

Frequently Asked Questions **relating to access for development in Maryland**

1. *Where can I get information or talk to someone about access to highways in Maryland?*

MARYLAND STATE HIGHWAY ADMINISTRATION

Access Management Division

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2. *Who has the authority to grant access to State roadways?*

The Maryland State Highway Administration (SHA) is authorized under Maryland Law to control access along State highways in order to provide and maintain a safe and properly functioning highway system. Control of access is accomplished through a number of statutory and regulatory mechanisms, including the acquisition of certain real property rights and the permit process.

3. *Where can I find out more information about the State's authority concerning access to roadways?*

The State's Authority pertaining to commercial, industrial, and subdivision access is based on the Transportation Article, Sec. 2-103(b)(2); 8-202(b)(2)(i); 8-203(a); 8-204(b), (c), (i); 8-625; and 8-646; Annotated Code of Maryland. Regulations are found in Title 11, Subtitle 04, Chapter 05 of the Code of Maryland Regulations. The State's Authority pertaining to residential access is based on the Transportation Article, Sec. 2-103(b); 8-202(b)(2)(i); 8-203(a); and 8-204(b), (c), (i); Annotated Code of Maryland. Regulations are found in Title 11, Subtitle 04, Chapter 06 of the Code of Maryland Regulations.

4. *Are there regulatory controls that apply to accessing state roadways?*

Yes. The Annotated Code of Maryland grants SHA certain regulatory authority. This includes the right to limit the width and locations of existing access points. In addition, there is a requirement that an entrance from any commercial or industrial property may not be made into any highway except in accordance with a permit issued by the SHA. The requirement states that a permit must be acquired from the Administration before working within and across a State highway. The purpose of the law is not to discourage or suppress development in the State, but rather to ensure that where access to a State highway is granted, it is the safest point to enter or exit the highway. Under the regulations, the State may limit access to a single location along any highway. Where other public road access is available, the State may deny access to a primary highway in accordance with 8-625.

5. How is access granted to highways?

An access permit must be obtained from SHA before any construction activity on the State's right-of-way, including but not limited to the construction of driveways, entrances, and street connections for site development and subdivision access. This process requires early and continuous coordination to establish an acceptable location for access.

6. Who administers regulations and grants approval for an access, median crossover and other important related items?

SHA's Access Management Division (AMD) administers regulations pertaining to commercial and subdivision access to State highways. AMD issues permits for the construction of approved entrances, street connections, and highway capacity improvements.

7. Where can I find more information about access to state roadways in Maryland and are their design standards that I must follow?

SHA suggests contacting AMD to open a dialogue about the development specific details and steps in the permit process. There is a list of design standards and other guidelines in the SHA Access Permit Manual. The manual can be downloaded at the following website:

www.roads.maryland.org/businesswithsha/permits/ohd/access.asp

8. Is there a requirement for a traffic impact study (TIS)?

Yes. Access to any State roadway from a major development and or a development that may have a significant impact upon the State's highway system may be required to submit a traffic impact study (TIS). The TIS is necessary to determine the type of access and scope of required highway improvements required to accommodate the proposed development. A TIS is generally required for any proposed development that will generate more than 50 peak hour trips, as determined using the Institute of Transportation Engineers' Trip Generation, current edition. In some cases, a TIS may be required for a development that generates less than the 50 trip threshold if SHA anticipates operational and or traffic capacity problems. More information can be found in the SHA Access Permit Manual.

9. Will my development be required to make improvements to the roadway system?

Roadway improvements are required based upon the traffic impacts resulting from the development. In general, access related improvements include deceleration and acceleration lanes along with turning lanes to accommodate the site generated traffic. Each development is reviewed on a case by case basis to establish the roadway improvements and or access requirements.

10. Can a development be denied access to a state highway?

Yes. Under Maryland law, a property owner is entitled to access to a State highway that abuts his or her property unless certain conditions identified in 8-625 apply or the State owns controls of access along the highway right-of-way. Access controls are real property rights owned by the State that legally denies access to abutting property. SHA endeavors to work with developers to establish access meets the development needs and does not interfere with the safe and efficient flow of traffic across Maryland's roadways.