

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 229

(Chair, Environment and Transportation Committee)(By
Request - Departmental - Transportation)

Environment and Transportation

Judicial Proceedings

Commercial Motor Vehicles - Operation - Transportation Emergencies

This departmental bill authorizes the Secretary of Transportation to waive specified safety regulations for commercial motor vehicles in intrastate travel under specified circumstances to facilitate emergency relief efforts. The bill defines and alters certain terms related to transportation emergencies. The bill also authorizes the Secretary to extend a transportation emergency period in specified circumstances.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: The Maryland Department of Transportation (MDOT) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: The bill defines several terms related to transportation emergencies.

- “Direct assistance” is the provision of transportation and other relief services by a motor carrier or its drivers for the immediate restoration of essential services or the delivery of essential supplies. The term does not include (1) transportation related to the long-term rehabilitation of damaged physical infrastructure or (2) routine

commercial deliveries made after the initial threat to life or property caused by a transportation emergency has passed.

- “Emergency relief” is an operation for which a motor carrier or driver of a commercial motor vehicle, in response to a transportation emergency, provides direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health or safety.
- “Essential services” includes electric or natural gas service, medical care, sewer service, water service, telecommunications service, or telecommunication transmissions. “Essential supplies” includes food or fuel.
- “Natural or man-made emergency” means a hurricane, tornado, thunderstorm, snowstorm, ice storm, blizzard, flood, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, electricity blackout, or any other similar occurrence.

The bill also redefines “transportation emergency” to mean any natural or man-made emergency that interrupts or may interrupt the delivery of essential services or essential supplies or otherwise immediately threatens human life or public welfare.

The bill establishes that the Secretary or the Secretary’s designee may waive all or part of specified Federal Motor Carrier Safety Regulations (FMCSRs) that have been adopted for intrastate motor carrier transportation if the Secretary (or the Secretary’s designee) reasonably expects that the waiver will facilitate emergency relief efforts. The waiver only applies to motor carriers and drivers operating commercial motor vehicles while providing emergency relief. Additionally, when a transportation emergency ends, an empty motor carrier or the driver of an empty motor carrier may return to the motor carrier’s terminal or the driver’s normal work reporting location.

The bill clarifies that a transportation emergency declared by the Secretary or the Secretary’s designee lasts for the lesser of 5 days from the date of the initial declaration or for the duration of the emergency conditions. If conditions warrant, the Secretary or the Secretary’s designee may renew a transportation emergency beyond the initial 5-day period for up to three renewal periods of 5 days each. A transportation emergency may not extend for more than 20 days. If emergency conditions last for more than 20 days, the Governor may take any authorized action to facilitate emergency relief efforts through a declaration of a state of emergency pursuant to requirements in the Public Safety Article.

Current Law: “Transportation emergency” is any natural or man-made emergency that disrupts or hinders the free flow of traffic on the State’s highways and local streets and roads for more than eight hours so that public safety is or may be threatened as a result.

The Secretary of Transportation or the Secretary's designee must waive specified maximum hours-of-service (HOS) time limits for all interstate and intrastate drivers providing direct assistance in restoring normal operations. The waiver must include the hours of duty status accrued by (and must apply only to) drivers providing direct assistance in restoring normal operations in the State, or to drivers of emergency vehicles operated under the direction of State and local governments or their agents when providing direct assistance in clearing and opening State highways and local streets and roads to allow free flow of traffic.

A transportation emergency declared by the Secretary or the Secretary's designee may not extend for more than five days, unless renewed by the Governor pursuant to requirements in the Public Safety Article.

Background: MDOT advises that, although State motor carrier safety regulations are permitted to be more restrictive than FMCSRs, current restrictions in the Transportation Article regarding Maryland's intrastate waiver of such regulations hinder the State's ability to efficiently respond to emergency situations. The impact of a variety of emergency situations could be mitigated quickly and efficiently with a waiver from MDOT. However, because such waivers occur only when circumstances meet the limited definition of a transportation emergency, an MDOT waiver is often not an option under current law.

For example, long periods of unanticipated cold weather during the winter of 2014-2015 caused an unusually high demand for home heating fuels that could not be met if carriers were required to abide by maximum HOS time limits. MDOT advises a temporary waiver of specific HOS requirements could have mitigated the impact of the cold weather and decreased the potential loss of life. Currently, the only State tool available to address such issues is an emergency declared by the Governor.

MDOT also advises that "transportation emergency" under current State law is defined more restrictively than comparable federal regulations. Mirroring the federal conditions for temporary waivers related to motor carrier safety regulations would improve the State's ability to respond to emergency conditions. Furthermore, MDOT advises, it would make inter- and intrastate regulations more consistent, minimizing confusion on the part of private industry and facilitate consistent enforcement of safety regulations by law enforcement personnel.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 10, 2016
min/ljm Revised - House Third Reader - March 23, 2016

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Commercial Motor Vehicles – Exemptions and Transportation Emergencies

BILL NUMBER: HB 229

PREPARED BY: Maryland Department of Transportation
(Dept./Agency)

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

A variety of businesses, including small businesses, will be better able to meet demand for essential goods and services in emergency conditions. Improved efficiency and flexibility of response to emergency conditions will also reduce the likelihood of safety issues for and economic damage to Maryland businesses resulting from weather events or other incidents. The extent to which this would impact Maryland small businesses is unclear, so a specific estimate is indeterminate.