

Article - Transportation

§8-613.2.

(a) (1) In this section the following words have the meanings indicated.

(2) “Roadway” has the meaning stated in § 11-151 of this article.

(3) “Shoulder” has the meaning stated in § 21-101 of this article.

(b) The Administration shall develop procedures in accordance with subsection (d) of this section to enhance the safety of highway construction, maintenance, utility, and other highway workers during construction or maintenance work on an expressway or controlled access highway with a posted speed limit of 45 miles per hour or more.

(c) A county, municipal corporation, the Administration, or the Maryland Transportation Authority, with respect to highways under its jurisdiction, shall incorporate the procedures developed under subsection (b) of this section into the project planning phase and construction phase of a proposed highway project for an expressway or controlled access highway with a posted speed limit of 45 miles per hour or more.

(d) (1) (i) This paragraph applies to work that is:

1. Performed in a roadway; and
2. Expected to last at least two weeks.

(ii) The procedures developed under subsection (b) of this section shall ensure that for each highway construction or maintenance project, priority is given to performing the proposed highway construction or maintenance work in the absence of adjacent traffic through full or temporary closure of the highway at the location of the construction or maintenance work, if the closure is determined to be feasible after consideration of the following:

1. Safety of the traveling public;
2. Availability and feasibility of detours;
3. Access to abutting businesses, residences, and other

facilities; and

4. Delays that may result from full or temporary closure of the highway.

(2) (i) This paragraph applies to work that is:

1. Performed in a roadway, if a county, municipal corporation, the Administration, or the Maryland Transportation Authority, with respect to highways under its jurisdiction, determines that full or temporary highway closure under paragraph (1) of this subsection is not feasible; or

2. Performed on the shoulder and expected to last at least two weeks.

(ii) A county, municipal corporation, the Administration, or the Maryland Transportation Authority, with respect to highways under its jurisdiction, shall consider protecting highway construction and maintenance workers by means of:

1. Temporary traffic barriers;

2. Movable concrete barriers;

3. Movable link–system barriers; or

4. Other available barrier systems.

(iii) Consideration of the use of barriers under this paragraph shall include consideration of the feasibility of temporarily widening a highway to allow for the installation of the barriers.

(iv) For a highway construction or maintenance project that utilizes barriers under this paragraph, a county, municipal corporation, the Administration, or the Maryland Transportation Authority, with respect to highways under its jurisdiction, may provide for a law enforcement presence at or near the site of the construction or maintenance work in accordance with paragraph (3) of this subsection.

(3) (i) This paragraph applies to work that is:

1. Performed in a roadway or performed on the shoulder; and

2. Expected to last at least two weeks.

(ii) If a county, municipal corporation, the Administration, or the Maryland Transportation Authority, with respect to highways under its jurisdiction, determines that highway closure under paragraph (1) of this subsection and installation of barriers under paragraph (2) of this subsection are not feasible, a county, municipal corporation, the Administration, or the Maryland Transportation Authority, with respect to highways under its jurisdiction, may provide for at least one law enforcement officer to be present at or near the site of the construction or maintenance work when workers are present.

(iii) A law enforcement officer present at or near the site of a highway construction or maintenance project under subparagraph (i) of this paragraph may:

1. Be in uniform;
2. Be in a marked law enforcement vehicle;
3. Display the visual lights or signal devices installed on the law enforcement vehicle; and
4. Be located at or near the site of the highway construction or maintenance project in a manner to:
 - A. Enhance worker safety; and
 - B. Facilitate the enforcement of traffic laws.

(iv) A law enforcement officer present at or near the site of a highway construction or maintenance project under subparagraph (ii) of this paragraph may take any authorized action to enforce traffic laws at or near the project.