

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 688 (Delegate Arentz, *et al.*)
Environment and Transportation

Use of State or Local Highways - Prohibition or Restriction by Local Authority

This bill authorizes a local authority, under specified conditions, to (1) prohibit the operation of vehicles on a State highway located within its jurisdiction or a local highway under its jurisdiction or (2) restrict the operation of vehicles on the State or local highway to local traffic only. The bill's authority only applies if the local authority determines that the State or local highway is congested to the point that local traffic and emergency vehicles are unable to effectively navigate the area's highway network. **The bill takes effect June 1, 2020.**

Fiscal Summary

State Effect: State operations and finances may be affected, as discussed below.

Local Effect: Local government operations and finances may be affected, as discussed below.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The local governing body must adopt a resolution to use the authority provided by the bill.

If a highway prohibition or restriction is imposed pursuant to the bill, a local authority must place and maintain signs at each end of the part of the highway affected, as specified. A prohibition or restriction is not in effect unless the required signs are posted.

In imposing a prohibition or restriction, a local authority may use signs, highway barriers, law enforcement presence or checkpoints, or any other devices or strategies determined to be safe and effective.

Current Law/Background: The State Highway Administration (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/noise 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.

Unless permitted to do so by SHA, a person (including a local government) 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, including the placement of pipes, sewers, poles, wires, or rails; (5) plant or remove any tree on any State highway; or (6) place any obstruction or improvement on any State highway.

State/Local Fiscal Effect: Any impact on State or local finances and operations depends on if, when, and where highway closures and restrictions take place under the bill, which cannot be predicted. Even so, the closure or restriction of a State highway by a local government could cause significant disruptions to State highway operations. For example, under the bill, a local government could create a local-only portion of a State road, causing additional traffic, and associated wear and tear, on other State or local roadways.

To the extent local governments choose to use the authority provided by the bill, costs increase to place and maintain the required signs.

Small Business Effect: The alteration of traffic patterns under the bill could positively or negatively affect small businesses in the State. For example, if traffic is redirected because a road is closed under the bill, a small business located near the road closure may experience decreased business, while a small business located along any detour may experience increased business.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Transportation; Department of State Police; Anne Arundel, Garrett, Howard, and Montgomery counties; Department of Legislative Services

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an/lgc

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