Unofficial Copy R1 1999 Regular Session 9lr1501 CF 9lr2409

By: Delegate Wood

Introduced and read first time: February 12, 1999 Assigned to: Commerce and Government Matters

A BILL ENTITLED

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1	7 77 4	1101	Concerning

- State Highways Expressway Designation Process and Regulation of
 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
- 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
- designation of expressways by the SHA and access to State highways within the
- 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: (1) A median divider separating opposing traffic lanes to eliminate 6 7 head-on collisions and sideswiping; 8 Grade separation structures to eliminate the conflict of cross streams (2) 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 Shoulders wide enough to permit vehicles to stop or park out of traffic (5) 13 lanes. 14 8-620. [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE Administration 15 16 may designate any part of any existing State highway as an expressway. THIS SUBSECTION APPLIES TO A STATE HIGHWAY THAT THE 17 (1) 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. BEFORE DESIGNATING ANY PART OF A STATE HIGHWAY AS AN 22 23 EXPRESSWAY, THE ADMINISTRATION: (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 WITHIN A REASONABLE PROXIMITY TO THE AREA AFFECTED BY 29 30 THE PROPOSED DESIGNATION: 1. SHALL HOLD A PUBLIC INFORMATIONAL MEETING, TO 31 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

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3	2. NOT LESS THAN 30 DAYS AFTER THE PUBLIC INFORMATIONAL MEETING, SHALL HOLD A PUBLIC HEARING ON THE PROPOSED DESIGNATION TO AFFORD INTERESTED PARTIES AN OPPORTUNITY TO SUBMIT ORAL TESTIMONY AND WRITTEN COMMENTS.
7 8	(3) THE ADMINISTRATION SHALL PUBLISH NOTICE OF THE PROPOSED DESIGNATION OF A STATE HIGHWAY AS AN EXPRESSWAY AND THE TIME AND PLACE OF THE PUBLIC INFORMATIONAL MEETING AND THE PUBLIC HEARING IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE AREAS AFFECTED BY THE PROPOSED DESIGNATION AT LEAST 2 WEEKS BEFORE THE:
10 11	(I) PUBLIC INFORMATIONAL MEETING REQUIRED UNDER PARAGRAPH (2)(II)1 OF THIS SUBSECTION; AND
12 13	(II) PUBLIC HEARING REQUIRED UNDER PARAGRAPH (2)(II)2 OF THIS SUBSECTION.
16	[(b)] (C) (1) If an existing highway is designated as an expressway and a property abutting the expressway is not served by any other reasonable access to another public road, the Administration may acquire the right of any owner of the property to access to or from the abutting land to or from the expressway by:
18	(i) Closing any existing access; or
19 20	(ii) Limiting the right of the owner to construct any new access or to enlarge or extend any existing access.
	(2) If an existing highway is designated as an expressway and a property abutting the expressway has reasonable access to another public road, the Administration may:
	(i) Acquire the right of any owner of that property abutting the expressway to continue to use an existing access to or from the abutting land to or from the expressway by closing any existing access; and
	(ii) In its own discretion, prohibit new access to or from the abutting land to or from the expressway by limiting the right of the owner to construct any new access.
	(3) An owner denied new access under paragraph (2)(ii) of this subsection is not entitled to any compensation for the denial of access if reasonable access to another public road is available at the time of the denial of access.
	(4) The Administration, in its discretion, may designate points at which access will be permitted and may specify the terms and conditions of that access. 8-625.
	(a) For purposes of this section, average daily traffic volume shall be determined over a 1-year period by the procedures that the Administration uses to establish traffic density.

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3		Except in accordance with a permit issued by the Administration, a ke any entrance from any commercial or industrial property to any carries an average traffic volume of more than 2,000 vehicles a
5 6	(2) in which the violati	The Administration may apply to the circuit court in the subdivision on occurred or is threatened for appropriate injunctive relief.
9 10	used by any comme	To promote highway safety, the Administration may limit the width of and exits and determine the locations of access points that may be excial or industrial property owner or user into any existing section that carries an average traffic volume of more than 2,000 vehicles
12 13	(2) Administration ma	If the Administration finds it expedient for traffic safety, the y:
14 15	that it considers de	(i) Limit the width and location of access points by any method sirable; and
	primary State high from the property.	(ii) Deny an abutting property owner all new access along any way if reasonable access to another public road is available to and
19 20	(3) exercise of the pol-	Denial of access under paragraph (2)(ii) of this subsection is an ice power and does not require the payment of compensation.
21 22	(D) (1) INTERSTATE HI	THIS SUBSECTION DOES NOT APPLY TO AN EXPRESSWAY, FREEWAY, GHWAY, OR PARKWAY.
25	HIGHWAY ALL	NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE ON MAY NOT DENY AN OWNER OF PROPERTY ABUTTING A STATE ACCESS TO THE HIGHWAY IF THE ABUTMENT IS WITHIN THE F A MUNICIPAL CORPORATION UNLESS:
27 28	ACCESS CAN BE	(I) THE PROPERTY ABUTS ANOTHER PUBLIC ROAD TO WHICH E GRANTED; OR
	THAT HAS BEEN CORPORATION.	(II) THE DENIAL IS BASED ON AN ACCESS MANAGEMENT PLAN AGREED TO BY THE ADMINISTRATION AND THE MUNICIPAL
32 33	SECTION 2. A October 1, 1999.	AND BE IT FURTHER ENACTED, That this Act shall take effect