

SENATE BILL 202

R1

6lr2137
CF HB 118

By: **Senator Feldman**

Introduced and read first time: January 20, 2016

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Highway Work Permittees – Notice of Sidewalk**
3 **Closure**

4 FOR the purpose of requiring a person that obtains a certain permit from the State
5 Highway Administration that authorizes a sidewalk to be closed or that does the
6 work under the permit to post a notice at the work site providing certain information
7 under certain circumstances; providing for the application of this Act; and generally
8 relating to the closure of sidewalks due to highway–related construction or
9 maintenance.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 8–646
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2015 Supplement)

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

17 **Article – Transportation**

18 8–646.

19 (a) Except as permitted by this section or in accordance with a permit obtained
20 from the Administration, a person may not:

21 (1) Make an opening in any State highway;

22 (2) Place any structure on any State highway;

23 (3) Change or renew any structure placed on any State highway;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) Dig up any State highway for any purpose, including the placement of
2 pipes, sewers, poles, wires, or rails;

3 (5) Plant or remove any tree on any State highway; or

4 (6) Place any obstruction or improvement on any State highway.

5 (b) (1) **PARAGRAPH (4)(II) OF THIS SUBSECTION DOES NOT APPLY TO A**
6 **PERMIT HOLDER THAT IS A COUNTY OR MUNICIPAL GOVERNMENT.**

7 (2) The Administration may issue a permit for work otherwise prohibited
8 by subsection (a) of this section.

9 [(2)](3) Work done under the permit shall be performed to the
10 satisfaction of the Administration and under its supervision.

11 [(3)](4) The person to whom the permit is issued or by whom the work is
12 done shall [pay]:

13 (I) **PAY** the cost of replacing the highway in as good a condition as
14 before the work was done; **AND**

15 (II) **IF THE PERMIT AUTHORIZES A SIDEWALK TO BE CLOSED,**
16 **POST A NOTICE AT THE WORK SITE AS SOON AS REASONABLY POSSIBLE THAT**
17 **STATES:**

18 1. **THE EXPECTED PERIOD DURING WHICH THE**
19 **SIDEWALK WILL BE CLOSED; AND**

20 2. **THE CONTACT INFORMATION FOR THE PERSON TO**
21 **WHOM THE PERMIT WAS ISSUED OR BY WHOM THE WORK IS DONE.**

22 [(4)](5) (i) The Administration shall require a nongovernment
23 applicant for a permit issued under this subsection who is a developer to submit a
24 performance bond, letter of credit, or other surety acceptable to the Administration.

25 (ii) The Administration shall require a nongovernment applicant for
26 a permit issued under this subsection to submit a payment bond, letter of credit, or other
27 surety acceptable to the Administration if:

28 1. The amount of the improvement is estimated to exceed
29 \$100,000;

1
2 funds; and

2. The project is financed, in whole or in part, by private

3
4 property.

3. The entire improvement is located outside the applicant's

5 (c) The Administration may apply to the circuit court in the subdivision in which
6 the violation occurred or is threatened for appropriate injunctive relief.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2016.