

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 545 (Delegate Korman, *et al.*)
Environment and Transportation

State Highway Administration - Highway Work Permittees - Notice of Sidewalk Closure

This bill requires that if specified types of highway work permitted by the State Highway Administration (SHA) cause a sidewalk to be closed, the permit holder or contractor must provide a written notice to each property owner and business directly affected by the closure at least 72 hours before the sidewalk is closed, even if the sidewalk closure is for an emergency purpose. If the SHA-issued permit causes a sidewalk closure for an emergency purpose, the permit holder or contractor must also, as soon as reasonably possible, post a notice at the work site stating (1) the period of time for which the sidewalk will be closed and (2) the contact information of the permit holder or contractor.

Fiscal Summary

State Effect: The bill's requirements can be handled using existing resources; SHA advises that it already requires a similar notice to be provided as part of its permit issuance process. Revenues are not affected.

Local Effect: Minimal or none.

Small Business Effect: Minimal or none.

Analysis

Current Law: Unless permitted to do so by SHA, a person may not (1) make an opening in any State highway; (2) place any structure on any State highway; (3) change or renew any structure placed on any State highway; (4) dig up any State highway for any purpose; (5) plant or remove any tree on any State highway; or (6) place any obstruction or

improvement on any State highway. If SHA issues a permit to allow such work to take place, the work must be done under SHA's supervision and to its satisfaction. The permit holder or the person who will be doing the work must pay the cost of replacing the highway in as good a condition as before any work was done. Furthermore, SHA must require a nongovernmental permit applicant who is a developer to submit a performance bond, letter of credit, or other surety acceptable by SHA if (1) the amount of the improvement is estimated to be greater than \$100,000; (2) the project is financed, in whole or in part, by private funds; and (3) the entire improvement is located outside the applicant's property.

Background: SHA is responsible for more than 5,200 miles or approximately 16,800 lane miles of road, 2,500 bridges, 3,500 small stream crossing structures, and 80 miles of sound barriers in the State. It also has responsibility for planning, designing, constructing, and maintaining these roads and bridges to safety and performance standards while considering sociological, ecological, and economic concerns.

Issuing access permits and construction of roadway and entrance improvements by developers are some of the last steps before opening businesses and selling commercial or residential properties for occupancy. The Maryland Department of Transportation's *2015 Annual Attainment Report on Transportation System Performance* indicates that in fiscal 2014, SHA issued 88% of completed access permit applications within 21 days of receiving the completed permit package.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation, Department of Legislative Services

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md/lgc

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