

Chapter 761

(House Bill 1334)

AN ACT concerning

State Highway Administration – Traffic Control Devices – Decorative Treatments

FOR the purpose of requiring the State Highway Administration to establish a certain policy regarding the application of decorative treatments on certain traffic control devices; authorizing a person to apply to a district office within the Administration for a certain permit to install certain decorative treatments; authorizing a district office to issue a permit to install certain decorative treatments on a traffic control device within the jurisdiction of the district office; requiring the Administration to adopt certain regulations; authorizing the Administration to adopt certain regulations; and generally relating to the installation of decorative treatments on traffic control devices.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 8–101(a) and (b)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY adding to
Article – Transportation
Section 8–659
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

Preamble

WHEREAS, Traffic signal cabinets are a magnet for graffiti; and

WHEREAS, Decorative treatments on traffic signal cabinets beautify public spaces, build community, and are a demonstrated method to mitigate and prevent graffiti; and

WHEREAS, Cities across the country have successfully implemented programs to transform graffitied traffic signal cabinets into works of art; and

WHEREAS, The State Highway Administration’s current methodology for addressing graffiti is ineffective and propagates additional graffiti; now, therefore,

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

Article – Transportation

8–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Administration” means the State Highway Administration.

8–659.

(A) IN THIS SECTION, “TRAFFIC CONTROL DEVICE” HAS THE MEANING STATED IN § 11–167 OF THIS ARTICLE.

(B) THE ADMINISTRATION SHALL ESTABLISH A POLICY THAT ALLOWS FOR THE INSTALLATION OF DECORATIVE TREATMENTS ON TRAFFIC CONTROL DEVICES THAT HAVE BEEN MARRED BY GRAFFITI OR VANDALISM THAT INCLUDES:

- (1) ILLICIT WRITINGS OR DRAWINGS;**
- (2) ILLEGAL POSTINGS; OR**
- (3) BLIGHT FROM INCOMPLETE MITIGATION OF GRAFFITI.**

(C) (1) A PERSON MAY APPLY TO THE APPROPRIATE DISTRICT OFFICE WITHIN THE ADMINISTRATION FOR A PERMIT TO INSTALL A DECORATIVE TREATMENT, INCLUDING A DIGITALLY PRINTED VINYL WRAP OR PAINT, ON A TRAFFIC CONTROL DEVICE.

(2) SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A DISTRICT OFFICE MAY ISSUE A PERMIT TO INSTALL A DECORATIVE TREATMENT ON A TRAFFIC CONTROL DEVICE WITHIN THE JURISDICTION OF THE DISTRICT OFFICE.

(D) (1) THE ADMINISTRATION SHALL ADOPT REGULATIONS FOR THE INSTALLATION OF DECORATIVE TREATMENTS THAT PROHIBIT DECORATIVE TREATMENTS FROM:

- (I) INTERFERING WITH THE OPERATION OR MAINTENANCE OF A TRAFFIC CONTROL DEVICE; OR**
- (II) OBSTRUCTING ACCESS TO AND VENTILATION OF A TRAFFIC CONTROL DEVICE.**

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE ADMINISTRATION SHALL ADOPT VIEWPOINT AND CONTENT NEUTRAL REGULATIONS THAT PROVIDE THE MINIMUM REQUIREMENTS FOR DECORATIVE TREATMENTS.

(II) A DECORATIVE TREATMENT MAY NOT:

- 1. CONTAIN AN ADVERTISEMENT;**
- 2. CONTAIN AN IMAGE OR A DESCRIPTION OF GRAPHIC VIOLENCE;**
- 3. CONTAIN PROFANITY;**
- 4. CONTAIN PORNOGRAPHY, OBSCENE MATERIAL, OR IMAGES OF NUDITY;**
- 5. DEMEAN OR DISPARAGE AN INDIVIDUAL OR A GROUP OF INDIVIDUALS;**
- 6. VIOLATE A COPYRIGHT OR ANY OTHER LEGAL OWNERSHIP INTEREST; OR**
- 7. UNNECESSARILY ENGAGE THE ATTENTION OF DRIVERS OR CAUSE DRIVER DISTRACTION.**

(3) THE ADMINISTRATION MAY ADOPT ANY ADDITIONAL REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 25, 2017.