

SENATE BILL 729

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1999 Regular Session
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CF HB 996

By: **Senators Middleton, Green, and Dorman**
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Assigned to: Rules
Re-referred to: Finance, February 26, 1999

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

CHAPTER _____

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; providing that certain requirements of this Act may be satisfied in a
11 certain alternative manner; prohibiting SHA from denying the owner of
12 property abutting certain highways, within the boundaries of a municipal
13 corporation, all access to the highway unless specified conditions are met; and
14 generally relating to the designation of expressways by the SHA and access to
15 State highways ~~within the boundaries of a municipal corporation.~~

16 BY repealing and reenacting, without amendments,
17 Article - Transportation
18 Section 8-101(h)
19 Annotated Code of Maryland
20 (1993 Replacement Volume and 1998 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Transportation
23 Section 8-620 and 8-625
24 Annotated Code of Maryland

1 (1993 Replacement Volume and 1998 Supplement)

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

4 **Article - Transportation**

5 8-101.

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

- 9 (1) A median divider separating opposing traffic lanes to eliminate
10 head-on collisions and sideswiping;
- 11 (2) Grade separation structures to eliminate the conflict of cross streams
12 of traffic at each intersection;
- 13 (3) Points of entrance and exit limited to predetermined locations;
- 14 (4) Vertical curves long enough to provide long sight distances; and
- 15 (5) Shoulders wide enough to permit vehicles to stop or park out of traffic
16 lanes.

17 8-620.

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

20 (B) (1) THIS SUBSECTION APPLIES TO A STATE HIGHWAY THAT THE
21 ADMINISTRATION:

22 (I) PROPOSES DESIGNATING AS AN EXPRESSWAY; OR

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

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

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

32 (II) WITHIN A REASONABLE PROXIMITY TO THE AREA AFFECTED BY
33 THE PROPOSED DESIGNATION:

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

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

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

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

16 (II) PUBLIC HEARING REQUIRED UNDER PARAGRAPH (2)(II)2 OF
17 THIS SUBSECTION.

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

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

26 (i) Closing any existing access; or

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

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

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

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

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

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

6 8-625.

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

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

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

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

21 (2) If the Administration finds it expedient for traffic safety, the
22 Administration may:

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

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

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

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

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

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

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

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

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