to the  
13 designation of expressways by the SHA and access to State highways within the  
14 boundaries of a municipal corporation.

15 BY repealing and reenacting, without amendments,  
16 Article - Transportation  
17 Section 8-101(h)  
18 Annotated Code of Maryland  
19 (1993 Replacement Volume and 1998 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article - Transportation  
22 Section 8-620 and 8-625  
23 Annotated Code of Maryland  
24 (1993 Replacement Volume and 1998 Supplement)

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

1 **Article - Transportation**

2 8-101.

3 (h) "Expressway" means a major highway of two or more traffic lanes in each  
4 direction that is designed to eliminate principal traffic hazards and has the following  
5 characteristics:

6 (1) A median divider separating opposing traffic lanes to eliminate  
7 head-on collisions and sideswiping;

8 (2) Grade separation structures to eliminate the conflict of cross streams  
9 of traffic at each intersection;

10 (3) Points of entrance and exit limited to predetermined locations;

11 (4) Vertical curves long enough to provide long sight distances; and

12 (5) Shoulders wide enough to permit vehicles to stop or park out of traffic  
13 lanes.

14 8-620.

15 (a) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE Administration  
16 may designate any part of any existing State highway as an expressway.

17 (B) (1) THIS SUBSECTION APPLIES TO A STATE HIGHWAY THAT THE  
18 ADMINISTRATION:

19 (I) PROPOSES DESIGNATING AS AN EXPRESSWAY; OR

20 (II) DESIGNATED AS AN EXPRESSWAY BEFORE OCTOBER 1, 1999,  
21 BUT FOR WHICH DESIGN AND ENGINEERING FUNDS HAVE NOT BEEN ENCUMBERED.

22 (2) BEFORE DESIGNATING ANY PART OF A STATE HIGHWAY AS AN  
23 EXPRESSWAY, THE ADMINISTRATION:

24 (I) SHALL NOTIFY THE GOVERNING BODY OF EACH COUNTY AND  
25 MUNICIPAL CORPORATION THAT MAY BE AFFECTED BY THE DESIGNATION AND  
26 PROVIDE THE OFFICIALS REPRESENTING GOVERNING BODIES AN OPPORTUNITY TO  
27 MEET AND CONFER WITH REPRESENTATIVES OF THE ADMINISTRATION ON THE  
28 PROPOSED DESIGNATION; AND

29 (II) WITHIN A REASONABLE PROXIMITY TO THE AREA AFFECTED BY  
30 THE PROPOSED DESIGNATION:

31 1. SHALL HOLD A PUBLIC INFORMATIONAL MEETING, TO  
32 PRESENT TO THE COMMUNITY BACKGROUND INFORMATION ON THE DESIGNATION,  
33 THE ADMINISTRATION'S PLANS IN RELATION TO THE HIGHWAY, AND THE EXPECTED  
34 IMPACT OF THE DESIGNATION ON THE COMMUNITY; AND



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

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

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

12 (2) If the Administration finds it expedient for traffic safety, the  
13 Administration may:

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

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

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

21 (D) (1) THIS SUBSECTION DOES NOT APPLY TO AN EXPRESSWAY, FREEWAY,  
22 INTERSTATE HIGHWAY, OR PARKWAY.

23 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE  
24 ADMINISTRATION MAY NOT DENY AN OWNER OF PROPERTY ABUTTING A STATE  
25 HIGHWAY ALL ACCESS TO THE HIGHWAY IF THE ABUTMENT IS WITHIN THE  
26 BOUNDARIES OF A MUNICIPAL CORPORATION UNLESS:

27 (I) THE PROPERTY ABUTS ANOTHER PUBLIC ROAD TO WHICH  
28 ACCESS CAN BE GRANTED; OR

29 (II) THE DENIAL IS BASED ON AN ACCESS MANAGEMENT PLAN  
30 THAT HAS BEEN AGREED TO BY THE ADMINISTRATION AND THE MUNICIPAL  
31 CORPORATION.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 1999.