

HOUSE BILL 977

R1
HB 1374/17 – ENV

8lr1917

By: **Delegates Wilkins, Korman, Ebersole, Gibson, Hixson, C. Howard, Kaiser, Sophocleus, Turner, M. Washington, and P. Young**

Introduced and read first time: February 5, 2018

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration Neighbor Notification Act**

3 FOR the purpose of requiring the State Highway Administration to send a certain notice
4 to nearby property owners a certain period of time in advance of planned
5 construction on a State highway; requiring the Administration to send the notice on
6 behalf of certain persons involved in the planned construction; requiring the notice
7 to include certain information; requiring the Administration to send another notice
8 to nearby property owners if planned construction is postponed under certain
9 circumstances; providing that this Act does not apply under certain circumstances;
10 defining certain terms; and generally relating to notification of nearby property
11 owners of planned construction on a State highway.

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 8–101(a), (i), and (q)
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2017 Supplement)

17 BY adding to
18 Article – Transportation
19 Section 8–662
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2017 Supplement)

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

24 **Article – Transportation**

25 8–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this title the following words have the meanings indicated.

2 (i) "Highway" includes:

3 (1) Rights-of-way, roadway surfaces, roadway subgrades, shoulders,
4 median dividers, drainage facilities and structures, related stormwater management
5 facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade
6 separation structures, railroad grade separations, tunnels, overpasses, underpasses,
7 interchanges, entrance plazas, approaches, and other structures forming an integral part
8 of a street, road, or highway, including bicycle and walking paths; and

9 (2) Any other property acquired for the construction, operation, or use of
10 the highway.

11 (q) "State highway" means any public highway owned by this State.

12 **8-662.**

13 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
14 **INDICATED.**

15 **(2) (I) "CONSTRUCTION" INCLUDES:**

16 **1. THE INSTALLATION OR ALTERATION OF HIGHWAY**
17 **INFRASTRUCTURE, INCLUDING TRAFFIC SIGNALS, LIGHTING POLES, SIGNAGE SET**
18 **ON A CONCRETE BASE, SIGNAL CONTROL BOXES, STORMWATER MANAGEMENT**
19 **FACILITIES, CURBS, STORM DRAINS, AND SIDEWALKS;**

20 **2. THE INSTALLATION OR ALTERATION OF UTILITIES,**
21 **INCLUDING UTILITY POLES, FIBER OPTIC CABLES, GAS PIPES, AND WATER PIPES;**
22 **AND**

23 **3. ANY INSTALLATION OR ALTERATION OF A HIGHWAY**
24 **THAT REQUIRES THE EXCAVATION OF SOIL OR DIGGING UP THE ROAD SURFACE OR**
25 **SIDEWALK.**

26 **(II) "CONSTRUCTION" DOES NOT INCLUDE:**

27 **1. THE INSTALLATION OF NEW SIGNAGE USING STEEL**
28 **OR WOODEN POLES PLACED INTO THE GROUND USING MECHANICAL OR MANUAL**
29 **MEANS;**

30 **2. THE INSTALLATION OR REPLACEMENT OF SIGNAGE**
31 **OR SIGNALS ON EXISTING POLES OR MAST ARMS; OR**

1 **3. THE REPLACEMENT OR ALTERATION OF ROAD**
2 **MARKINGS, INCLUDING LANE MARKINGS AND CROSSWALK MARKINGS.**

3 **(3) “NEARBY PROPERTY OWNERS” MEANS:**

4 **(I) FOR CONSTRUCTION THAT OCCURS AT A SINGLE**
5 **INTERSECTION, PROPERTY OWNERS WITHIN A 100-YARD RADIUS OF THE**
6 **INTERSECTION; OR**

7 **(II) FOR CONSTRUCTION THAT OCCURS ALONG A LENGTH OF**
8 **STATE HIGHWAY, PROPERTY OWNERS WITHIN 100 YARDS OF THE CENTERLINE ON**
9 **EITHER SIDE OF THE STATE HIGHWAY WITHIN THE DEFINED PROJECT LIMITS.**

10 **(B) THIS SECTION DOES NOT APPLY IN THE FOLLOWING SITUATIONS:**

11 **(1) THE EMERGENCY MITIGATION OR REPAIR OF A WATER MAIN**
12 **BREAK OR LEAK;**

13 **(2) THE EMERGENCY MITIGATION OR REPAIR OF A GAS LEAK;**

14 **(3) THE EMERGENCY RESTORATION OF ELECTRIC OR FIBER OPTIC**
15 **SERVICE;**

16 **(4) ALTERATIONS MADE DURING SNOW REMOVAL; OR**

17 **(5) THE EMERGENCY MITIGATION OR REPAIR OF DAMAGE TO**
18 **INFRASTRUCTURE CAUSED BY:**

19 **(I) FALLEN TREES, FLOODING, EROSION, FIRE, LANDSLIDES,**
20 **OR OTHER NATURAL DISASTERS;**

21 **(II) A TRAFFIC ACCIDENT OR COLLISION; OR**

22 **(III) A SPILL OF HAZARDOUS MATERIALS.**

23 **(C) THE ADMINISTRATION SHALL SEND A NOTICE BY FIRST-CLASS MAIL OR**
24 **A MORE EXPEDITIOUS METHOD TO NEARBY PROPERTY OWNERS AT LEAST 2 WEEKS**
25 **IN ADVANCE OF PLANNED CONSTRUCTION ON A STATE HIGHWAY.**

26 **(D) THE ADMINISTRATION SHALL SEND THE NOTICE ON BEHALF OF ANY**
27 **CONTRACTORS, UTILITY PROVIDERS, OR OTHER GOVERNMENT AGENCIES INVOLVED**
28 **IN THE PLANNED CONSTRUCTION.**

1 **(E) THE NOTICE SHALL INCLUDE:**

2 **(1) DETAILS REGARDING THE SCOPE AND DURATION OF THE**
3 **PLANNED CONSTRUCTION;**

4 **(2) IF POSSIBLE, RENDERINGS OR EXAMPLES FROM SIMILAR**
5 **PROJECTS OF HOW THE AFFECTED AREA WILL APPEAR DURING CONSTRUCTION AND**
6 **ONCE CONSTRUCTION CONCLUDES; AND**

7 **(3) THE NAME AND PHONE NUMBER OF THE CONSTRUCTION PROJECT**
8 **SUPERVISOR AT THE ADMINISTRATION AND ANY CONTRACTORS OR UTILITY**
9 **PROVIDERS INVOLVED IN THE CONSTRUCTION PROJECT.**

10 **(F) (1) IF PLANNED CONSTRUCTION IS POSTPONED AFTER AN INITIAL**
11 **NOTICE TO NEARBY PROPERTY OWNERS IS SENT, THE ADMINISTRATION SHALL**
12 **SEND ANOTHER NOTICE TO NEARBY PROPERTY OWNERS IF THE RESCHEDULED**
13 **CONSTRUCTION START DATE IS MORE THAN 30 DAYS AFTER THE ORIGINALLY**
14 **PLANNED CONSTRUCTION START DATE.**

15 **(2) THE ADMINISTRATION SHALL SEND THE NOTICE AT LEAST 2**
16 **WEEKS BEFORE THE RESCHEDULED CONSTRUCTION START DATE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2018.