

**MARYLAND DEPARTMENT OF
TRANSPORTATION
STATE HIGHWAY ADMINISTRATION**

ACCESS PERMIT MANUAL

GENERAL GUIDANCE

JULY 2026

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CHAPTER 1 - INTRODUCTION

According to the Transportation Research Board (TRB) Access Management Manual Second Edition (2014), effective access management is essential: “The nation's transportation system is an important public resource. Roadways, transit lines, and bicycle and pedestrian facilities are costly to build and to reconstruct or replace. In a revenue-constrained environment, effective management of the transportation system is more than an option—it is essential. Allowing safety and operations to deteriorate with the assumption that the network can be replaced, widened, or reconstructed in the future is simply not practical. Yet many areas inadvertently continue to do just that, allowing frequent driveways, median openings, and traffic signals and thereby reducing safety and increasing delay. Without access management, the function and character of major roadway corridors can deteriorate rapidly.”

The State Highway Administration (SHA) is authorized under Maryland law to control access along State highways to provide a safe, comprehensive, integrated, and connected network to accommodate all highway users, motorized and non-motorized, in a manner that is suitable for the existing and planned land use. This includes complying with the State's Complete Streets Policy in Transportation Article § 2–112 and § 8-204.1, including accommodating other modes of transportation and incorporating best practices related to complete streets design features. SHA is charged with facilitating the planning, design, and construction of transportation options that are safer and more accessible to all users of all ages and abilities who bike, walk, take transit, drive or use electric personal assistive mobility devices (EPAMDs) within SHA right-of-way. Control of access is accomplished through statutory and regulatory mechanisms, including the acquisition of certain real property rights and the permit process.

A permit must be obtained from SHA prior to 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. The access management guidance provides detailed information on the administrative process and technical requirements for obtaining the appropriate SHA permit. It is offered as a resource for private developers, engineering consultants, contractors, planners, elected officials, and other interested parties and should be helpful for anyone seeking to obtain highway access or otherwise perform work within the State right-of-way.

SHA's District Offices administer regulations pertaining to commercial, industrial, and subdivision access to State highways and issue permits for the construction of approved entrances, street connections, and highway safety and capacity improvements through the administration of an access permit. The regulation and permitting of certain residential driveway access, utility work, and other construction activity is also administered by SHA's District Offices through the administration of a District Office Permit. The design and construction of all improvements on State right-of-way must adhere to current State standards, specifications, policies, and accepted highway engineering practices. This is ensured through a comprehensive plan review and inspection process. Chapter 4 provides additional information

regarding the different types of permits that the SHA District Offices administer.

Proper coordination of land uses with the supporting road network is vitally important to maintaining a safe system for all highway users, to address long term user demands, and support continued regional growth. SHA interfaces with local governments throughout the subdivision and development approval process and provides recommendations concerning proposed highway access. SHA District Offices coordinate SHA's review of Traffic Impact Studies (TIS) and recommend appropriate highway improvements to minimize or mitigate the effect of site generated traffic on State highways. It is important for applicants and the public to understand that the approval of zoning, subdivision, land development, and related issues in Maryland is a function of local government, not State government. SHA's role is limited to the regulation of highway access and related State highway improvements.

When reviewing a TIS and/or plan review, proposed access is carefully evaluated with respect to highway user safety, traffic conditions, and functional requirements. Only properly designed access points that are necessary for the approved site use and consistent with the functional requirements of the highway may be permitted. To ensure appropriate facilitation of vehicle, pedestrian and bicycle movements and to provide the means to handle site-generated user traffic, SHA may require the construction of frontage channelization, turning lanes, traffic markings, signing and signalization, sidewalks, bicycle facilities and other highway improvements as a condition of the access permit.

SHA Customer Service in Access Management

While access regulations are necessary to maintain the safety of the traveling public and preserve the ability of our highways to carry increasing traffic, applicants may be assured that the State of Maryland is committed to supporting both housing construction and economic development. SHA's requirements are not intended to hinder development, but rather to allow development to occur without compromising highway user safety or undermining the public's investment in highway infrastructure. Striking a proper balance between the need for reasonable access to development and the need to sustain multi-modal safety and mobility for highway users helps to maintain the accessibility and vitality of businesses and communities along our highway corridors.

In carrying out its regulatory function, SHA is committed to provide timely, courteous, and effective service that is responsive to the needs of the development community. SHA is committed to transparency in our access management process by providing a public dashboard to track access permit submittals on the SHA website under Access Management/Permits link found in the Business section. The Maryland State Highway Access Manual presents the administrative process and technical requirements for obtaining an access permit. It represents a compilation of pertinent State standards, design practices, policies, and procedures, and provides a framework for handling all projects in a fair, equitable, and consistent manner. It is not a substitute for project-specific requirements that may apply. Considerable engineering

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judgement and agency discretion must be applied in evaluating proposed access. Due to the complex nature of highway access issues, the reader should confer with the District Office Access Management Regional Engineer (Regional Engineer) whenever clarification or project-specific guidance is needed. SHA will apply our customer service pledge for all applicants in the delivery of access management functions. This means that all parties involved in access management can expect SHA to provide responsive service with accountability and respect.

If issues arise in the delivery of an access permit, developers have the right to escalate their concerns to SHA leadership following the Access Permit Statewide – Communication/Issue Resolution Matrix found on the SHA Website under Access Management/Permit link in the Business section.

SHA will strive to process all access management submittals within the published timeframes. Additionally, SHA will:

- work collaboratively with developers to avoid unnecessary review cycles of submissions,
- answer questions and address issues regarding code and compliance standards posed by the applicant,
- coordinate effectively between discipline reviews to minimize review cycles by ensuring all essential design comments are provided as early as possible,
- help reconcile any review comment conflict between disciplines, prior to providing to the developer,
- clearly delineate comments that require developer response versus advisory comments on best practices that do not merit response from developers, and
- ensure the scope of reviews are limited to elements that directly impact state right-of-way, state roadway operations, or are necessary for integration between state and county infrastructure.

If submittals for any development proposal are repeatedly returned for revision, and particularly after three review cycles, the developer is entitled to an issue resolution meeting with pertinent SHA staff.

CHAPTER 2 - MANAGING HIGHWAY ACCESS

This chapter discusses the purpose and benefits of controlling highway access and introduces access management principles that help to balance highway user (all transportation modes) safety, capacity, and function of our highway system. These principles are reflected in SHA guidelines that identify the appropriate extent of access to various types of highway facilities and contexts.

In lieu of the historical focus on vehicle-mobility, SHA is balancing multiple priorities. In the densest urban areas with the highest concentration of trip origins and destinations, accessibility is the primary consideration. As density and local activity decrease, the priority shifts towards vehicle-mobility as the primary transportation objective. These varying priorities exist within a realm that values safety as a primary design objective throughout the transportation system.

2.1 Access Management

Transportation officials are showing more interest in access management as a means of addressing the problems presented by traffic congestion, safety issues, and the rising cost and complexity of road improvements. The U.S. Department of Transportation's Federal Highway Administration (FHWA) defines access management as, *"...the proactive management of vehicular access points to land parcels adjacent to all manner of roadways. Good access management promotes safe and efficient use of the transportation network. AM encompasses a set of techniques that state and local governments can use to control access to highways, major arterials, and other roadways."* Access management should be thought of as an attempt to balance the need to provide good mobility for all highway users with the requirement for reasonable access to adjacent land uses.

The proper use of access management techniques should result in safer, more efficient travel for all highway users along State highways and preserve the benefits of investment, both public and private, in the transportation infrastructure. This protects the value of private investment in development and supports the long-term appeal and vitality of business and residential land uses in Maryland.

2.2 Highway Function and SHA Context

A properly implemented and maintained highway system is comprised of different types of highways with varied functional requirements and desirable operating characteristics within different contexts. To support these functional characteristics, each location and type of highway requires a different level of access control. The number of access points and range of movements that can be permitted for a given development is determined by the functional requirements and context of the highway. For example, access may be denied or highly restricted where access controls or through-highway controls exist or along a suburban high-speed State highway, whereas multiple access points may be appropriate on an urban center highway that requires a balanced design to include multi-modal users.

Maryland's State Highway System consists of Primary and Secondary routes, some on the National Highway System (NHS), within six different SHA Contexts as identified in the SHA Context Driven guide ([Context Driven Guide](#)).

MDOT SHA Contexts						
	Urban Core	Urban Center	Traditional Town Center	Suburban Activity Center	Suburban	Rural
Federal Designations	Urban					Rural
ITE	Urban Core	Urban Center	General	Urban	Suburban	Rural
AASHTO Green Book, 7th Edition	Urban Core	Urban	Rural Town	Urban	Suburban	Rural
Florida DOT	Urban Core	Urban Center	Rural Town	Urban General	Suburban Commercial	Suburban Residential
						Rural
						Natural

This chart illustrates the slight differences between the MDOT SHA contexts and other established context frameworks used within the industry.

Figure 1-SHA Contexts – SHA Context Driven Guide

The Primary Highway System provides the principal routes of interstate and interregional highway travel, whereas the Secondary Highway System supports both regional and local-level travel. State highways are also described by their functional classification, in accordance with U.S. Department of Transportation – Federal Highway Administration guidelines.

The National Highway System (NHS) is a network of nationally significant highways approved by Congress in the National Highway System Designation Act of 1995. It includes the Interstate and miles of arterial and other roads and connectors to major intermodal terminals.

The functional classification is indicative of the service characteristics a highway is intended to provide, based on its role in the overall highway transportation system and the regional land use context. Under this classification system, highways are classified as Freeways, Principal Arterial, Minor Arterial, Major Collector, Minor Collector, and Local. For additional information on State route functional classifications, and NHS Routes, please refer to the SHA [Highway](#)

[Location Reference](#) found on the SHA Website. Their general functional requirements are as follows:

2.2.1 Freeways

Freeways provide the key means of interstate, intrastate, and interregional travel. On these highways, the mobility of vehicular traffic is of paramount importance since non-motorized usage is generally prohibited. They support high volumes of traffic, typically at high speeds, over long distances. Maximum control of access is necessary to implement and preserve this function. Direct access is not allowed on freeways. Instead, traffic may enter or exit the highway only at grade-separated interchanges. There are no driveways or traffic signals, parking is prohibited, and a wide median or physical barrier separates the opposing travel lanes to maximize safety and operational efficiency.

2.2.2 Arterials

Arterial routes are designed to provide highway service through and between metropolitan areas and regions and may function as either primary or secondary routes. These roadways often carry a significant amount of multi-modal traffic, with increased traffic during the morning and evening commute periods. Connecting to freeways at strategic locations, these routes are vital to the efficient and economical movement of commuter traffic, public transportation, goods, and services each day at all levels of the highway network. Their design reflects a wide range of functional requirements, including the ability to support relatively high operating speeds, traffic volumes, and user throughput. Arterial routes have varying degrees of access control, depending on their specific functional requirements and SHA Context. Access to adjacent properties may be subordinate to the need to ensure mobility for through-traffic on arterial routes.

2.2.3 Collectors

Collector routes provide links between local streets, land uses, and regional transportation facilities. These routes comprise the most frequent patterns of "day-to-day" travel within and between communities in a region and provide connection to major highways. Operating speeds can vary based on the SHA Context which vary with the extent of development and direct access. These roadways often carry a moderate amount of multi-modal traffic during the day, with increased vehicular traffic during the morning and evening commute periods. Access to adjacent properties, mobility of all highway users are equally important considerations on collector routes. As such, the highway characteristics vary according to the SHA Context, land uses and development context.

2.2.4 Local Roads and Streets

Local roads and streets serve mainly to provide direct access to individual properties, for a diverse group of users. They are designed for local traffic, slow operating speeds, and numerous intersection approaches and driveways. The design of local roads and streets often emphasizes non-motorized mobility and access to businesses, community, and residential areas. Parking is often permitted on the street and refuse collection and emergency response are important design considerations.

2.3 Highway User Safety

Maryland Transportation Article §8–1003 requires the goal of Vision Zero to have zero vehicle-related deaths or serious injuries on roadways for motorists, bicyclists, and pedestrians. Highway user safety is affected by the location and design of access points. Each access point on a highway introduces turning movements and speed changes that may conflict with other highway users in the normal traffic stream of the highway. When multiple access points are located within close proximity to each other, their overlapping traffic patterns may increase the range and complexity of potential conflicts.

Both State and Federal studies show that crash rates increase in relation to the number of entrances on the highway, the intensity of roadside development, and the range of movements (for all highway users) permitted at the access points. It is in the State's interest to limit access points and the range of movements available at each to those that are safe and necessary for property access. The access that can be permitted for a specific type and size of development varies with the functional and operational requirements of the highway and site-specific safety and traffic conditions. Additionally, safety countermeasures may be required during the installation of developer mitigations to bring roadways to current standards and specifications, including but not limited to installing high visibility crosswalks, highly reflective signal back plates, rumble or mumble strips, lighting, dedicated multi-modal paths, etc.

The State requires all access points to be designed to guard against adverse effects on highway user safety. The requirement for adequate sight distance is often a critical factor in the location of acceptable access points for sites and subdivisions undergoing development. Standard entrance designs, coupled with curb and gutter along the road frontage, help to preserve safety by promoting predictable traffic patterns and controlling unauthorized or unsafe movements. Speed transition lanes (deceleration/acceleration lanes) may be required to separate turning, weaving or merging vehicles from through-moving vehicles, thereby reducing the potential for collisions. Well-engineered access points should minimize negative safety impacts on non-motorized users of the highway.

2.4 Highway Capacity

Highway Capacity is influenced by the number, location, and design of access points. Turning movements and speed changes associated with access points may disrupt the normal traffic flow on the highway and require speed adjustments and lane changes by drivers. This can reduce highway operating speeds and deteriorate service conditions in the normal travel lanes. As the number of access points increases, these effects may become more pronounced. Closely spaced entrances, median crossovers, and traffic signals can degrade the operation of highway corridors and reduce their ability to handle future increases in traffic that may be expected with regional growth.

The adverse effects that access points can have on highway capacity and traffic operations can be reduced or mitigated with proper access design and the use of dedicated auxiliary lanes to serve inbound and outbound turning movements. The need to mitigate these effects will be based on the operational needs of the State highway based on the SHA Context in which it exists.

Entrances should be designed to accommodate the full range of highway users anticipated to utilize the access. Providing separate speed change lanes for slower-moving and turning vehicles reduces the speed adjustment and lane changes in the travel lanes and provides space for anticipated vehicle queues.

Based on the SHA Context of the roadway, location of the access, and the needs of the corridor, operational impacts on the travel lanes must be balanced with the impacts to other highway users such as pedestrians and bicyclists. Vehicular operations may be more important on a road in a rural context versus an urban center context, and it is important that the balance of operations for vehicular and non-vehicular users is considered with proposed and existing access points.

2.5 Access Management Techniques

SHA believes that access and mobility can and should be balanced in all SHA Contexts. The following access management techniques help to maintain highway user safety, capacity, and function. Careful consideration should be given when applying these techniques to ensure that they are applied in the appropriate SHA Context and the safety, capacity and function are balanced for all highway users.

- **Limit the Number of Conflict Points at Access Points.** The potential for crashes increases as the number of conflict points increases. Therefore, limiting the number of conflict points, most often accomplished by restricting certain turning movements at an access point, can be an effective safety measure. Additionally, consolidating access points can improve visibility and reduce vehicle interactions with pedestrians and cyclists. When left turns and cross movements are restricted at an intersection, the number of conflict points

is significantly reduced. For example, a driveway that permits full movement access across the median of a divided highway has six points of potential conflict, whereas a driveway that permits only right turns in and out of the site out has just two points of potential conflict.

- **Separate Conflict Points.** Intersections created by public streets and driveways represent basic conflict areas. Adequate spacing between these conflict areas is promoted through entrance and street spacing standards. Separating conflict areas and dedicated modal access reduces the complexity of interactions between vehicles and other highway users and allows more room for drivers to negotiate speed changes and turning movements.
- **Providing Sufficient Spacing for At-Grade, Signalized Intersections and Crossings for non-motorized users.** Good spacing of signalized intersections reduces conflict areas and increases the potential for smooth traffic progression. Crossings should also be considered where the crossing needs of non-motorized users cannot be met adequately at a signalized intersection.
- **Reduce the Interference of Through Traffic.** Safety is compromised when through traffic has to slow down for vehicles exiting, entering, or turning across the roadway. Turning lanes provide a dedicated area on which speed changes and turning maneuvers can occur, reducing the disruption of normal highway traffic flow. Similarly, designing driveways with large turning radii and restricting turning movements in and out of driveways reduce interference with through traffic. Introduction of these treatments may conflict with pedestrians and bicyclists. Safety analysis can be utilized to ensure a balanced design approach for all highway users is considered in the design.
- **Provide Adequate On-Site Circulation and Storage.** The design of good internal vehicle circulation in parking areas and proper consideration of queue storage length for drive-through lanes reduces the number of driveways that businesses need for access to the major roadway. Increasing the separation between the highway access point and on-site traffic conflict points reduces the possibility of traffic queuing back to the highway.

2.6 SHA Implementation of Access Management

When possible, SHA leverages access management techniques to preserve and enhance the operations and safety of corridors on Maryland's highway system. However, local planning and zoning significantly influences the feasibility of implementing sound access management practices. Recommended access improvements are implemented in a variety of ways:

- Acquisition of property or access controls from willing sellers, using limited funding allocated to some corridors in the Consolidated Transportation Program
- SHA's development of local access management plans with local governments to guide future access decisions in a consistent manner
- Working cooperatively with local governments to manage multi-modal access needs through the local land planning process.
- Identification of access improvements that can be implemented as subdivision and development takes place and recommend these to the local approving authorities. These

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improvements are recommended to local government during their land use and development review process.

Access management techniques are applied routinely in the review of proposed access on all State highways, in the interest of improved highway user safety and operations.

CHAPTER 3 - REGULATORY AUTHORITY AND POLICY

This Chapter discusses the State's legal authority to control, deny, and otherwise regulate access to State highways. It is important for applicants to distinguish *access controls*, which are real property rights owned by the State, from the *regulatory control* of access, exercised through the permit process. Additional information can be found on MDOT's Policy Manual Internet page - Maryland State-Owned Roadway Access Management

For access permits where the action permitted would trigger federal involvement such as Federal Highway Administration (FHWA) Interstate Access Point Approval or a design exception on the National Highway System, National Environmental Policy Act (NEPA) approval may be required.

3.1 Access Controls

Under Maryland law, a property owner is entitled to access a State highway that abuts his or her property unless certain conditions identified in Maryland Transportation Code §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 deny access to abutting property. They are intended to preserve safety and traffic operating characteristics required of freeways, other important highway segments, and key intersection approaches.

When contemplating State highway access for a subdivision or development project, it is incumbent upon the applicant to research all pertinent land records and SHA right-of-way plats to determine whether these "Through Highway" controls, or any other easements or restrictions, may exist. An access permit cannot be issued under any circumstances at locations where Through Highway access controls exist. In rare instances, SHA may be willing to relinquish or modify access controls, thereby facilitating an access permit along a controlled access highway. This is generally reserved for master-planned public street connections that provide a regional transportation benefit and would not compromise the safety or functional characteristics of the highway.

If a request to relinquish or modify (aka "break") existing Through Highway access controls is included as a part of a development proposal, coordination with the Regional Engineer is required.

3.2 Regulatory Controls of Access

The Annotated Code of Maryland grants SHA certain regulatory authority, including the right to limit the width and location of existing access points, the 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, and the requirement that permits must be acquired from the Administration before working within and across a State highway. The purpose of the law is not

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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. Moreover, where other public road access is available, the State may deny access to a primary highway in accordance with §8-625.

The SHA does not control land use planning and zoning, or their approvals, as these are controlled by the local jurisdictions under the Land Use Article of the Maryland Code and, for certain counties, the Express Powers Act (Title 10 of the Local Government Article). SHA District Offices coordinate SHA's review of traffic impact studies, which recommend appropriate highway improvements to minimize or mitigate the effect of site generated traffic on State highways. The approval of zoning, subdivision, land development, and related issues in Maryland is a function of local government and not the responsibility of the State. The SHA's role in the development process is limited to the regulation of state highway access, maintenance of safe multi-modal highway operations, and related improvements.

The law requires owners, or their duly authorized representatives (i.e. developers, constructors, tenants, lessees, etc.), of land newly being developed commercially, industrially, or as a subdivision, and/or part of an existing subdivision desiring access to a State highway, to apply for a SHA permit. In addition, residential entrances and any construction activities within State highway rights-of-way require a permit. An application for a permit to construct a commercial entrance or street intersection shall be filed with plans, engineering fee check, performance surety and any other items which may be required by the responsible parties or their authorized representative. All permitted work must be designed and constructed in conformance with SHA requirements and accepted engineering practices.

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; 8-629; 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); 8-204(b), (c), (i); 8-629; and 8-646 Annotated Code of Maryland. Regulations are found in Title 11, Subtitle 04, Chapter 06 of the Code of Maryland Regulations.

3.3 Agency Guidelines and Policy

This manual presents a collection of MDOT and SHA policies, procedures, and administrative and technical guidelines applicable to the review and approval of applications for an access permit. These are drawn from the State's statutory authority and are intended to supplement and complement, but not contradict, the State's published regulations by providing a framework for the uniform evaluation and processing of permit applications using consistent

standards and engineering criteria. The guidelines contained herewith are not a substitute for site-specific requirements that SHA may impose and engineering judgement that may need to be exercised in the evaluation of proposed access.

3.4 Applicability – Who Must Apply for a Permit

As stated in the published regulations, the following is a descriptive listing of some of the parties required to apply for a permit. It is to be used only as a guide and may not be construed as all-inclusive. The words "commercial", "industrial", and "subdivision", used singularly or collectively in the following text, shall include all entrances other than those for an individual residence. Whereas parties can be defined as:

- Owners, or their duly authorized representatives (developers, contractors, tenants, lessees, etc.), of land newly being developed commercially, industrially, or as a subdivision, all desiring access to a State highway;
- Parties desiring to establish a new public street intersection or modify an existing public street intersection;
- Parties desiring to change existing entrances or create new entrances into existing commercial or industrial facilities, and subdivisions;
- Parties desiring to modify, expand, or in any other manner make improvement to an existing facility, which will increase or change the type of vehicular generation or traffic pattern;
- Parties desiring to change use of occupancy of an existing facility;
- Parties owning, occupying, leasing, or using a commercial or industrial facility (which was in existence before 1957) that is not fully channelized in accordance to permits issued by the Administration and which is now deemed hazardous from the viewpoint of access.
- Parties desiring to do any work within or across the State right-of-way.

It is important to note that local governments often require off-site road improvements as a condition of development approval and/or per Adequate Public Facilities Ordinances. An access permit is required for the construction of these improvements, even if no entrances or street connections are proposed. Any work on State highway property requires a permit. Types of permits and the application process are discussed in Chapter 4.

CHAPTER 4 – PERMIT TYPE AND PROCESS

This Chapter describes the general requirements and administrative process for obtaining a permit from SHA for State highway access or other work on the State right-of-way. Prospective applicants should contact the appropriate Regional Engineer with any questions regarding the permitting process.

4.1 Types of Permits Issued

SHA issues several types of permits for access and various construction activities.

4.1.1 Commercial/Industrial/Subdivision Access Permit

The following projects and construction activities require an access permit:

Activities That Require an SHA Access Permit

- Entrances for Commercial or Industrial site access (new or modified)
- Public or Private Street Connections for subdivision access (new or modified)
- Off-site State Highway improvements by developers, where mandated by the local jurisdiction in connection with development approval or required by SHA
- Local Government (County or Municipal) road improvement projects on State right-of-way, when related to conditions of land use/development approval or resulting in a new highway intersection
- Highway Rehabilitation/Streetscape Improvements that involve work in the travel lanes of the State highway
- Temporary construction access for the above

4.1.2 District Office Permit (a.k.a. District Permit)

Except when required in connection with an access permit, the following projects and activities within the State right-of-way require a District Office Permit. *Additional information on District Office Permits can be found here: [District Office Permit Manual & Application](#).*

Activities That Require an SHA District Office Permit

- Construction or modification of residential driveways
- Repair or replacement of entrances, curb and gutter, or pavement
- Construction, repair, or replacement of sidewalk
- Grading
- Construction or modification of drainage connections
- Utility work

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- Landscaping
- Highway Rehabilitation and/or Streetscape Improvements by Local Government (County or Municipal)
- Sign Placement
- Any other work on the State highway
- Any other work within the State's right-of-way (highway right-of-way, easement areas, land holdings, etc.)
- Pedestrian facilities and bus shelters

Prospective applicants should coordinate with the District Access Management staff for further information on the processes and requirements for obtaining their permits. It should be noted that all utility work must be coordinated with and permitted through the District Utilities office, independent of the access permit.

4.2 Points of Contact for Filing Applications.

Any individual, corporation, or local government required to obtain a permit in accordance with this manual shall make written application to the appropriate address listed on the SHA Website under Access Management - [Access Management/Permits Website](#)

4.3 SHA Access Concepts and Local Government Coordination.

SHA's permit process is separate from, but closely tied to, the local subdivision and land development approval process. Proper coordination of land development, highway access, and transportation system improvements is essential to maintaining a safe and functional State and local highway network. SHA coordinates with local government in the planning of highway improvements, the review of subdivision and development proposals, and the issuance of State and local construction permits.

SHA's concurrence with proposed highway access concepts for site development and subdivision projects is normally obtained through submission of preliminary plans to the local approving authority. As the project moves forward into final engineering design and construction permits, SHA continues to provide concurrent review comments to the local approving authority. This is to ensure that site plans are prepared in compliance with SHA's access and drainage requirements and adequate progress is being made towards fulfilling the requirements for an access permit. Details of this process are discussed further in Chapter 5.

While incorporating SHA comments into the local planning and development process helps to provide timely identification and consideration of highway access issues, it is the applicant's responsibility to ensure that subdivision and development proposals are prepared in compliance with SHA requirements, as well as those of the local approving authority.

4.4 Traffic Impact Study (TIS)

A Traffic Impact Study (TIS) may be required by SHA, the local approving authority, or both, to evaluate the impact of the proposed development on traffic conditions on the State highway at the point(s) of proposed access, highway segments, and/or nearby intersections. SHA requirements for a TIS can be found in the latest SHA Traffic Impact Study Guidelines.

4.5 Plan Review

Detailed engineering plans for all construction work proposed on State property must be accepted by SHA prior to permit issuance. All SHA comments arising from the plan review process must be addressed satisfactorily and approvals from the various offices must be obtained. Commercial or subdivision access shown on the plans must be consistent with access concepts accepted by SHA and the local approving authority and in compliance with all applicable State standards for highway access as established in this Manual. The scope of highway capacity improvements required by the local approving authority must be consistent with the applicable conditions of approval. It is strongly recommended that an early start and an appropriate amount of time is planned in the development process to allow sufficient review, comment, and approval of development plans.

For additional information on the SHA Access Management Review Process and associated timeframes please refer to the SHA Website - [SHA Access Management Flow Charts](#).

4.5.1 Design Request and Traffic Infrastructure Plans

SHA requires the submission of a Design Request and Traffic Infrastructure Plans for new or modified traffic control and safety infrastructure on State right-of-way, including signals, sign structures, markings, and lighting. These submissions are separate from the TIS and Plan Review, should represent design elements that are consistent with the approved TIS, and require timely coordination between the developer, District, and Office of Traffic and Safety.

SHA comments on the Design Request should not conflict with the approved TIS.

4.6 Documents Required for the Final Permit Package

Following the completion of all reviews and issuance of pre-permit correspondence, applications for an access permit will be considered complete when accompanied by all required submissions and supporting documentation. The extent of submissions and documents required may vary with the scope of the project, the complexity of the work proposed, and the specific issues involved. However, certain documents are required for all access permits. Documents routinely required are discussed in this section.

To ensure timely processing of applications and related materials, please follow the instructions on the Application for Maryland State Highway Administration Access Permit linked here - [Application for SHA Access Permit](#)

4.6.1 Submittal Requirements

For the latest submittal requirements, please see the “Application for Access Permit” on the SHA Website [Access Management/Permits - Documents and Links](#). The following is a list of documents, consistent with the list on the Application for Access Permit, to be submitted by the applicant and accepted by SHA prior to the issuance of any access permit:

- **Plan Submittal Checklist** - A list of minimum elements required on submitted plans.
- **Application Form** - Instructions, checklists, and important legal notices are provided on the application form. Unsigned, incomplete, or incorrect forms will not be accepted.
- **Plans/Access Permit Plans (previously approved by the District Office)** - Refer to the Application Form listed above for the required plan format for submittal.
- **Performance surety** - To assure complete and satisfactory compliance with the terms and specifications of the access permit, the permittee is required to submit performance surety in the amount of 150% of the approved cost estimate and in the form of a performance bond, letter of credit, or certified check acceptable to SHA.
- **Inspection Cost** - For all projects in excess of \$50,000.00 neat construction cost, the permittee is responsible for the cost of construction engineering services (inspection and materials inspection) performed by SHA.
- **Traffic Signals** - If traffic signal work is required, a separate check or money order made payable to the ‘State of Maryland’ in the amount of five thousand three hundred dollars (\$5,300.00) for the engineering review, inspection, and connection of each new signal and three thousand five hundred dollars (\$3,500.00) for signal modifications. The check or money order must be submitted to the SHA District Office. Traffic signal design must be submitted as a Traffic Infrastructure Plan, approved during the plan review phase prior to submitting this application.

Additional Submittal Requirements

At SHA’s discretion, the following documents may be required on a case-by-case basis:

- **Documentation of Utility Relocation Arrangements** - The relocation or adjustment of any public or private utility shall be the responsibility of the permittee. Before the issuance of an Access permit, the permittee will be required to submit letters

from the permittee or utility companies acknowledging and agreeing to the financial responsibility regarding the relocation or adjustment of utilities. The applicant's signature on the application form shall also constitute acknowledgement and agreement to this financial responsibility. The permittee in coordination with the Utility companies shall locate utilities in accordance with the approved plans and provide SHA with as-built utility locations. As-built plans shall be submitted electronically, as a pdf, to the SHA District Access Permits Office.

- **Right-of-Way Dedication** - When right-of-way dedication for future highway needs is required by the local subdivision and/or development approving authority, the dedication shall be recorded on the approved subdivision plat and/or site plan. The plats and property description must be approved by SHA prior to issuance of the permit.
- **Conveyance of Property Rights** - All State highway improvements must be located within existing State right-of-way or new right-of-way conveyed by deed to the State. In addition, all perpetual drainage easement and revertible slope easement required in connection with the access improvements shall be conveyed by deed to the State. The deed, description, plats, and appropriate title documentation must be approved by SHA and evidence of the deed recordation shall be provided prior to issuance of the access permit.
- **Temporary Impacts to Adjacent Property** - Impacts to adjacent properties necessary to accommodate the proposed design shall be the responsibility of the permittee. Where significant impacts are involved, SHA may require the applicant to furnish letters from the affected property owners and/or copies of any formal easements that have been granted, prior to issuance of the access permit.
- **Payment for Project Cost Participation** - In the event of cost participation in an SHA project, the access permit will not be issued until the permittee has furnished payment for design and/or construction costs.

4.7 Permit Processing and Issuance

Upon receipt of the required documents from the applicant and confirmation that the applicant has obtained the appropriate approval(s) from the local government, SHA District Access Management staff will prepare the permit and assemble all supporting documentation. The surety and permit documents are processed, recorded in our database, and the permit is prepared for final review and signature. It is expected to take 21 business days for SHA to process the complete application package and issue the permit. If unforeseen problems are discovered with the plans or other aspects of the application package during permit processing, the applicant will be promptly advised to facilitate timely issuance of the permit.

CHAPTER 5 - LOCAL COORDINATION AND ACCESS CONCEPT APPROVAL

This Chapter presents an overview of the coordination that takes place between SHA and the local approving authorities for planning, land use, and development. Concurrent review by State and local agencies helps to ensure that access concepts prepared for proposed land uses and development plans are consistent with the requirements for State highway access. This interaction continues throughout the local permitting process, to encourage permitting and completion of the site access improvements in a timeframe compatible with the anticipated site use.

5.1 Planning Coordination.

At the planning level, there are specific actions that local governments can take to help integrate new or improved highways with development plans and preserve the safety and capacity of existing highways. Suggestions are listed below:

5.1.1 Planning Coordination of Access

- Developing master plans with an emphasis on protecting State Primary Highway System corridors.
- Developing local zoning ordinances that require dedication/reservation of land for future transportation improvements when right-of-way needs are known.
- Developing and implementing local service road concepts in coordination with the Maryland Department of Transportation to enhance land access and provide auxiliary support for the primary highway.
- Requiring adequate setbacks through local building ordinances to minimize future right-of-way costs.
- Developing access management plans for State Primary Highway System corridors and select Secondary Highway System corridors.
- Adopting Adequate Public Facilities legislation.

The SHA's Regional and Intermodal Planning Division coordinates regularly with local governments and the public in the development of long-range highway plans, local and regional land use plans, and access management plans. As a condition of approval for large-scale development, local government often requires build-out of master-planned public road improvements, including improvements on State highways.

5.1.2 Land Use and Development Approval Coordination

In most local jurisdictions, SHA reviews and comments on zoning appeals, preliminary plans, subdivision plats, and site plans to ensure that the requested access is safe and consistent with the functional requirements of the State highway system. In reviewing each proposal, SHA evaluates the proposed State highway access with respect to State

standards and policies and works with the local approving authority to ensure that site plans are properly coordinated with the requirements for access to State highways.

In addition, through concurrent review of traffic impact studies (TIS) by SHA and local government, appropriate highway capacity improvements are identified to mitigate the effect of traffic generated by development. These improvements may be required as a condition of development approval, through Adequate Public Facilities Ordinances, or other regulatory mechanisms. Capacity and safety improvements necessary to support proposed site access are required by SHA as a condition of the access permit. SHA will attempt to maintain concurrent reviews with local governments on a TIS. The 45-day review period for a TIS is anticipated for each review cycle regardless of any approval of a TIS from the local jurisdiction.

All requested access points and proposed improvements on State highways are evaluated for compatibility with local master plans, regional transportation plans, access management plans, and State or local highway projects and adherence to State laws, standards, and policies, including the MDOT Complete Streets Policy ([MDOT Complete Streets Policy](#)). This includes complying with the State's Complete Streets Policy in Transportation Article § 2–112 and § 8-204.1, including accommodating other modes of transportation and incorporating best practices related to complete streets design features. Dedication and/or reservation of right-of-way or establishment of access controls may be requested by SHA, through the local government, to address right-of-way needs identified in SHA project plans, planning studies, and/or SHA's *Highway Needs Inventory*. The need for a reservation or dedication may also be established by the local government's general plan, master plans, or amendments granting the reservation or dedication through the land use approval process.

5.1.3 Permit Coordination

In many jurisdictions, SHA coordinates with local government throughout the local construction permit process. The issuance of grading permits, building permits, and use/occupancy permits by the local authority may be withheld until concurrence from the SHA has been obtained. In turn, SHA may withhold issuance of an access permit for projects that are not advancing through the appropriate stages of the local permit process.

5.2 SHA Approval of Access Concepts

The following considerations, suggestions, and limitations are offered with respect to SHA review and approval of access concepts.

5.2.1 Submittal

Proposed highway access concepts should be submitted through the local land use and development approval process. Where this option is not available, or in the case of unusual access situations for which preliminary advice is sought from SHA, the applicant may submit access concept plans directly to the District Access Management office. However, concept approval will be withheld until the project is formally submitted through the local process.

Proposed access concepts should be illustrated by way of preliminary site plans or subdivision plats indicating the proposed entrance locations, existing topography and proposed development and the projected vehicular use of the site. The plan should illustrate the proposed access point(s) and the anticipated site access improvements, using the Technical and Supplemental Design Guidance in this Manual as a guide. Where necessary to provide an appropriate scale and level of detail, a preliminary State highway access plan should accompany the submission of preliminary subdivision plats and/or site plans to the local authority.

For access permits where the action permitted would trigger federal involvement such as Federal Highway Administration (FHWA) Interstate Access Point Approval, a design exception on the National Highway System, or a large-scale project requiring federal agency reviews or approvals, National Environmental Policy Act (NEPA) approval may be required.

Interstate Access Point Approval (IAPA) is a required process for creating or modifying access to Maryland Interstate highways, involving rigorous review for safety and traffic flow in accordance with FHWA regulations.

Early coordination with the SHA Office of Planning and Preliminary Engineering (OPPE) is recommended if NEPA coordination is expected. The Regional Engineer can provide the contact information for OPPE.

5.2.2 District Access Management Review and Comments

The purpose of plan review at the concept stage is to ensure compliance with the basic requirements for State highway access. Essentially, this involves evaluating the proposed site access location(s) and configuration(s) with respect to the Technical Guidance Chapter 1 - Access Point Standards. Although construction details and engineering specifications are not addressed at this stage, applicants should anticipate a need for sufficient preliminary engineering and traffic analysis to demonstrate the feasibility of appropriately designed entrances, street connections, and site access improvements.

District Access Management compiles comments on the preliminary access concept in consultation with various specialized SHA divisions, as appropriate for the given project. Based on its review, District Access Management recommends to the local jurisdiction that the preliminary plan or plat be approved, approved with conditions, or denied. In addition to its recommendation to the local authority, SHA's comments typically address the following:

- SHA's letter may offer concept approval for access locations, configurations, and turning movements that are acceptable as submitted.
- When the submitted concepts are not acceptable, SHA's letter will withhold concept approval but may suggest alternative access concepts that may be acceptable upon further investigation by the applicant.
- For acceptable access concepts, the *approximate* scope of site access improvements will be outlined in the letter.
- The need for supplemental studies (ie. drainage, pavement, traffic, multi-modal access) and detailed engineering plans will be identified, in as much as possible, using the preliminary concept plans.
- Any special maintenance concerns that require attention in the final design will be identified.
- Any coordination that may reasonably be anticipated with an SHA project, local project, or other development project will be identified.
- Additional information or requirements pertinent to the design and processing of the application will be requested.

5.3 Limitations on SHA Concept Approval and Comments

State highway access may only be permitted in connection with specific land use and development proposal once it has been approved by the local authority. The proposed access must be acceptable to both SHA and the local authority. Therefore, SHA's approval of a proposed access concept may only be offered for a *specific development proposal under consideration by the local authority*. This is extremely important for applicants to recognize.

Concept plans and plats should be submitted only after the developer acquires title to the property or can certify pending ownership through a fully executed option contract. Concept approvals will not be offered for speculative consideration prior to a ratified option contract; however, SHA will offer non-binding comments on tentative access concepts that are submitted apart from the local site plan or subdivision approval process as long as title or pending ownership is demonstrated.

It is also important for the applicant to recognize that SHA is not able to provide comprehensive plan review comments and identify all site-specific requirements at the preliminary stages of the project. Preliminary site plans and subdivision plats simply do not reflect sufficient detail or

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engineering-level analysis of design issues that may be involved. This may require revision of locally approved plans or plats. To reduce the potential for unanticipated delays in subsequent plan review and permit processing, applicants are advised to have their engineering representatives identify and evaluate key design issues and feasibility constraints during the development of preliminary plans and plats.

It must be emphasized that SHA's requirements for a particular site access are subject to change over time as conditions, standards, and policies may dictate. Projects that do not move promptly from concept approval into final design and permitting may be subject to new or differing SHA requirements.

5.4 Timing Considerations

Successful coordination of highway access with subdivision and development plans begins at the concept stage, before considerable investment is made in the development process and related engineering design. The requirements of the respective approving authorities must be carefully anticipated and addressed in a proactive manner to avoid delays and conflicts at later stages. It is strongly recommended that applicants reserve an appropriate amount of time to allow sufficient review, comment, and approval by all agencies, including SHA.

Reflecting the discussion above, the following general guidelines are offered to avoid or reduce the possibility of delayed approvals and permits:

- An updated TIS must be completed on any project where work does not commence within five (5) years of the TIS approval. The permittee is responsible for any changes to plans and requirements, if the updated TIS reveals additional mitigation is required
- SHA approval of access concepts should be concurrent with preliminary plan or subdivision approval by the local authority.
- SHA approval of feasible off-site highway improvement concepts should be concurrent with issuance of final site plans and subdivision approval.
- Submission of SHA accepted plans and acceptable surety is required before SHA will sign off on issuance of local grading permits. Hydraulic/hydrologic approval, if applicable, is also required.
- Issuance of the access permit from SHA is required before SHA will sign off on issuance of building permit(s).
- Completion of the improvements specified by the access permit is required before SHA will sign off on issuance of the use and occupancy permit(s).
- The SHA reserves the right to review and require that the plans be updated to meet current standards should the application package not be received within 180 days.
- Final pavement restoration is to occur within thirty (30) days of the completion of the work unless agreed to in writing between the permittee and SHA. Milling and overlay of pavement surfaces may be required at the direction of the District Office. The SHA reserves the right to change permit repair specifications to suit any changes that may occur on site.

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- The permittee shall submit a schedule for the planned work in accordance with Section 109 of the Maryland Standard Specifications for Construction and Materials at least 48 hours prior to the commencement of work. If the permittee refuses or fails to prosecute the work, or any separable part thereof, with such diligence as shall ensure its completion within the time specified in the permittee's schedule, or any extension thereof, fails to complete said work within this time, or fails to provide any required annual and renewable bond, letter of credit, or certified check, in a form acceptable to the Administration 30 days prior to expiration of the current bond, letter of credit, or certified check then in effect, the State may, by written notice to the permittee, terminate the permittee's right to proceed with the work or the part of the work as to which there has been delay. In this event the State may take over the work and prosecute the same to completion, by Contract or otherwise, and may take possession of and utilize in completing the work the materials, appliances, and plant as may be on the site of the work and necessary therefore. Whether or not the permittee's right to proceed with the work is terminated, the permittee and its sureties shall be liable for any damage to the State resulting from the permittee's refusal or failure to complete the work within the specified time in the permittee's schedule.

CHAPTER 6 - PERMIT ADMINISTRATION AND RELEASE

This Chapter provides information concerning administration of the permit during the construction phase. Although many of these arrangements are specified in the permit, they are presented here to acquaint prospective applicants with key administrative procedures.

6.1 SHA Inspection

Inspection is handled by the appropriate District SHA Permit Inspector. The assigned individual is identified in each access permit. The permittee is not assured of continuity of inspection personnel.

6.2 Required Notifications

The permittee is required to make timely notifications to various SHA representatives prior to and during construction of the improvements, as outlined in the permit. Typical notifications are discussed below.

6.2.1 Prior to the Start of Work

- Work may not be undertaken on the State right-of-way until the permittee has received his copy of the permit and given 48-hour advance notice to the inspector specified in it. This 48-hour advance notice shall be given prior to the commencement of work and prior to each successive stage of the work.
- All projects shall have a pre-construction meeting, which is conducted at the project site. The pre-construction meeting is an opportunity to review the permit requirements, the plans, and other important information such as the material clearance process with the inspector prior to work. On any project, the pre-construction meeting may be waived at the discretion of the SHA Permit Inspector.
- Submit source of supply letters to SHA's Materials Management Division (Phone: 443-572-5020) at least two (2) weeks prior to the date you intend to begin construction. The permittee shall provide all updates to source of supply documentation throughout construction to avoid material clearance delays at project closeout.
- If work on or within 30 feet of the edge of pavement is necessary, a Traffic Control Permit is required. Permit request coordination with the Permit Inspector should take place at the pre-construction meeting.

6.2.2 Traffic Signal Work

All traffic signal construction activities are to be supervised by the SHA Office of Traffic and Safety, Traffic Operations Division. The permittee shall contact the Traffic Operations Division and the Assistant District Engineer-Traffic at least 10 days prior to beginning any

approved signal work. The pertinent contact information is provided in the access permit.

6.2.3 Resolution of Problems Identified During Construction

The applicant is assured that we are committed to seeing each project through to completion in accordance with the permit. The permittee shall confer with the SHA Permit Inspector to clarify SHA requirements or resolve any problems or disputes. If the matter cannot be resolved at this level, then the District Access Management representative will typically intervene. Problems with the permit or plans, or disputes over the requirements, are referred back to the District Access Management representative for consultation and resolution. The applicant may escalate issues or concerns using the [Issue Resolution Matrix](#), if the representative does not provide timely resolution.

- Problems encountered during construction with the design or progress of the project, for whatever reason, must be addressed to the satisfaction of the SHA in a manner that does not compromise the safety of the public and the functionality or integrity of the final product. Problems caused by negligent design practices, incomplete plans, unapproved changes, and the like will not be considered “hardships”. A functionally equivalent design, at the permittee’s effort and expense, is expected to be implemented.
- If there is a discrepancy between the actual elevations and the elevations shown on the plans, the grades of the proposed curbing and paving shall be established by using the actual elevations of the road edge. If, in SHA’s sole judgement, the discrepancy is substantial enough to warrant formal plan revisions, such revisions shall be made by the permittee and submitted for review and approval by the SHA. SHA inspection personnel shall have the option of suspending work on the affected portions of the permitted work until the revisions have been reviewed and accepted and an Addendum to the permit has been issued.
- Any deviations and/or adjustments as may be required at time of construction, shall be constructed in accordance with the prior approval of and as directed by SHA. If, in SHA’s sole judgement, the deviations and/or adjustments are substantial enough to warrant formal plan revisions, such revisions shall be made by the permittee and submitted for review and approval by the SHA. Unauthorized work may be ordered to be removed and/or replaced at the permittee's expense. The SHA inspection personnel shall have the option of suspending work on the affected portions of the permitted work until the revisions have been reviewed and accepted and an Addendum to the permit has been issued.
- The permittee shall cooperate with Utilities and between Contractors in accordance with the Maryland Standard Specifications for Construction and Materials.

6.2.4 Permit Expiration and Extensions

Access permits are typically issued for a period of one year. If, due to circumstances beyond the permittee's control (i.e. weather, strikes, etc.), the work cannot be completed within the allotted time, the permittee shall contact the respective District Engineer, in writing, thirty (30) days before the expiration date of the permit to request an extension. The request must include a detailed justification as to why the work has not been performed, accompanied by appropriate documentation and a construction timetable for completion of the work. SHA may grant an extension of the work completion date within which the terms and conditions of the permit are to be fulfilled. A copy of the extension will be forwarded to the permittee and the provider of the surety. The permittee's concurrence will be assumed if written objections are not received within 10 days of the issuance of the extension.

With any request for extension, SHA at its option may require the permittee to increase the surety amount, update the plans to reflect current SHA standards and practices, or reapply for a new permit. Failure to timely seek an extension may result in termination of the permittee's right to proceed with the work and subject the permittee and its sureties to liabilities for damages to the State.

6.3 Addenda

SHA may issue one or more addenda to the permit to implement acceptable changes to the permitted design, to coordinate additional construction activities in the project vicinity, or to satisfy special conditions under which the permit was issued.

6.4 Permit Cancellation

The permit may be cancelled after the expiration date indicated on the permit, at SHA's discretion, if work has not started and the permittee is non-responsive to inquiries by SHA. The permit may also be cancelled if the permittee fails to request an extension or if the reasons given to support the request are inadequate. The permittee would then need to reapply for a new permit and would be subject to requirements in effect at that time.

6.5 Final Inspection and Acceptance of the Work

Upon completion of the permitted work, final clean up and restoration of the site to original conditions or better, the permittee or his/her contractor should contact the SHA Permit Inspector identified in the permit to arrange for a final inspection of the work. Failure to complete the work and obtain a satisfactory inspection may delay the issuance of use and occupancy permits by the local jurisdiction.

Following the final inspection and completion of any punchlist work, the material clearance process will be completed by SHA. The permittee or his/her contractor should work with the

permit inspector throughout construction to compile the proper items necessary for a successful material clearance process.

6.6 Release of the Permit and Surety

Upon completion of all work associated with the permit (including final as-builts or professional engineer's certification) and acceptance for maintenance by SHA, which includes completion of all Special Conditions, donation plat and deed recordation by SHA, material clearance approval, and all other specifics relative to the issued permit, and when SHA determines that all work required under the terms of this permit has been completed, SHA will release the permit, return the bond/letter of credit/posted funds to the permittee and notify the surety/bank and/or credit the blanket bond. Release of the permit does not extinguish the agreement regarding continuing responsibilities concerning maintenance, drainage, traffic signals, land use, etc.

6.7 Post-Permit Changes

SHA reserves the right to make modifications to the highway at any time, including access points for the permittee, as needed to maintain traffic safety and operations for all users.

CHAPTER 7 - RESPONSIBILITIES UNDER THE ACCESS PERMIT

This Chapter highlights legal obligations and administrative requirements the permittee is responsible for under the access permit. Additional terms and conditions are frequently included in the access permit as site-specific factors and circumstances dictate. The access permit constitutes a binding contract between the permittee, his/her heirs, successors, and assigns, and the SHA. It is important for applicants to be aware of and understand the key responsibilities, some of which continue indefinitely after the construction work authorized by the permit is complete. This information is provided for illustrative purposes only and shall in no way be interpreted to supersede, contradict, or substitute for the terms and conditions of an actual granted access permit.

7.1 Completing the Work

The permittee and/or permittee's contractor shall fully perform the modifications and/or improvements set forth in the permit in a manner satisfactory to SHA. Failure to complete the modifications and/or improvements within the allotted time may result in one of the following actions:

- The permit may be revoked if the entrance work has not started and the property is not in commercial use.
- SHA may elect to complete all or part of the work at the permittee's expense if work is not completed or if the permittee has failed to comply with the permit provisions. The performance surety will be applied to fulfill the terms of the permit and all administrative, engineering, and construction costs in excess of the insured amount will be the responsibility of the permittee.

7.2 Compliance with Specifications

All construction authorized by the permit shall be in accordance with State standards and specifications, the accepted and permitted plans, and various specifications identified in the terms of the permit. Work must comply with the SHA's *Standard Specifications for Construction and Materials*, including all addenda in effect at the time of permit issuance. The personnel on the job site performing the work are required to have a copy of SHA's approved permit and plans at all times and they must have full knowledge of the contents of the permit. SHA may close down projects where the job site personnel do not have a copy of the approved permit and plans and/or are not complying with the plans and specifications.

7.3 Utility Clearances, Adjustments, and Relocations

7.3.1 Responsibility

The permittee is responsible for all relocations and adjustments of public or private utilities. This includes traffic signals, lighting, fire hydrants, water mains, sewers, storm drains, telephone facilities, electric facilities, etc.

7.3.2 Permitting of Utility Work

All utility work within State right-of-way, including adjustment, relocation, or new installations, shall be accomplished under a separate permit issued by SHA District Utility Engineer. The access permit does not authorize utility work; however, coordination of certain construction activities may be required, to minimize disturbance to the State highway facilities and traffic operation.

7.3.3 Clearance on Existing Utilities

Clearance with any existing utility and any required adjustments to utilities shall be in accordance with the criteria established by the utility owner. Clearances and adjustments should be determined prior to permit issuance, if possible, using appropriate methods such as test-pitting. This greatly reduces the likelihood of conflicts and the resulting delays, design revisions, increased costs, and extended traffic disruption during construction. All damage to utilities caused by the permittee shall be the responsibility of the permittee.

7.3.4 Unforeseen Utility Conflicts

Should unforeseen utility conflicts arise during construction, an alternative design will be required that is functionally equivalent to the permitted design. This may require submittal of an alternate design to District Access Management and/or various other SHA divisions, such as the Highway Hydraulics Division. Construction activity on State right-of-way may be suspended, with full restoration of the normal traffic patterns, until an acceptable design is approved.

7.3.5 Property Impacts

Many access permits require work that may extend beyond the property frontage and outside of existing State right-of-way. The permittee is responsible for obtaining all necessary rights-of-way for the project, including fee simple right-of-way, permanent easements, revertible easements, temporary construction easements, and rights of entry to complete the work. These property rights shall be obtained and, if applicable, conveyed to the State prior to the issuance of the access permit.

7.4 Permits and Approvals by agencies other than SHA

The permittee shall be responsible for obtaining any and all other permits, approvals, etc., from the appropriate parties or agencies that may be necessary for completion of the permitted improvements in accordance with applicable laws. The fact that the improvements are located within State-owned property, or are subject to review and approval by other State agencies, does not relieve or diminish this requirement. Permits and approvals that are typically required may include, but are not limited to, the following:

- Tidal or nontidal wetlands, waterways, and buffers
- Floodplains
- Stormwater Management (outside of SHA Right of Way)
- Erosion and Sediment Control (outside of SHA Right of Way)
- Historic/Archaeological/Cultural resources
- Conservation easements
- Reforestation
- Utility work
- Railroad Agreements
- etc.

The permittee shall provide documentation that all required permits have been received prior to SHA issuing the access permit.

7.5 Drainage/ Stormwater Management/Erosion Sediment Control

The permittee is responsible for the impact of the development on State highway drainage conditions and facilities, proper management of stormwater runoff in accordance with State and/or local requirements, and establishment and maintenance of proper erosion and sediment controls.

Please refer to the [Maryland State Highway Administration Hydrologic and Hydraulic \(H&H\) Review Guidelines](#).

7.6 Inspection Services Costs

SHA may, at its discretion, assign an SHA inspector to provide full time inspection of the construction work. The permittee shall be responsible for the actual cost of this inspection, including applicable additive and administrative overhead. The applicant will generally be advised of this requirement prior to the issuance of the permit and will be required to prepay the estimated cost to a holding account. Should costs exceed the prepaid amount, or if a prepaid amount was not required, any bill for inspection service must be paid by the permittee within thirty (30) days of receipt. Costs related to full time inspection of the work are not the same as the inspection/materials testing fee that may be required of a project above a certain

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estimate threshold. District Access Management will notify the permittee of any cost requirement during the review process.

7.7 Work Zone Traffic Control During Construction

The permittee shall establish and maintain proper temporary work zone traffic control devices and traffic patterns, for motorized and non-motorized users, to address construction, in accordance with SHA requirements as outlined in the access permit. These requirements include, but are not limited to:

- Making timely notifications to the appropriate SHA Assistant District Engineer – Traffic as outlined in the access permit
- Maintaining traffic using proper traffic controls in accordance with the latest version of the *Manual on Uniform Traffic Control Devices* (MUTCD) and State standards, using either a detailed traffic control plan accepted by SHA or SHA's typical work zone traffic control details. This would include temporary modifications to existing signals.
- Work Zone Traffic Control shall be performed in conformance with the following SHA guidance documents and publications:
 - [SHA's Processes and Guidelines for Work Zone Safety and Mobility](#)
 - [SHA Manuals, Standards and Publications](#)

If the SHA is required to provide traffic control to protect the public safety, due to the permittee failing to provide same, all costs and applicable overhead shall be billed directly to the permittee.

7.7.1 Unsafe operations

In the event the SHA determines that any operation is detrimental to the safe operation of the (State) highway system, the SHA will notify the permittee. The permittee shall suspend its operation(s) and then work with the SHA in good faith to determine if and/or how the permittee's operation(s) can be continued or resumed in a manner that is not detrimental to the safe operation of the (State) highway system. If the permittee's operation(s) cannot be continued or resumed in a manner that is of a safe operation of the (State) highway system, the SHA reserves the right to halt the permittee's operation(s).

7.8 Permanent Traffic Control Devices

The permittee shall establish proper permanent traffic control devices and traffic patterns, in accordance with SHA requirements and as follows:

7.8.1 Specifications

Permanent pavement markings, signing, and other traffic control devices shall comply with the latest version of the MUTCD, the SHA Standard Specifications, and the accepted plans.

7.8.2 New Installations

The permittee shall be responsible for furnishing and installing all permanent signing, pavement markings, and other traffic control measures specified in the Permit or required in connection with the access permit, at the expense of the permittee and/or others, but not the SHA.

7.8.3 Adjustments

If it becomes necessary to adjust existing signs or pavement markings as part of the construction under the access permit, the permittee shall be responsible for their removal, relocation, and/or replacement at the permittee's expense.

7.8.4 Elimination of Existing Pavement Markings

If the existing lane markings on the State highway must be eliminated so that new pavement markings compatible with the lane configurations to be established under the permit may be installed, the permittee shall be responsible for the elimination of the lines in accordance with the permit and accepted plans, as well as the placement of new pavement markings (to include stop bars, crosswalks, turn arrows, etc.). The permittee shall notify the SHA Assistant District Engineer -Traffic, at least 5 days prior to the removal and/or application of new markings. The permit will specify the method for eliminating the pavement markings that is acceptable to the Assistant District Engineer – Traffic.

7.8.5 Costs Billable to Permittee

If the SHA is required to provide traffic control due to the permittee failing to provide same, all costs and applicable overhead will be billed directly to the permittee.

7.9 Traffic Signals

7.9.1 Specifications

If conditions dictate the installation or modification of a traffic signal, all work shall be subject to SHA requirements.

7.9.2 Approval for Signal Work

If adjustments to existing signal equipment is anticipated during the design phase of the project and provided in the plan submittal, the Regional Engineer will submit the plan proposal to District Traffic for review. Once District Traffic concurs with the adjustment, a Design Request (DR) will be created and provided to the applicant. This DR will be needed before the Office of Traffic and Safety (OTS) will review the signal plan.

If adjustments to existing signal equipment were not anticipated during the design phase of the project, the Assistant District Engineer – Traffic, should be promptly notified to obtain approval for signal work. It normally takes 60 to 90 days for the SHA to approve such requests.

7.9.3 Relocation of Signal Equipment

The permittee is responsible for the relocation of existing SHA traffic signal poles, controllers, detectors, conduits, hand boxes, etc., at the sole expense of the permittee and/or others but not the SHA. The permittee shall have worked out the necessary detail through the plan review process, which will conclude with OTS approval.

7.9.4 Obligation Regarding Potential Traffic Signals

Traffic signals may be required by the Administrator and his authorized agent for installation after review and consideration of recommendations by the Office of Traffic and Safety, based on an engineering investigation and analysis in conformance with the latest requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation, Federal Highway Administration. The determination may be made prior to permit issuance, during the build-out of the project, and/or following completion of the permit work.

7.10 Cost-Sharing for Traffic Signal Installations

7.10.1 Public Streets

For traffic signal installations approved for an intersection created by the construction of a local road or highway, the local government and/or permittee will be responsible for the full cost of installation. SHA shall be responsible for the maintenance and operation of the traffic signal.

7.10.2 Commercial Entrances

When SHA determines that traffic conditions as outlined in the Maryland Manual on Uniform Traffic Control Devices for Streets and Highways demand the installation of a

signal and/or other traffic control devices at private (commercial) access points, the design, installation, and energy costs shall be the responsibility of the permittee and/or other responsible parties. SHA shall be responsible for the maintenance and operation of the traffic signal.

7.10.3 Power Feed Connections

SHA does not apply for power feed on any Traffic Control Devices for private developers. Developers shall apply for the power feed and are responsible for all energy costs and power connect fee.

7.11 Lighting

7.11.1 Specifications

If conditions dictate the installation and/or modification of highway lighting, all work shall be subject to SHA requirements.

7.11.2 Adjustments

Adjustments to existing lighting systems necessitated by changes in grade, alignment, etc., shall be as directed by SHA. Any costs associated with the adjustments shall be the full responsibility of the permittee or others; but not the SHA.

7.11.3 Installation/Modification of Highway Lighting

All roadway lighting on the State Highway System shall be approved for installation and functional operation through the SHA Office of Traffic and Safety. Installation and equipment costs shall be the permittee's responsibility.

7.11.4 Energy Costs

Energy costs for approved roadway lighting will be accepted by SHA. Energy costs for ornamental or site lighting shall be the permittee's responsibility. The permittee shall contact the SHA District Utility Engineer or the appropriate utility company, respectively, to initiate billing for the energy costs.

7.12 Miscellaneous Construction Requirements

The following requirements are conditions of every permit, in addition to the identified construction scope and improvements:

7.12.1 Use of Access

Vehicular access to and from the subject site by the public, for the purpose of conducting business for the permitted use of the property, shall not be allowed until such time as the work herein specified has been fully completed in accordance with the permit and accepted for maintenance by SHA.

7.12.2 Stabilized Construction Entrance

If the access area is to be used for construction traffic prior to completion of the access, a standard stabilized construction entrance (SCE-1) shall be constructed at the direction of the SHA Permit Inspector. The construction entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto the SHA right-of-way. This may require periodic top dressing with additional stone as conditions demand, and repair and/or clean out of any sediment control measures.

7.12.3 Surface Treatment of Graded Slopes

Graded cut and fill slopes in the public right-of-way are to be sodded or seeded and mulched and completely stabilized to the satisfaction of SHA.

7.12.4 Incidental Disturbance

All existing pavement, curb and gutter, monolithic median, islands, and sidewalk disturbed incidentally during construction of the work covered by this permit shall be replaced in kind, subject to approval of the SHA Permit Inspector.

7.12.5 Traffic Barrier Not Specified In Permit

In the fill areas where the cross slope of the embankment fill is steeper than 3:1 (horizontal : vertical), and the height of the fill exceeds 5', Standard Traffic Barrier "W" Beam is required as directed by the SHA Permit Inspector.

7.12.6 Abandoned Project

It shall be the responsibility of the applicant and/or the applicant's contractor to restore the right-of-way to its original condition if construction begins but is abandoned prior to completion.

7.12.7 Mud and Debris Tracking

All mud and debris tracked and/or spilled on the State highway shall be removed promptly to protect public safety, eliminate potential hazards, and comply with

sediment control requirements. SHA will bill the permittee for the costs of cleanup and/or report non-compliance to the appropriate sediment control authority.

7.12.8 Fire Hydrants

Fire hydrants on or adjacent to the project shall be kept accessible to fire departments at all times and no material or obstruction shall be placed within fifteen feet of any such hydrant. All footways, gutters, sewer inlets adjoining the work under construction shall not be obstructed more than is absolutely necessary. Construction zones closed down for the winter or at any other times shall be left entirely accessible at all points to fire apparatus.

7.12.9 Tree Impacts

Proposed removal, selective thinning, or pruning of any trees within SHA right-of-way must be reviewed and approved by SHA's Office of Environmental Design - Landscape Operations Division prior to contacting the Maryland Department of Natural Resources-Forest Service, to determine whether that is permissible under the Annotated Code of Maryland, Title 08, Subtitle 07, Chapter 02.

7.13 Responsibility for Damages

7.13.1 Permits Issued to Private Developers

The permittee shall indemnify and save harmless the SHA and all of its agents, servants and employees from all suits, actions, or claims of any character brought on account of any injuries or damages to person or property occurring as a result of any act or omission by the permittee or their agent, servant, consultant or independent contractor employed by the permittee for the performance of the work required or identified in the permit or the preparation for the performance of the work set forth in the permit, including but not limited to the formulation of plans or plats.

7.13.2 Permits Issued to Counties and Municipalities

The permittee shall, subject to the availability of appropriations and the limitations of the Local Government Tort Claims Act, Subtitle 4 of Title 5 of the Courts & Judicial Proceedings article of the Annotated Code of Maryland, indemnify, defend and save harmless SHA, and all its representatives from all suits, actions, or claims of any character brought on account of any injuries or damages sustained by any person or property due to acts or omissions on the part of employees, officers or agents of permittee in connection with the work performed pursuant to this Permit. The permittee further agrees that it shall require its contractor(s) to purchase and maintain comprehensive general public liability and property damage insurance pursuant to

Maryland Department of Transportation, State Highway Administration, General Provisions for Construction Contracts, GP-7.14, and Maryland Department of Transportation, State Highway Administration, Standard Specifications for Construction and Materials, TC-5.01. The Contractor will obtain a certificate of insurance naming SHA as additional insured and will provide SHA and permittee satisfactory documented proof thereof.

7.13.3 Road-Side Restoration

Consistent with the language from the SHA Utility Permit General Provisions 001.03.18.01:

- The permittee will be responsible for replacing, repairing, or restoring anything removed or damaged as a result of any activity performed under this permit including but not limited to all curbs, medians, gutters, drains, fences, sidewalks, steps, rails, walls, signs, structures, crosswalks, mailboxes, etc. to their original condition to the complete satisfaction of the SHA and adjacent property owners.
- Any removal, adjustment, or relocations of traffic barrier, guardrails, posts, or end treatments is strictly prohibited except when authorized by individual permit applications. Traffic barriers shall be replaced in accordance with SHA's Book of Standards for Highway & Incidental Structures, Category 6 – Shoulders; Standard Specifications for Construction and Materials, Section 604 - Concrete Traffic Barriers, Section 605 – Metal Traffic Barriers, and Section 605 - Traffic Barrier End Treatments; and Guidelines for Traffic Barrier Placement and End Treatment Design.
- (Chain link) Fencing removed for construction is to be restored to its original condition. All fence openings shall be completely restored prior to the end of each working shift. Fences shall be replaced in accordance with SHA's Standard Specifications for Construction and Materials- Category 600 Shoulders, and SHA's Book of Standards for Highway & Incidental Structures- Standards Nos. MD 690.01 thru MD 692.01 as applicable.
- The removal, adjustment, or relocation of signs, delineators, markers, crosswalks, and other traffic control facilities or devices is strictly prohibited except as specifically authorized by the Complete Authorized Utility Permit. SHA traffic control facilities or devices shall not be removed until immediately prior to the permit activity requiring removal and shall be replaced in their original locations immediately upon completion of said permit activity. SHA traffic control facilities or devices disturbed or damaged by the permittee's activities shall be repaired, replaced, or otherwise restored to the satisfaction of the SHA in accordance with SHA's Book of Standards for Highway & Incidental Structures;

Standard Specifications for Construction and Materials; and the Maryland Manual on Uniform Traffic Control Devices. Delineators removed for construction shall be replaced to their original height and position upon the immediate completion of activities in accordance with SHA's Book of Standards for Highway & Incidental Structures, Standard Nos. MD 665.01 thru MD 665.06; and the Maryland Manual on Uniform Traffic Control Devices

7.14 Right-of-Way Responsibilities

The following continuing responsibilities are imposed on the permittee, their successors and assigns with respect to the improved property frontage adjacent to a State highway.

7.14.1 Maintenance

Adjacent property owners are responsible for maintaining the property frontage including all areas from the drainage flow line or front face of curb to the State right-of-way line, both during and following construction. Sidewalks and shared use paths may be required by SHA and will not be maintained by SHA and will be the responsibility of the local jurisdiction to identify maintenance responsibilities.

7.14.2 Future Sidewalk and Shared-Use Path

When sidewalk and shared use path are constructed, it shall be the adjacent property owner's responsibility to provide curb ramps in accordance with State standards in effect at that time.

7.14.3 Obstructions

No obstructions shall be placed on or within the SHA right-of-way without written permission.

7.14.4 Signs and Lights

No signs or lights will be permitted on or above the State's right-of-way. (Except approved signs, traffic signals, lighting, etc.)

7.14.5 Mailboxes

If mailboxes are erected within the SHA right-of-way, they must be placed on a breakaway type post or support. The maximum size wooden post will be 4" x 4". The maximum size pipe support will be 2" in diameter. Any other type of support (ornamental) shall not have a structural strength greater than either of these. The owner will be directed to remove any mailbox support of a size greater than the

aforementioned; and if not removed by the owner and/or permittee, it will be removed by SHA. SHA is not responsible for any damage to mailboxes regardless of how the damage may occur.

7.14.6 Plantings

Through the access permit, permission may be granted to plant in the area behind the roadside curb. Maintenance of vegetation behind the roadside curb is the responsibility of the property owner. The plants shall be maintained at a maximum height of 18", and the plants shall be trimmed so they will not overhang the outside edge of the concrete curb. Where grass is planted, it shall be mowed and trimmed periodically to ensure a neat appearance.

7.15 Future Adjustments

7.15.1 Site Development

Any expansion and/or modification of the development, or change of use or occupancy of the property, may require the approval of the SHA with respect to highway access or non-motorized accommodations such as sidewalks and accessible ramps, independent of local government requirements. SHA may require the owner, developer, or tenant to obtain a new access permit to remove, modify, or reconstruct the entrance in accordance with current SHA requirements in effect at that time of occupancy and deemed necessary by the SHA.

7.15.2 Median Crossovers

If any State highway is modified to become a dual or divided highway containing a median, or if a median is already in place, SHA may decline to construct or allow the construction of a crossover through the median that would allow left turns to and from the property. SHA reserves the right to restrict or eliminate the use of existing crossovers and new crossovers established under permit.

CHAPTER 8 – REFERENCES

Maryland Code and Court Rules - Land Use Article

[MARYLAND CODE AND COURT RULES | Public Access | Main Page](#)

Maryland Department of Transportation 750 Complete Streets

[MDOT 750 Complete Streets - MDOT Policy Manual](#)

Maryland Department of Transportation 720 Maryland State-Owned Roadway Access Management

[MDOT 720 Maryland State-Owned Roadway Access Management - MDOT Policy Manual](#)

Maryland Regulations Title 11, Subtitle 04, Chapter 06

[Chapter 06 Residential Entrance Permits | Library of Maryland Regulations](#)

Maryland Regulations Title 11, Subtitle 04, Chapter 05

[Chapter 06 Residential Entrance Permits | Library of Maryland Regulations](#)

Maryland State Highway Administration Access Permits Submittal Review Status

roads.maryland.gov/mdotsha/pages/amd.aspx

Maryland State Highway Administration Access Permits Issues Resolution Matrix

[Access Permit Communication Matrix](#)

Maryland State Highway Administration Context Driver Guide Access and Mobility for All Users

[Context Driven Guide](#)

Maryland State Highway Administration Highway Location Reference

[Highway Location Reference](#)

Maryland State Highway Administration Book of Standards - for Highway & Incidental Structures

[Book of Standards](#)

Maryland State Highway Administration Standard and Supplemental Specifications For Construction and Materials

[Standard and Supplemental Specifications For Construction and Materials](#)

Maryland State Highway Administration Utility Permit General Provisions

[Utility-Permit-General-Provisions.pdf](#)

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Maryland Statute Search (for Articles 2-103(b)(2), 2-112, 8-202(b)(2)(i); 8-203(a); 8-204(b), (c), (i), 8-204.1, 8-625, 8-1003, 8-625, 8-629, and 8-646)

[Laws - Statutes](#)

Transportation Research Board Access Manual 2nd Edition

[Access Management Manual, 2nd ed.](#) | [Blurbs New](#) | [Blurbs](#) | [Main](#)

These references are not all inclusive nor represent the latest versions of these documents. The user should refer to the latest guidance available for the listed documents and SHA's list of Manuals, Standard and Publications which can be found on SHA's internet page - [Manuals, Standards and Publications](#).