

Chapter 83

(House Bill 286)

AN ACT concerning

Highways Calvert and St. Mary's Counties – Scenic Byways – Signs

FOR the purpose of authorizing the State Highway Administration to issue a permit for a certain sign along or near a scenic byway on a federal-aid primary highway in Calvert County or St. Mary's County in conformance with federal law if the sign was erected on or before a certain date or is a directional sign for a certain facility located in a certain area; establishing certain standards for a sign erected under this Act; requiring the State Highway Administration to adopt a plan and appropriate policies to implement this Act on or before a certain date; and generally relating to signs erected along scenic byways in Calvert and St. Mary's counties.

BY repealing and reenacting, with amendments,

Article – Transportation

Section 8-730

Annotated Code of Maryland

(2008 Replacement Volume and 2014 Supplement)

Preamble

WHEREAS, Federal law establishes and Federal Highway Administration regulations implement the Federal Highway Beautification Act (federal Act) for the control of outdoor advertising signs on areas adjacent to the federal highway system to protect public investment in the highways, promote the safety and recreational value of public travel, and preserve natural beauty; and

WHEREAS, The federal Act disproportionately affects rural and agricultural areas;
and

WHEREAS, In Maryland, agriculture and aquaculture are significant contributors to the economy in the rural counties of the State; and

WHEREAS, Many tobacco farmers in the State voluntarily participated in the State sponsored tobacco buyout program, often investing the funds obtained under the program to pursue retail agricultural pursuits, including wineries, fruit and vegetable farms, nurseries, and agritourism; and

WHEREAS, These retail agricultural operations rely heavily on directional signs to attract business; and

WHEREAS, The federal Act and federal regulations recognize that prohibiting or removing directional signs that provide information about goods and services to the

traveling public may cause substantial economic hardship and thus provide certain exemptions; and

WHEREAS, These retail agricultural operations would have been able to have their signs remain in place lawfully under State law had the permits been issued before 2011; now, therefore,

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

Article – Transportation

8–730.

(A) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE Administration may not issue a permit for any outdoor sign along or near any federal–aid primary highway, if the sign:

- (1) Imitates or resembles any official traffic sign, signal, or device;
- (2) Is erected or maintained on any tree or painted or drawn on any rock or other natural feature;
- (3) Is erected or maintained in a way that:
 - (i) Obscures or otherwise interferes with the effectiveness of an official traffic sign, signal, or device; or
 - (ii) Obstructs or interferes with a driver’s view of approaching, merging, or intersecting traffic;
- (4) Is located within 250 feet of any public park, public forest, playground, or cemetery that is adjacent to a federal–aid primary highway; or
- (5) Is along or near a scenic byway located on the federal–aid primary highway.

(B) (1) THIS SUBSECTION APPLIES ONLY IN CALVERT COUNTY AND ST. MARY’S COUNTY.

(2) THE ADMINISTRATION MAY, IN CONFORMANCE WITH FEDERAL LAW, ISSUE A PERMIT FOR AN OUTDOOR SIGN ALONG OR NEAR A SCENIC BYWAY LOCATED ON A FEDERAL–AID PRIMARY HIGHWAY IF THE SIGN:

- ~~(1)~~ **(1) WAS ERECTED ON OR BEFORE JANUARY 1, 2008; OR**

~~(2)~~ (II) IS A DIRECTIONAL SIGN FOR A FACILITY THAT:

~~(1)~~ 1. SELLS PRINCIPALLY LOCAL AGRICULTURAL OR AQUACULTURAL PRODUCTS; AND

~~(1)~~ 2. IS LOCATED WITHIN A 5-MILE RADIUS OF THE SIGN.

(3) A SIGN ERECTED UNDER THIS SUBSECTION SHALL BE ERECTED AND MAINTAINED IN A MANNER THAT IS SAFE AND DOES NOT DETRACT FROM THE SCENIC OR CULTURAL CHARACTER OF THE SCENIC BYWAY ALONG WHICH THE SIGN IS LOCATED.

SECTION 2. AND BE IT FURTHER ENACTED, That the State Highway Administration shall develop a plan and appropriate policies to implement this Act on or before October 1, 2015.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2015.

Approved by the Governor, April 14, 2015.