
By: **Chairman, Finance Committee (By Request - Departmental -
Transportation)**

Introduced and read first time: January 18, 2005

Rules suspended

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration - Controlled Access Highways - Use of Rest**
3 **Area Property**

4 FOR the purpose of providing that a certain prohibition against the operation of
5 certain facilities on State highways and related service areas does not apply,
6 except as provided by federal law, to controlled access highways; authorizing the
7 State Highway Administration to enter into certain agreements concerning the
8 operation of certain facilities on controlled access highways; and generally
9 relating to the use of certain property of the State Highway Administration for
10 certain purposes.

11 BY repealing and reenacting, with amendments,
12 Article - Transportation
13 Section 8-313
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2004 Supplement)

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

18 **Article - Transportation**

19 8-313.

20 (a) (1) Any land may be acquired under this subtitle for any State highway
21 construction purpose.

22 (2) Any land along or near any State highway may be acquired under
23 this subtitle:

24 (i) To protect the highway or any scenery along or near it;

25 (ii) For landscaping the highway;

1 (iii) To provide parking and service areas along the highway; or

2 (iv) For any similar purpose.

3 (b) Land may not be acquired under this section by condemnation unless the
4 Administration determines that the land is needed for immediate or proposed
5 construction of a State highway or a related parking or service area. However, land
6 may be acquired for a related parking or service area only if it is adjacent to a
7 controlled access highway.

8 (c) (1) A motel, restaurant, or gasoline or automobile service station may not
9 be operated or permitted by the Administration or by any other agency or political
10 subdivision of this State on any highway or related parking or service area the land
11 for which was acquired under this subtitle.

12 (2) This subsection does not apply to any toll highway.

13 (3) (I) EXCEPT AS OTHERWISE PROVIDED BY FEDERAL LAW, THIS
14 SUBSECTION DOES NOT APPLY TO ANY CONTROLLED ACCESS HIGHWAY.

15 (II) ANY MOTEL, RESTAURANT, OR GASOLINE OR AUTOMOBILE
16 SERVICE STATION OPERATED OR PERMITTED BY THE ADMINISTRATION ON A
17 CONTROLLED ACCESS HIGHWAY, MAY BE OPERATED OR PERMITTED UNDER
18 REVENUE-PRODUCING AGREEMENTS BETWEEN THE ADMINISTRATION AND ITS
19 CONTRACTORS.

20 (d) The interests in land that may be acquired under this section include
21 easements restricting or subjecting to administrative regulation the right of the
22 owner or other persons to:

23 (1) Erect buildings or other structures;

24 (2) Construct a private drive or road;

25 (3) Remove or destroy shrubbery or trees;

26 (4) Place trash or unsightly or offensive material on the land; or

27 (5) Display signs, billboards, or advertisements on the land.

28 (e) If any land is acquired under this section, the instrument conveying the
29 land shall set forth clearly the specific restrictions or other interests acquired. These
30 restrictions shall run with the land to which they apply and bind all subsequent
31 holders, except as the instrument otherwise expressly provides.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 2005.