

8-625.

(a) For purposes of this section, average daily traffic volume shall be determined over a 1-year period by the procedures that the Administration uses to establish traffic density.

(b) (1) Except in accordance with a permit issued by the Administration, a person may not make any entrance from any commercial or industrial property to any State highway that carries an average traffic volume of more than 2,000 vehicles a day.

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

(c) (1) To promote highway safety, the Administration may limit the width of existing entrances and exits and determine the locations of access points that may be used by any 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.

(2) If the Administration finds it expedient for traffic safety, the Administration may:

(i) Limit the width and location of access points by any method that it considers desirable; and

(ii) Deny an abutting property owner all new access along any primary State highway if reasonable access to another public road is available to and from the property.

(3) Denial of access under paragraph (2)(ii) of this subsection is an exercise of the police power and does not require the payment of compensation.

(D) (1) THIS SUBSECTION DOES NOT APPLY TO AN EXPRESSWAY, FREEWAY, INTERSTATE HIGHWAY, OR PARKWAY.

(2) ~~NOTWITHSTANDING ANY OTHER PROVISION~~ SUBSECTION (C)(2)(II) OF THIS SECTION, THE ADMINISTRATION MAY NOT DENY AN OWNER OF PROPERTY ABUTTING A STATE HIGHWAY ALL ACCESS TO THE HIGHWAY IF THE ABUTMENT IS WITHIN THE BOUNDARIES OF A MUNICIPAL CORPORATION UNLESS:

(I) THE PROPERTY ABUTS ANOTHER PUBLIC ROAD TO WHICH REASONABLE ACCESS CAN BE GRANTED; OR

(II) THE DENIAL IS BASED ON AN ACCESS MANAGEMENT PLAN THAT HAS BEEN AGREED TO BY THE ADMINISTRATION AND THE MUNICIPAL CORPORATION; OR

(III) THE ADMINISTRATION PAYS JUST COMPENSATION TO THE PROPERTY OWNER AS PART OF THE EXERCISE OF EMINENT DOMAIN POWERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1999.