

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 621 (Delegate S. Robinson, *et al.*)
Environment and Transportation

State Highway Administration - Entrance to State Highway - Permit Process

This bill requires the State Highway Administration (SHA), when determining whether to grant or deny a permit application to make an entrance from a commercial or industrial property or residential subdivision to a State highway that carries an average traffic volume of more than 2,000 vehicles a day, to consider whether the proposed entrance is consistent with the comprehensive plan for the jurisdiction where the proposed entrance is to be located.

SHA's determination must be based on a preponderance of reliable evidence and must be made within a specified timeframe. SHA must promptly provide a written notice that explains its reasoning for granting or denying a request to specified entities.

The bill takes effect July 1, 2015.

Fiscal Summary

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

Local Effect: The bill does not materially affect local governmental finances or operations.

Small Business Effect: Minimal.

Analysis

Bill Summary: SHA must grant or deny a permit request on the earlier of (1) 60 days after it receives a written request from a land use authority for the jurisdiction where the proposed entrance is to be located or (2) 120 days after it receives a complete permit application. A notice and explanation of SHA's reasoning for granting or denying a permit request must be provided to (1) the permit applicant and (2) each land use authority for the jurisdiction where the proposed entrance is to be located. A land use authority for the jurisdiction where the proposed entrance is to be located may appeal the denial of a permit as a contested case before the Office of Administrative Hearings.

Current Law: Unless issued a permit by SHA, a person may not make any entrance from a commercial or industrial property to any State highway that carries an average traffic volume of more than 2,000 vehicles a day. To promote highway safety, SHA may limit the width of existing entrances and exits and determine the locations of access points that may be used by a commercial or industrial property owner or user into any existing section of a State highway that carries an average traffic volume of more than 2,000 vehicles a day. If expedient for traffic safety, SHA may limit the width and location of access points by any method that it considers desirable and deny an abutting property owner all new access along a primary State highway if reasonable access to another public road is available to and from the property. Denial of access is considered an exercise of police power and does not require the payment of compensation.

SHA may not deny the owner of a property that borders a State highway access to the highway if the border is within the boundaries of a municipality unless (1) the property borders another public road where reasonable access can be granted; (2) the denial is based on an access management plan that has been agreed to by SHA and the municipality; or (3) SHA pays just compensation to the property owner as part of the exercise of eminent domain powers.

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: SB 656 (Senator Madaleno) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland Department of Transportation; Maryland Department of Planning; Baltimore City; Harford, Montgomery, and Talbot counties; Department of Legislative Services

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