

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 202
Finance

(Senator Feldman)

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

This bill requires that, if the State Highway Administration (SHA) issues specified types of highway work permits that authorize a sidewalk to be closed, the permit holder or contractor must post a notice at the work site as soon as reasonably possible. The notice must state (1) the expected period of time during which the sidewalk will be closed and (2) the contact information for the permit holder or contractor. The notice requirement does not apply to a permitted county or municipal government.

Fiscal Summary

State Effect: The bill's requirements can be handled using existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: Minimal.

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.

State Expenditures: SHA advises that it currently requires notice to be given when construction work necessitates sidewalk closures. Any modifications to the permit process can be handled using existing resources.

Additional Information

Prior Introductions: HB 545 of 2015, a similar bill, received an unfavorable report from the House Environment and Transportation Committee.

Cross File: HB 118 (Delegate Korman, *et al.*) - Environment and Transportation.

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

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md/lgc

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