
By: **Delegate Morhaim**
Introduced and read first time: February 9, 2001
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transportation - State Highway Construction - Sound Barriers**

3 FOR the purpose of requiring the State Highway Administration to include sound
4 barriers within its construction and reconstruction program; requiring the
5 Administration to construct sound barriers under certain circumstances;
6 requiring the Administration to develop certain guidelines in conjunction with
7 local governments; prohibiting the Administration from constructing a project
8 under certain circumstances; defining a term; repealing obsolete language; and
9 generally relating to State highway construction and sound barriers.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 8-613
13 Annotated Code of Maryland
14 (1993 Replacement Volume and 2000 Supplement)

15 BY adding to
16 Article - Transportation
17 Section 8-651 and 8-652
18 Annotated Code of Maryland
19 (1993 Replacement Volume and 2000 Supplement)

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

22 **Article - Transportation**

23 8-613.

24 (a) (1) [In calendar year 1978, the] THE Administration shall prepare for
25 each county a 6-year construction and reconstruction program for primary and
26 secondary highways, the secondary program to include bicycle trails [and],
27 sidewalks, AND SOUND BARRIERS.

1 (2) [The Administration shall submit this program to the General
2 Assembly for its review by January 15, 1979.

3 (3)] Subject to § 2-1246 of the State Government Article, the program
4 shall be updated annually and submitted to the General Assembly for its review by
5 January 15 of each year.

6 [(4)] (3) The program shall:

7 (i) Advise on priorities among the projects approved for
8 construction, following completion of the project planning phase; and

9 (ii) As to each item included in it, contain a proposed schedule of
10 property acquisition, detailed engineering, and construction.

11 (b) Before the annual submission of the highway construction and
12 reconstruction program to the General Assembly, the Administration shall consult
13 with the local governing body, municipalities, and local legislative delegation of each
14 county concerning construction priorities.

15 (c) If the Administration is unable for any reason to perform in accordance
16 with the schedule set forth in the annual primary highway program, it shall, if so
17 requested by resolution of either house of the General Assembly, explain in writing to
18 the next session of the General Assembly any change in the scheduling of a particular
19 project included in the preceding year's program.

20 (d) If there is any change in the scheduling of a particular project in the
21 secondary highway program for which funds have been appropriated in the preceding
22 year, the Administration, on written request of a majority of the local legislative
23 delegation from the county for which the project is programmed, shall explain that
24 change in writing to the members of the General Assembly from that county.

25 (e) The Administration's budget for [fiscal year 1981 and for] each fiscal year
26 [following], as submitted to the General Assembly, shall include funds for projects
27 scheduled for the first year of the highway construction and reconstruction program
28 established under this section.

29 8-651.

30 (A) IN THIS SECTION, "SOUND BARRIER" MEANS A NATURAL OR ARTIFICIAL
31 BARRIER DESIGNED TO REDUCE THE TRANSFER OF SOUND FROM TRAFFIC ALONG A
32 HIGHWAY TO ADJACENT AREAS.

33 (B) (1) THE ADMINISTRATION SHALL CONSTRUCT A SOUND BARRIER AT
34 THE TIME OF CONSTRUCTION OR RECONSTRUCTION OF A HIGHWAY WITHIN 500
35 FEET OF AN INDUSTRIAL, COMMERCIAL, OR RESIDENTIAL AREA, OR AT THE REQUEST
36 OF A LOCAL GOVERNMENT UNLESS:

37 (I) THE ADMINISTRATION DETERMINES THAT THE COST OR
38 IMPACTS OF CONSTRUCTING THE SOUND BARRIER WOULD BE TOO GREAT IN

1 RELATION TO THE NEED FOR THE SOUND BARRIER OR THE PROBABLE USE OF THE
2 SOUND BARRIER; OR

3 (II) THE LOCAL GOVERNMENT INDICATES THAT THERE IS NO NEED
4 FOR THE SOUND BARRIER.

5 (2) SOUND BARRIERS CONSTRUCTED UNDER THIS SECTION SHALL BE
6 CONSISTENT WITH AREA MASTER PLANS AND TRANSPORTATION PLANS ADOPTED BY
7 THE LOCAL PLANNING COMMISSION.

8 (C) THE ADMINISTRATION SHALL DEVELOP GUIDELINES JOINTLY WITH
9 LOCAL GOVERNMENTS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

10 8-652.

11 THE ADMINISTRATION MAY NOT CONSTRUCT ANY PROJECT THAT WILL RESULT
12 IN THE SEVERANCE OR DESTRUCTION OF AN EXISTING MAJOR ROUTE FOR PUBLIC
13 TRANSPORTATION, UNLESS THE PROJECT PROVIDES FOR CONSTRUCTION OF A
14 REASONABLE ALTERNATIVE ROUTE OR SUCH A ROUTE ALREADY EXISTS.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2001.