Unofficial Copy R1 1999 Regular Session 9lr2408 CF 9lr1502

| By: Senators Middleton, Green, and Dorman | | | | |
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| | Introduced and read first time: February 23, 1999 Assigned to: Rules Re-referred to: Finance, February 26, 1999 | | | |
| Assig | | | | |
| Re-re | | | | |
| Committee Report: Favorable with amendments | | | | |
| Senat | te action: Adopted | | | |
| Read | second time: March 23, 1999 | | | |
| | CHAPTER | | | |
| | CHA IER | | | |
| 1 A | AN ACT concerning | | | |
| 2 | State Highways - Cost of Right of Access - Process and Review Appeal | | | |
| 3 F | 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 Valuation Board | | | |
| 7 | to review certain decisions of the SHA; providing for the composition of the | | | |
| 8 | 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 | | | |

15 BY adding to

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

may seek a right of access to State highways.

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

Board to take certain actions in relation to the appeal; specifying certain substantive and procedural requirements; providing that certain decisions of the

Board are binding on the SHA, but subject to approval of the Board of Public

Works; and generally relating to a process under which certain property owners

21 MARYLAND, That the Laws of Maryland read as follows:

SENATE BILL 728

| 1 | | Article - Transportation |
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| 2 | 8-310. | |
| 3 4 | (A) IN THI VALUATION BOA | S SECTION, "BOARD" MEANS THE STATE HIGHWAY ACCESS RD. |
| 5 6 | (B) (1) VALUATION BOA | THE SECRETARY SHALL ESTABLISH A STATE HIGHWAY ACCESS RD IN THE ADMINISTRATION. |
| 7 | (2) | THE BOARD SHALL CONSIST OF: |
| 8 | | (I) THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE; |
| 9 10 | DIRECTOR'S DESI | (II) THE DIRECTOR OF THE OFFICE OF PLANNING OR THE GNEE; AND |
| 11 12 | ECONOMIC DEVE | (III) THE SECRETARY OF THE DEPARTMENT OF BUSINESS AND LOPMENT OR THE SECRETARY'S DESIGNEE. |
| 13 14 | (3) SERVE AS CHAIR | THE ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE SHALL MAN OF THE BOARD. |
| | (4) MEETINGS AND S ESTABLISHED BY | THE BOARD SHALL DETERMINE THE TIMES AND LOCATIONS OF ITS CHALL CONDUCT BUSINESS IN ACCORDANCE WITH PROCEDURES THE BOARD. |
| 18 | (5) | A MEMBER OF THE BOARD: |
| 19 20 | BOARD; BUT | (I) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE |
| 21 22 | STANDARD STAT | (II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE E 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. |
| 27 | THE STATE OWNS | IF AN OWNER OF PROPERTY THAT ABUTS A STATE HIGHWAY WHERE S CONTROL OF ACCESS SEEKS TO PURCHASE A RIGHT OF ACCESS TO HE OWNER MAY PETITION THE ADMINISTRATION TO SELL TO THE OF ACCESS. |
| 29 30 | (3) OF THIS SUBSECT | WITHIN 60 DAYS OF RECEIVING A PETITION UNDER PARAGRAPH (2) TION, THE ADMINISTRATION SHALL ACT ON THE PETITION. |
| 31 | (4) | THE ADMINISTRATION SHALL: |

- 3 **SENATE BILL 728** 1 APPROVE THE GRANTING OF THE RIGHT TO ACCESS THE STATE (I)2 HIGHWAY, THE TERMS GOVERNING ACCESS, AND, IF AVAILABLE AT THE TIME, THE 3 COST OF THE RIGHT OF ACCESS; OR (II)DENY THE PETITION. CITING THE ADMINISTRATION'S REASONS 5 FOR DENIAL. IF THE ADMINISTRATION IS WILLING TO GRANT ACCESS TO A STATE 6 7 HIGHWAY TO THE OWNER OF ABUTTING PROPERTY BUT IS UNABLE TO DETERMINE 8 THE COST WITHIN THE TIME REOUIRED 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 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. FOLLOWING RECEIPT OF AN APPEAL UNDER SUBSECTION (D) OF THIS 16 (E) 17 SECTION, THE BOARD SHALL: 18 REVIEW THE APPLICATION APPEAL AND REQUEST ANY (1) 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 HOLD AT LEAST ONE PUBLIC HEARING ON THE APPLICATION 23 APPEAL OF THE PROPERTY OWNER AND RESPONSE OF THE ADMINISTRATION; AND 24 FULLY EVALUATE THE APPLICATION APPEAL IN TERMS OF THE 25 IMPACT THAT A GRANT OF ACCESS RIGHTS WOULD HAVE ON TRAFFIC FLOW,
- 28 AT ANY TIME FOLLOWING THE PUBLIC HEARING, BUT WITHIN 6 (F) (1)

26 ECONOMIC DEVELOPMENT, ENVIRONMENTAL PROTECTION, AND OTHER POLICY

29 MONTHS OF THE DATE OF THE PETITION, THE BOARD SHALL RENDER A FINAL

27 CONSIDERATIONS THAT THE BOARD CONSIDERS RELEVANT.

- 30 DECISION ON THE APPLICATION APPEAL.
- THE BOARD MAY AFFIRM, REVERSE, OR MODIFY THE DECISION OF 31
- 32 THE ADMINISTRATION ON THE COST OF THE RIGHT OF ACCESS FROM WHICH THE
- 33 PROPERTY OWNER APPEALED.
- THE BOARD SHALL MAY INCLUDE THE TERMS OF THE SALE RELATED 34
- 35 TO THE COST OF THE RIGHT OF ACCESS IN ITS DECISION ON THE COST OF THE RIGHT
- 36 OF ACCESS AND THE TERMS GOVERNING THE SALE OF ACCESS RIGHTS.
- 37 (4) A DECISION BY THE BOARD UNDER THIS SUBSECTION:
- SHALL BE BASED ON THE RECORD DEVELOPED BY THE BOARD: 38 (I)

- 1 (II) SHALL REQUIRE THE AFFIRMATIVE VOTE OF AT LEAST TWO 2 MEMBERS OF THE BOARD; AND
- 3 (III) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SHALL BE
- 4 BINDING ON THE ADMINISTRATION, BUT SUBJECT TO APPROVAL OF THE BOARD OF
- 5 PUBLIC WORKS.
- 6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
- 7 effect October 1, 1999.