

HOUSE BILL 762

R1

5lr1760

By: **Delegates Buckel, Beitzel, Hornberger, Kittleman, McKay, Metzgar, Otto, and Shoemaker**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Entrance to State Highway – Permit Process**

3 FOR the purpose of requiring the State Highway Administration to grant or deny a request
4 for a permit to make an entrance from a commercial or industrial property to certain
5 State highways within a certain period of time; requiring the Administration to
6 provide a certain written notice and explanation to an applicant for a permit if the
7 Administration denies a permit request; authorizing an applicant for a permit whose
8 request is denied to file a petition for judicial review with a certain circuit court; and
9 generally relating to the permitting process for making an entrance to certain State
10 highways.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 8–625
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2014 Supplement)

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

18 **Article – Transportation**

19 8–625.

20 (a) For purposes of this section, average daily traffic volume shall be determined
21 over a 1–year period by the procedures that the Administration uses to establish traffic
22 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 State
3 highway that carries an average traffic volume of more than 2,000 vehicles a day.

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

6 **(3) THE ADMINISTRATION SHALL:**

7 **(I) GRANT OR DENY A REQUEST FOR A PERMIT UNDER THIS**
8 **SUBSECTION WITHIN 45 DAYS AFTER RECEIPT OF THE REQUEST; AND**

9 **(II) IF THE ADMINISTRATION DENIES A PERMIT REQUEST,**
10 **PROVIDE TO THE APPLICANT WRITTEN NOTICE AND AN EXPLANATION OF THE**
11 **REASONS FOR DENYING THE REQUEST.**

12 **(4) AN APPLICANT FOR A PERMIT UNDER THIS SUBSECTION WHOSE**
13 **REQUEST IS DENIED BY THE ADMINISTRATION MAY FILE A PETITION, IN**
14 **ACCORDANCE WITH MARYLAND RULE 7-202, FOR JUDICIAL REVIEW WITH THE**
15 **CIRCUIT COURT FOR THE COUNTY IN WHICH THE ENTRANCE TO THE STATE**
16 **HIGHWAY IS PROPOSED TO BE LOCATED.**

17 (c) (1) To promote highway safety, the Administration may limit the width of
18 existing entrances and exits and determine the locations of access points that may be used
19 by any commercial or industrial property owner or user into any existing section of a State
20 highway that carries an average traffic volume of more than 2,000 vehicles a day.

21 (2) If the Administration finds it expedient for traffic safety, the
22 Administration may:

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

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

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

30 (d) (1) This subsection does not apply to an expressway, freeway, interstate
31 highway, or parkway.

32 (2) Notwithstanding subsection (c)(2)(ii) of this section, the Administration
33 may not deny an owner of property abutting a State highway all access to the highway if
34 the abutment is within the boundaries of a municipal corporation unless:

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

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2015.