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Title 11 DEPARTMENT OF TRANSPORTATION Subtitle 04 STATE HIGHWAY ADMINISTRATION

Notice of Proposed Action

[15-320-P]

The Acting Administrator of the State Highway Administration proposes to amend:

- (1) Regulations .01 and .02 under **COMAR 11.04.05 Commercial-Industrial or Subdivision Street Permits (All Entrance Permits other than Residential)**; and
- (2) Regulation .01 under **COMAR 11.04.06 Residential Entrance Permits**.

Statement of Purpose

The purpose of this action is to eliminate the requirement that the State Highway Administration charge an engineering fee when processing an application for a Commercial-Industrial or Subdivision Street Permit or Residential Entrance Permit.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The fee is currently \$50 for every access point for commercial development or subdivision; for residences with more than one access point onto a state highway, \$50 for each access in addition to the first one. Based on FY 2014, eliminating the fees for both kinds of development would reduce revenue to the TTF by \$7,300. SHA would also see a minimal expenditure decrease due to reduced accounting and auditing costs attributed to collecting these fees.

Developers would see minimal to moderate reduction in their costs for accessing state highways. The amount of this reduction would be based on the amount of access permits they apply for. The public would see direct reduced costs if they require a permit for an access to their residential property, in addition to the first access, and through minimally reduced prices passed through by businesses.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
(1) Engineering fees	(R-)	Minimal
(2) Administrative costs	(E-)	Minimal
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Minimal
E. On other industries or trade groups:	(+)	Minimal
F. Direct and indirect effects on public:	(+)	Minimal

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

- A(1). The regulation change allow SHA to impose no engineering fee.
- A(2). Should SHA impose no engineering fee, the associated costs to process and account for the fee would be eliminated.
- D. Businesses would no longer be required to pay an engineering fee, which would save money and cost.
- E. To the extent the elimination of engineering fees would allow for access to be granted sooner and projects to be completed faster, businesses looking to open in proposed developments would benefit.

F. An engineering fee would no longer be required for a second or subsequent residential access permit. This would benefit citizens seeking additional access from their property onto state roads.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Eric Backes, State Legislative Manager, State Highway Administration, 707 N. Calvert Street, C-412 Baltimore, MD 21202, or call 410-545-0413, or email to ebackes@sha.state.md.us, or fax to 410-209-5015. Comments will be accepted through November 16, 2015. A public hearing has not been scheduled.

11.04.05 Commercial-Industrial or Subdivision Street Permits (All Entrance Permits other than Residential)

Authority: Transportation Article, §§2-103(b)(2), 8-202(b)(2)(i), 8-203(a), 8-204(b), (c), and (i), 8-625, 8-626, 8-629, 8-630, and 8-646, Annotated Code of Maryland

.01 Authority.

A. Authority. The Annotated Code of Maryland grants to the Administration certain regulatory authority, including the right to limit the width and location of existing access points, the requirement that a temporary or permanent entrance from any commercial or industrial property may not be made into any highway except in accordance with a permit issued by the Administration, and the requirement that permits must be acquired from the Administration before working within and across a State highway. An application for a permit to construct a commercial entrance street intersection shall be filed with plans, engineering fee check, *if applicable*, performance surety, and any other items which may be required by the responsible parties or their authorized representative.

B. (text unchanged)

.02 Procedure for Obtaining an Entrance Permit.

A. An individual or corporation desiring to construct a commercial, industrial, or public street entrance connecting with a State highway shall make written application, transmitted by methods as determined acceptable by the Administration, to the appropriate office listed below. Applications shall be accompanied by the required engineering fee, *if applicable*, performance surety, ten copies of the detailed plans, and a utility letter (see §1(2) of this regulation), if applicable.

B.—F. (text unchanged)

G. Engineering Fee. In connection with the processing of applications, an engineering fee [shall] *may* be charged for each point of access and offsite roadway improvement.

H.—L. (text unchanged)

11.04.06 Residential Entrance Permits

Authority: Transportation Article, §§2-103(b), 8-202(b)(2)(i), 8-203(a), and 8-204(b), (c), (i), Annotated Code of Maryland

.01 Procedure for Obtaining Permit.

A.—F. (text unchanged)

G. Engineering Fee. In connection with the processing of applications, an engineering fee [shall] *determined by the Administration may* be charged for each point of access and offsite improvement beyond the first point of access. [The] *No engineering fee [shall be waived for only] may be charged for* the first access to a single residential property.

H. (text unchanged)

DOUG SIMMONS
Acting Administrator