

HOUSE BILL 997

Unofficial Copy  
R1

1999 Regular Session  
9r1502  
CF 9r2408

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By: ~~Delegate Wood~~ Delegates Wood, Benson, DeCarlo, Dobson, Glassman,  
Parrott, Riley, Shank, Snodgrass, and Swain

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

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 23, 1999

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Highways - Cost of Right of Access - Process and Review Appeal**

3 FOR the purpose of authorizing a property owner whose property abuts certain State  
4 highways to petition the State Highway Administration (SHA) to sell a right of  
5 access; requiring the SHA to take specified actions in response to a petition  
6 within prescribed times; establishing a State Highway Access ~~Appeals~~ Valuation  
7 Board to review certain decisions of the SHA; providing for the composition of  
8 the Board and requiring SHA to provide staff support to the Board; authorizing  
9 certain persons to appeal certain ~~access~~ decisions to the Board; requiring the  
10 Board to take certain actions in relation to the appeal; specifying certain  
11 substantive and procedural requirements; providing that certain decisions of the  
12 Board are binding on the SHA, but subject to approval of the Board of Public  
13 Works; and generally relating to a process under which certain property owners  
14 may seek a right of access to State highways.

15 BY adding to  
16 Article - Transportation  
17 Section 8-310  
18 Annotated Code of Maryland  
19 (1993 Replacement Volume and 1998 Supplement)

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

1 **Article - Transportation**

2 8-310.

3 (A) IN THIS SECTION, "BOARD" MEANS THE STATE HIGHWAY ACCESS ~~APPEALS~~  
4 VALUATION BOARD.

5 (B) (1) THE SECRETARY SHALL ESTABLISH A STATE HIGHWAY ACCESS  
6 ~~APPEALS~~ VALUATION BOARD IN THE ADMINISTRATION.

7 (2) THE BOARD SHALL CONSIST OF:

8 (I) THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE;

9 (II) THE DIRECTOR OF THE OFFICE OF PLANNING OR THE  
10 DIRECTOR'S DESIGNEE; AND

11 (III) THE SECRETARY OF THE DEPARTMENT OF BUSINESS AND  
12 ECONOMIC DEVELOPMENT OR THE SECRETARY'S DESIGNEE.

13 (3) THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE SHALL  
14 SERVE AS CHAIRMAN OF THE BOARD.

15 (4) THE BOARD SHALL DETERMINE THE TIMES AND LOCATIONS OF ITS  
16 MEETINGS AND SHALL CONDUCT BUSINESS IN ACCORDANCE WITH PROCEDURES  
17 ESTABLISHED BY THE BOARD.

18 (5) A MEMBER OF THE BOARD:

19 (I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
20 BOARD; BUT

21 (II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
22 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

23 (6) THE ADMINISTRATION SHALL PROVIDE STAFF TO THE BOARD.

24 (C) (1) THIS SUBSECTION DOES NOT APPLY TO AN INTERSTATE HIGHWAY.

25 (2) IF AN OWNER OF PROPERTY THAT ABUTS A STATE HIGHWAY WHERE  
26 THE STATE OWNS CONTROL OF ACCESS SEEKS TO PURCHASE A RIGHT OF ACCESS TO  
27 THE HIGHWAY, THE OWNER MAY PETITION THE ADMINISTRATION TO SELL TO THE  
28 OWNER A RIGHT OF ACCESS.

29 (3) WITHIN 60 DAYS OF RECEIVING A PETITION UNDER PARAGRAPH (2)  
30 OF THIS SUBSECTION, THE ADMINISTRATION SHALL ACT ON THE PETITION.

31 (4) THE ADMINISTRATION SHALL:

1 (I) APPROVE THE GRANTING OF THE RIGHT TO ACCESS THE STATE  
2 HIGHWAY, THE TERMS GOVERNING ACCESS, AND, IF AVAILABLE AT THE TIME, THE  
3 COST OF THE RIGHT OF ACCESS; OR

4 (II) DENY THE PETITION, CITING THE ADMINISTRATION'S REASONS  
5 FOR DENIAL.

6 (5) IF THE ADMINISTRATION IS WILLING TO GRANT ACCESS TO A STATE  
7 HIGHWAY TO THE OWNER OF ABUTTING PROPERTY BUT IS UNABLE TO DETERMINE  
8 THE COST WITHIN THE TIME REQUIRED UNDER PARAGRAPH (3) OF THIS  
9 SUBSECTION, THE ADMINISTRATION SHALL INFORM THE PROPERTY OWNER OF THE  
10 COST OF THE RIGHT OF ACCESS WITHIN 60 DAYS AFTER ITS RESPONSE UNDER  
11 PARAGRAPH (4)(I) OF THIS SUBSECTION.

12 (D) IF A PETITIONER IS NOT SATISFIED WITH THE DECISION OF THE  
13 ADMINISTRATION ON THE COST OF THE RIGHT OF ACCESS UNDER SUBSECTION (C)(4)  
14 OR (5) OF THIS SECTION, THE OWNER MAY APPEAL THE ADMINISTRATION'S DECISION  
15 TO THE BOARD.

16 (E) FOLLOWING RECEIPT OF AN APPEAL UNDER SUBSECTION (D) OF THIS  
17 SECTION, THE BOARD SHALL:

18 (1) REVIEW THE ~~APPLICATION~~ APPEAL AND REQUEST ANY  
19 DOCUMENTATION THAT THE BOARD CONSIDERS NECESSARY TO FULLY CONSIDER  
20 THE PROPERTY OWNER'S REQUEST TO PURCHASE THE RIGHT OF ACCESS AND THE  
21 ADMINISTRATION'S RESPONSE;

22 (2) HOLD AT LEAST ONE PUBLIC HEARING ON THE ~~APPLICATION~~  
23 APPEAL OF THE PROPERTY OWNER AND RESPONSE OF THE ADMINISTRATION; AND

24 (3) ~~FULLY~~ EVALUATE THE ~~APPLICATION~~ APPEAL IN TERMS OF THE  
25 IMPACT THAT A GRANT OF ACCESS RIGHTS WOULD HAVE ON ~~TRAFFIC FLOW,~~  
26 ECONOMIC DEVELOPMENT, ENVIRONMENTAL PROTECTION, AND OTHER POLICY  
27 CONSIDERATIONS THAT THE BOARD CONSIDERS RELEVANT.

28 (F) (1) AT ANY TIME FOLLOWING THE PUBLIC HEARING, BUT WITHIN 6  
29 MONTHS OF THE DATE OF THE PETITION, THE BOARD SHALL RENDER A FINAL  
30 DECISION ON THE ~~APPLICATION~~ APPEAL.

31 (2) THE BOARD MAY AFFIRM, REVERSE, OR MODIFY THE DECISION OF  
32 THE ADMINISTRATION ON THE COST OF THE RIGHT OF ACCESS FROM WHICH THE  
33 PROPERTY OWNER APPEALED.

34 (3) ~~IF THE BOARD GRANTS A RIGHT OF ACCESS, THE BOARD SHALL MAY~~  
35 INCLUDE THE TERMS OF THE SALE RELATED TO THE COST OF THE RIGHT OF ACCESS  
36 IN ITS DECISION ON THE COST OF THE RIGHT OF ACCESS ~~AND THE TERMS~~  
37 GOVERNING THE SALE OF ACCESS RIGHTS.

38 (4) A DECISION BY THE BOARD UNDER THIS SUBSECTION:

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1 (I) SHALL BE BASED ON THE RECORD DEVELOPED BY THE BOARD;

2 (II) SHALL REQUIRE THE AFFIRMATIVE VOTE OF AT LEAST TWO  
3 MEMBERS OF THE BOARD; AND

4 (III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SHALL BE  
5 BINDING ON THE ADMINISTRATION, BUT SUBJECT TO APPROVAL OF THE BOARD OF  
6 PUBLIC WORKS.

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