



U.S. Department
of Transportation
**Federal Highway
Administration**

Maryland Division

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September 20, 2022

In Reply Refer To:
HDA-MD

Mr. James F. Ports, Jr.
Secretary
Maryland Department of Transportation

Dear Mr. Ports:

We received your letter dated September 2, 2022 requesting FHWA's determination regarding allowing MDOT to restrict public access on State routes (or ramps) and limit access to local residents only (or limited public access) during heavy congestion periods. You also requested FHWA's determination on whether MDOT's access to federal-aid funds would be jeopardized by implementing this type of restriction.

Federal regulations, 23 CFR 460.2(c), provide the following definition for a roadway being open to public travel: "Open to public travel means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration." Limiting access to local residents only during periods of heavy congestion does not align with the exceptions allowed in the above referenced regulations.

Also, 23 CFR Part 460 – Public Road Milage for Apportionment of Highway Safety Funds prescribes the policies and procedures followed in identifying and reporting public road mileage for utilization in the statutory formula for the apportionment of highway safety funds under 23 U.S.C. 402(c). Therefore, limiting public travel on a roadway could affect Maryland's annual certification of public road mileage used in computing the State's apportionment of high safety funds.

If you have any questions concerning this determination, please contact Mr. Breck Jeffers at (410) 779-7153.

Sincerely,

Gregory Murrill
Division Administrator

cc:

William Pines, P.E., PMP, CCM, Executive Director, MDTA

Tim Smith, PE, Administrator, MDOT SHA

Lamin S. Williams, Deputy Division Administrator, FHWA Maryland