

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

Revised

Senate Bill 728 (Senator Middleton, *et al.*)

Finance

State Highways - Cost of Right of Access - Process and Appeal

This bill establishes a three-member State Highway Access Valuation Board to review decisions made by the State Highway Administration (SHA) regarding rights of access to highways. An owner of property that abuts a State highway may petition SHA to sell to the owner a right of access to the highway. SHA may grant the right of access and define the terms of the agreement or may deny the petition, citing the reasons for the denial. The owner may appeal to the valuation board if not satisfied with SHA's decision on the cost of access rights.

The bill specifies the board's appeal procedures and provides that a final decision from the board must be made within six months of the date of petition. The board may affirm, reverse, or modify the decision of SHA on the cost of access rights. Decisions of the board are binding, but subject to the approval of the Board of Public Works.

Fiscal Summary

State Effect: Potential indeterminate decrease in Transportation Trust Fund (TTF) revenues.

Local Effect: None.

Small Business Effect: Minimal.

Fiscal Analysis

State Effect: SHA currently has in place informal procedures to grant rights of access to owners of property that abut a State highway. On average, there are 25 such petitions to the SHA annually. Decisions of the board may differ from the decisions made by SHA and thereby could decrease the cost of the rights of access for property owners. TTF revenues could decrease to the extent that this occurs.

Board members do not receive a salary, but are reimbursed for board-related expenses under the standard State travel regulations. Any such expenditures would depend upon the time, location, and frequency of the board's meetings. Such expenses are assumed to be minimal and absorbable within existing agency resources. It is further assumed that SHA could handle any petitions and could provide staff support to the board with existing resources.

Information Source(s): Maryland Department of Transportation (State Highway Administration), Department of Legislative Services

Fiscal Note History: First Reader - March 5, 1999
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Analysis by: Jody J. Minnich

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510