

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 319 (Delegates McConkey and Beidle)
Environmental Matters

**Anne Arundel County - Highway Rights-of-Way - Authority to Remove Illegal
Outdoor Signs**

This bill authorizes any State or local government employee to remove and dispose of an outdoor sign in Anne Arundel County that is in the right-of-way of a highway and is erected or maintained in violation of the highway outdoor advertising provisions in the Transportation Article.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect Anne Arundel County finances.

Small Business Effect: None.

Analysis

Current Law: Subject to specified exceptions, a person may not erect or maintain any outdoor sign outside the limits of any municipal corporation and within 500 feet of a State highway unless the person has a permit issued by the State Highway Administration (SHA) for that sign. Any person who removes, damages, or defaces any SHA sign, signal, or marker is guilty of a misdemeanor and subject to a fine of up to \$100.

A person may not erect or maintain any outdoor sign along or near any federal aid primary highway, unless the person has been issued a permit. Federal law and regulations require states to control advertising on the sides of federally funded

highways. Failure to control the outdoor advertising could result in the loss of 10% of all federal highway aid.

A State highway's right-of-way is at least 40 feet wide.

Background: Illegal signs within State rights-of-way have become a serious fiscal and safety concern. SHA advises that sign removal is claiming a growing portion of limited highway maintenance resources. In fiscal 2008, SHA spent approximately \$600,000 on the removal of an estimated 69,600 illegal signs. Furthermore, illegal signs within the State right-of-way distract motorists and create traffic hazards. A 2006 Virginia Tech report found that, when a driver glances away from the forward roadway for more than two seconds, the driver's risk of a crash or near crash event is doubled.

As a result of a cooperative agreement with SHA, Anne Arundel County has the authority to remove signs on designated roads, including Baltimore-Annapolis Boulevard and MD 175 near Fort Meade. SHA advises that, while this agreement has been effective in its limited use, it does not address the deterrence of illegal sign placement nor does it have cost-recovery provisions.

Additional Information

Prior Introductions: The House Environmental Matters Committee held a hearing on HB 797 of 2008, a similar bill, but the bill was subsequently withdrawn.

Cross File: None.

Information Source(s): Virginia Polytechnic Institute and State University, Judiciary (Administrative Office of the Courts), Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2009
mlm/ljm

Analysis by: Amanda Mock

Direct Inquiries to:
(410) 946-5510
(301) 970-5510