

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 460

(Senator Waldstreicher, *et al.*)

Judicial Proceedings

Environment and Transportation

Pedestrian Safety Fund Act of 2019

This bill establishes the Pedestrian Safety Fund administered by the Secretary of Transportation. The bill also increases the maximum fine, from \$500 to \$1,000, when a driver contributes to an accident by (1) failing to come to a stop when a pedestrian is crossing the roadway in a crosswalk, as specified, or (2) overtaking and passing a stopped vehicle that is allowing a pedestrian to cross the roadway at a marked crosswalk or at an unmarked crosswalk at an intersection. The bill requires *all* fines collected for these violations to be dedicated to the special fund. The fund also consists of (1) money appropriated in the State budget for the fund; (2) any interest earnings of the fund; and (3) any other money from any source accepted for the benefit of the fund.

Fiscal Summary

State Effect: General fund revenues decrease minimally beginning in FY 2020 as penalty revenues are diverted to the new special fund established by the bill. Special fund revenues and expenditures for the fund increase by at least that amount, as discussed below. In FY 2020 only, general fund expenditures increase by about \$74,500 for reprogramming.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
GF Revenue	(-)	(-)	(-)	(-)	(-)
SF Revenue	-	-	-	-	-
GF Expenditure	\$74,500	\$0	\$0	\$0	\$0
SF Expenditure	-	-	-	-	-
Net Effect	(\$74,500)	(\$-)	(\$-)	(\$-)	(\$-)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

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

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The fund may be used only for enhancing the safety and quality of pedestrian and bicycle transportation, including:

- developing and providing educational programming for bicyclists, motorists, and pedestrians that raises the awareness of their joint responsibility to follow the rules of the road;
- physical design changes that calm traffic, minimize conflicts among street users, and protect bicyclists, motorists, and pedestrians, including specified design changes; and
- increasing enforcement of existing rules of the road, such as by using radar speed display signs in areas where pedestrian crashes have occurred.

Current Law: The driver of a vehicle must come to a stop when a pedestrian crossing the roadway in a crosswalk is (1) on the half of the roadway on which the vehicle is traveling or (2) approaching from an adjacent lane on the other half of the roadway. However, this provision does not apply where (1) a pedestrian tunnel or overhead pedestrian crossing is provided or (2) a traffic control signal is in operation.

If a vehicle is stopped at a marked (or unmarked) crosswalk at an intersection to let a pedestrian cross the roadway, the driver of any other vehicle approaching from the rear is prohibited from overtaking and passing the stopped vehicle.

A violation of these provisions is a misdemeanor subject to a maximum fine of \$500. The prepayment penalty for each violation is \$80 and, upon conviction, one point is assessed against the driver's license. If the violation contributes to an accident, the person charged with the violation must appear in court and may not prepay the fine. In addition, upon conviction, three points are assessed against the driver's license.

Background: According to the District Court, in fiscal 2018, there were 2 violations and 2 guilty dispositions for a driver failing to stop for a pedestrian in a crosswalk that contributed to an accident. In addition, there were 67 violations and 44 guilty dispositions for a driver passing a vehicle stopped for a pedestrian at a crosswalk that contributed to an accident.

State Fiscal Effect: In fiscal 2020 only, the District Court advises that reprogramming changes totaling about \$74,450 are necessary in order to implement the bill's requirements.

Beginning in fiscal 2020, general fund revenues decrease as fine revenues are diverted to the new special fund. As noted above, a violation of Transportation Article § 21-502(a)

(failing to stop for a pedestrian in a crosswalk) or § 21-502(c) (passing a vehicle stopped for a pedestrian at a crosswalk) that contributes to an accident requires an appearance in court. The District Court does not track the amount of any fines paid by individuals convicted of these violations. As a result, the exact decrease in general fund revenues under the bill cannot be estimated.

As an illustrative example only, assuming the number of convictions remains constant in future years and that the convicted individuals pay a \$250 fine, general fund revenues decrease by about \$8,625 in fiscal 2020 and by \$11,500 in subsequent years. Special fund revenues and expenditures for the new fund increase by at least that amount each year for the identified pedestrian safety projects. To the extent that violators pay a higher penalty as a result of the higher maximum fine established by the bill, additional monies may be received by the fund. Moreover, if the number of violations and convictions increases or decreases in future years, more or less funding may be available for the projects authorized under the bill.

Additional Information

Prior Introductions: None.

Cross File: HB 517 (Delegate Stewart, *et al.*) - Environment and Transportation.

Information Source(s): Garrett and Montgomery counties; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Maryland Association of Counties; Department of Legislative Services

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