

SENATE BILL 729

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R1

1999 Regular Session  
9r2409  
CF HB 996

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By: **Senators Middleton, Green, and Dorman**  
Introduced and read first time: February 23, 1999  
Assigned to: Rules

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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                                     2.       NOT LESS THAN 30 DAYS AFTER THE PUBLIC  
2 INFORMATIONAL MEETING, SHALL HOLD A PUBLIC HEARING ON THE PROPOSED  
3 DESIGNATION TO AFFORD INTERESTED PARTIES AN OPPORTUNITY TO SUBMIT ORAL  
4 TESTIMONY AND WRITTEN COMMENTS.

5                             (3)       THE ADMINISTRATION SHALL PUBLISH NOTICE OF THE PROPOSED  
6 DESIGNATION OF A STATE HIGHWAY AS AN EXPRESSWAY AND THE TIME AND PLACE  
7 OF THE PUBLIC INFORMATIONAL MEETING AND THE PUBLIC HEARING IN AT LEAST  
8 ONE NEWSPAPER OF GENERAL CIRCULATION IN THE AREAS AFFECTED BY THE  
9 PROPOSED DESIGNATION AT LEAST 2 WEEKS BEFORE THE:

10                             (I)       PUBLIC INFORMATIONAL MEETING REQUIRED UNDER  
11 PARAGRAPH (2)(II)1 OF THIS SUBSECTION; AND

12                             (II)       PUBLIC HEARING REQUIRED UNDER PARAGRAPH (2)(II)2 OF  
13 THIS SUBSECTION.

14                             (4)       THE REQUIREMENTS OF THIS SUBSECTION MAY BE SATISFIED  
15 THROUGH THE PUBLIC NOTICE PROVIDED, AND THE PUBLIC INFORMATIONAL  
16 MEETINGS AND PUBLIC HEARINGS HELD, AS PART OF THE PROJECT PLANNING  
17 PHASE AS DEFINED IN § 8-610 OF THIS SUBTITLE.

18             [(b)]    (C)   (1)       If an existing highway is designated as an expressway and a  
19 property abutting the expressway is not served by any other reasonable access to  
20 another public road, the Administration may acquire the right of any owner of the  
21 property to access to or from the abutting land to or from the expressway by:

22                             (i)       Closing any existing access; or

23                             (ii)       Limiting the right of the owner to construct any new access or to  
24 enlarge or extend any existing access.

25                             (2)       If an existing highway is designated as an expressway and a property  
26 abutting the expressway has reasonable access to another public road, the  
27 Administration may:

28                             (i)       Acquire the right of any owner of that property abutting the  
29 expressway to continue to use an existing access to or from the abutting land to or  
30 from the expressway by closing any existing access; and

31                             (ii)       In its own discretion, prohibit new access to or from the  
32 abutting land to or from the expressway by limiting the right of the owner to  
33 construct any new access.

34                             (3)       An owner denied new access under paragraph (2)(ii) of this  
35 subsection is not entitled to any compensation for the denial of access if reasonable  
36 access to another public road is available at the time of the denial of access.

37                             (4)       The Administration, in its discretion, may designate points at which  
38 access will be permitted and may specify the terms and conditions of that access.

1 8-625.

2 (a) For purposes of this section, average daily traffic volume shall be  
3 determined over a 1-year period by the procedures that the Administration uses to  
4 establish traffic density.

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

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

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

16 (2) If the Administration finds it expedient for traffic safety, the  
17 Administration may:

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

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

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

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

27 (2) NOTWITHSTANDING SUBSECTION (C)(2)(II) OF THIS SECTION, THE  
28 ADMINISTRATION MAY NOT DENY AN OWNER OF PROPERTY ABUTTING A STATE  
29 HIGHWAY ALL ACCESS TO THE HIGHWAY IF THE ABUTMENT IS WITHIN THE  
30 BOUNDARIES OF A MUNICIPAL CORPORATION UNLESS:

31 (I) THE PROPERTY ABUTS ANOTHER PUBLIC ROAD TO WHICH  
32 REASONABLE ACCESS CAN BE GRANTED;

33 (II) THE DENIAL IS BASED ON AN ACCESS MANAGEMENT PLAN  
34 THAT HAS BEEN AGREED TO BY THE ADMINISTRATION AND THE MUNICIPAL  
35 CORPORATION; OR

36 (III) THE ADMINISTRATION PAYS JUST COMPENSATION TO THE  
37 PROPERTY OWNER AS PART OF THE EXERCISE OF EMINENT DOMAIN POWERS.

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