

HOUSE BILL 414

R1

2lr2345
CF 2lr1412

By: **Delegates Serafini, Beitzel, Fisher, George, Glass, Impallaria, K. Kelly, W. Miller, Myers, Norman, O'Donnell, Szeliga, and Weir**

Introduced and read first time: February 1, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Permits – Business Access to State**
3 **Highways**

4 FOR the purpose of requiring the State Highway Administration to make a final
5 determination whether to issue a permit to grant access from certain business
6 property to a State highway within a certain time period; specifying that the
7 Administration is deemed to have issued the permit if the Administration fails
8 to act within a certain time period; specifying that the State Highway
9 Administrator may extend the time period for the Administration to act on the
10 permit request under certain circumstances; and generally relating to a request
11 for a permit for access to a State highway from business property.

12 BY repealing and reenacting, with amendments,
13 Article – Transportation
14 Section 8–625
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2011 Supplement)

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

19 **Article – Transportation**

20 8–625.

21 (a) For purposes of this section, average daily traffic volume shall be
22 determined over a 1–year period by the procedures that the Administration uses to
23 establish traffic density.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

8 **(C) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
9 **ADMINISTRATION SHALL MAKE A FINAL DETERMINATION UNDER THIS SECTION**
10 **WHETHER TO ISSUE A PERMIT FOR ACCESS FROM A COMMERCIAL OR AN**
11 **INDUSTRIAL PROPERTY TO A STATE HIGHWAY NOT LATER THAN 90 DAYS AFTER**
12 **THE DATE OF THE APPLICATION.**

13 **(2) IF THE ADMINISTRATION FAILS TO ACT ON THE REQUEST FOR**
14 **A PERMIT BY THE 90TH DAY AFTER THE APPLICATION IS FILED, THE**
15 **ADMINISTRATION IS DEEMED TO HAVE ISSUED THE PERMIT.**

16 **(3) ON A DETERMINATION IN WRITING BY THE ADMINISTRATOR**
17 **THAT STATES THE REASON WHY THE ADMINISTRATION NEEDS ADDITIONAL**
18 **TIME TO MAKE ITS DECISION, THE ADMINISTRATOR MAY EXTEND THE PERIOD**
19 **FOR THE ADMINISTRATION TO ACT ON THE REQUEST FOR A PERMIT BY NOT**
20 **MORE THAN 60 DAYS.**

21 **[(c)](D) (1) To promote highway safety, the Administration may limit**
22 **the width of existing entrances and exits and determine the locations of access points**
23 **that may be used by any commercial or industrial property owner or user into any**
24 **existing section of a State highway that carries an average traffic volume of more than**
25 **2,000 vehicles a day.**

26 (2) If the Administration finds it expedient for traffic safety, the
27 Administration may:

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

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

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

35 **[(d)](E) (1) This subsection does not apply to an expressway, freeway,**
36 **interstate highway, or parkway.**

1 (2) Notwithstanding subsection [(c)(2)(ii)] **(D)(2)(II)** of this section,
2 the Administration may not deny an owner of property abutting a State highway all
3 access to the highway if the abutment is within the boundaries of a municipal
4 corporation unless:

5 (i) The property abuts another public road to which reasonable
6 access can be granted;

7 (ii) The denial is based on an access management plan that has
8 been agreed to by the Administration and the municipal corporation; or

9 (iii) The Administration pays just compensation to the property
10 owner as part of the exercise of eminent domain powers.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2012.