

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 1255 (Delegate Gutierrez, *et al.*)  
Environmental Matters

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**Vehicle Laws - High Occupancy Vehicle Lanes - Unrestricted Use by All Vehicles**

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This bill requires the State Highway Administration (SHA) and law enforcement agencies to open High Occupancy Vehicle (HOV) lanes to all vehicles regardless of the number of occupants under specified circumstances if a serious accident has occurred.

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**Fiscal Summary**

**State Effect:** None. The bill codifies existing practice.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill defines HOV lane as a high occupancy vehicle lane that is restricted at specifies times to vehicles carrying a certain number of occupants. SHA and law enforcement personnel with jurisdiction over the highway must open the HOV lanes to all vehicles when a serious accident causes traffic in the lanes of the highway adjacent to the HOV lane to slow down. The traffic must be moving more than 15 miles per hour below the normal speed for the highway for the time at which the accident occurred. When traffic has sped up again to within 15 miles per hour below the normal speed of traffic, the HOV lanes will be closed to ineligible vehicles.

SHA must indicate when the HOV lanes are open under this provision on any electronic traffic control devices such as signs that designate a portion of the highway as an HOV lane.

**Current Law:** The General Assembly assents to the federal-aid highway acts of the United States Congress and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. SHA may do anything necessary or desirable to comply with any term, condition, or provision to obtain the benefits of any of the federal Acts.

Significant operational changes to HOV lanes, such as a proposal to significantly adjust the hours of operation, or convert an HOV lane to a general purpose lane, are not permitted without the Federal Highway Administration's (FHWA) approval if the lanes were designed and constructed with certain federal funds. This restriction applies to I-270 and U.S. 50.

**Background:** HOV lanes are designed to reduce traffic congestion and encourage individuals to arrange to travel with other individuals. When traffic is congested, HOV lanes can carry more people than a general-purpose lane of traffic as there are more people per vehicle.

Federal law requires the States to restrict usage of HOV lanes to motor vehicles with more than a certain number of occupants. Some HOV lanes restrict usage to these vehicles during peak commuting times, whereas other lanes restrict usage to these vehicles at all times.

FHWA advises that it would be unlikely to have an issue with requiring SHA to open up the HOV lanes in case of an accident as long as the triggering circumstances (an accident causing traffic to slow down more than 15 miles below normal operating speed) are relatively rare. Otherwise, FHWA would not approve of such a policy.

Currently, the State lifts HOV lane restrictions in case of an accident that blocks traffic. SHA lifts HOV lane restrictions at the request of the duty officer at the State Police installation near where the HOV lane is located. The State Police advises that this is an infrequent request.

The Virginia Department of Transportation currently lifts HOV lane restrictions in conjunction with, or at the request of the Virginia State Police Department. The police only make such a request if an accident is deemed to be a major incident that will take an extended period of time to clear. Other states, including Texas, have areas in the state with a uniform policy on when HOV lanes will be opened due to an accident; usually, however, HOV lane restrictions are lifted on a case-by-case basis as determined by local law enforcement.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 709 (Senator Forehand) – Judicial Proceedings.

**Information Source(s):** Department of State Police, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2005  
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