
By: **Delegate Malone**

Rules suspended

Introduced and read first time: March 16, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration - Protection of Highway Construction and**
3 **Maintenance Workers**

4 FOR the purpose of requiring the State Highway Administration to develop certain
5 procedures to ensure the safety of highway construction and maintenance
6 workers during construction or maintenance work on certain highways;
7 requiring the Administration or the appropriate local authority to incorporate
8 the procedures into the project planning and construction phases of certain
9 proposed highway projects; requiring procedures developed under this Act to
10 include certain methods of protecting highway construction and maintenance
11 workers, including closure of certain highways in a certain manner, the use of
12 certain barriers, or maintenance of a law enforcement presence at or near the
13 site of certain highway construction or maintenance projects; and generally
14 relating to the protection of certain highway construction and maintenance
15 workers.

16 BY repealing and reenacting, without amendments,
17 Article - Transportation
18 Section 8-610(a), (b), (g), (h), and (i)
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2005 Supplement)

21 BY adding to
22 Article - Transportation
23 Section 8-613.2
24 Annotated Code of Maryland
25 (2001 Replacement Volume and 2005 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Transportation

2 8-610.

3 (a) In this part the following words have the meanings indicated.

4 (b) (1) "Construction phase" means the phase in which a highway project is
5 advanced through detailed engineering, property acquisition, and construction to
6 completion.7 (2) This definition does not preclude the Administration from acquiring
8 property during the project planning phase, and the completion of property
9 acquisition does not constitute a commitment to the project's alignment or
10 construction.11 (g) "Project planning phase" means the phase in which engineering and
12 environmental studies and analyses are conducted with full participation of the
13 public, in addition to local, State, and federal agencies, to determine the scope and
14 location of a proposed highway project.15 (h) "Initial project planning phase" means that portion of the project planning
16 phase which includes:

17 (1) Notification of local, State, and federal officials;

18 (2) Initial interagency review;

19 (3) Initial systems planning;

20 (4) Identification of alternatives, as set forth in § 8-102 of this title, for
21 the scope and the location of the project;22 (5) Estimates of right-of-way requirements, including available detail
23 with respect to specific properties affected, and of cost;

24 (6) Public meetings for discussion of the foregoing; and

25 (7) Reports of consultants, if any have been retained for the analysis of
26 preliminary alternatives.27 (i) "Final project planning phase" means that portion of the project planning
28 phase which follows the initial project planning phase. The final project planning
29 phase includes:

30 (1) Detailed review of alternatives;

31 (2) Selection of final alignment and scope;

32 (3) Preparation of final environmental impact documents;

33 (4) Detailed design and engineering studies;

- 1 (5) Any formal federal approval of design and location;
- 2 (6) Full participation of the public; and
- 3 (7) Full participation of local, State, and federal agencies.

4 8-613.2.

5 (A) THE ADMINISTRATION SHALL DEVELOP PROCEDURES IN ACCORDANCE
6 WITH SUBSECTION (C) OF THIS SECTION TO ENSURE THE SAFETY OF HIGHWAY
7 CONSTRUCTION AND MAINTENANCE WORKERS DURING CONSTRUCTION OR
8 MAINTENANCE WORK ON A HIGHWAY WITH A POSTED SPEED LIMIT OF 50 MILES PER
9 HOUR OR MORE.

10 (B) THE ADMINISTRATION OR THE APPROPRIATE LOCAL AUTHORITY SHALL
11 INCORPORATE THE PROCEDURES DEVELOPED UNDER SUBSECTION (A) OF THIS
12 SECTION INTO THE PROJECT PLANNING PHASE AND CONSTRUCTION PHASE OF A
13 PROPOSED HIGHWAY PROJECT FOR A HIGHWAY WITH A POSTED SPEED LIMIT OF 50
14 MILES PER HOUR OR MORE.

15 (C) (1) THE PROCEDURES DEVELOPED UNDER SUBSECTION (A) OF THIS
16 SECTION SHALL ENSURE THAT FOR EACH HIGHWAY CONSTRUCTION OR
17 MAINTENANCE PROJECT, PRIORITY IS GIVEN TO PERFORMING THE PROPOSED
18 HIGHWAY CONSTRUCTION OR MAINTENANCE WORK IN THE ABSENCE OF ADJACENT
19 TRAFFIC THROUGH FULL OR PARTIAL CLOSURE OF THE HIGHWAY AT THE LOCATION
20 OF THE CONSTRUCTION OR MAINTENANCE WORK, IF THE CLOSURE IS DETERMINED
21 TO BE FEASIBLE AFTER CONSIDERATION OF THE FOLLOWING:

- 22 (I) SAFETY OF THE TRAVELING PUBLIC;
- 23 (II) AVAILABILITY AND FEASIBILITY OF DETOURS;
- 24 (III) ACCESS TO ABUTTING BUSINESSES, RESIDENCES, AND OTHER
25 FACILITIES; AND
- 26 (IV) DELAYS THAT MAY RESULT FROM FULL OR PARTIAL CLOSURE
27 OF THE HIGHWAY.

28 (2) (I) IF THE ADMINISTRATION OR THE APPROPRIATE LOCAL
29 AUTHORITY DETERMINES THAT FULL OR PARTIAL HIGHWAY CLOSURE UNDER
30 PARAGRAPH (1) OF THIS SUBSECTION IS NOT FEASIBLE, THE ADMINISTRATION OR
31 THE APPROPRIATE LOCAL AUTHORITY SHALL CONSIDER PROTECTING HIGHWAY
32 CONSTRUCTION AND MAINTENANCE WORKERS BY MEANS OF:

- 33 1. TEMPORARY TRAFFIC BARRIERS;
- 34 2. MOVABLE CONCRETE BARRIERS;
- 35 3. MOVABLE LINK-SYSTEM BARRIERS; OR
- 36 4. OTHER AVAILABLE BARRIER SYSTEMS.

1 (II) CONSIDERATION OF THE USE OF BARRIERS UNDER THIS
2 PARAGRAPH SHALL INCLUDE CONSIDERATION OF THE FEASIBILITY OF
3 TEMPORARILY WIDENING A HIGHWAY TO ALLOW FOR THE INSTALLATION OF THE
4 BARRIERS.

5 (III) FOR A HIGHWAY CONSTRUCTION OR MAINTENANCE PROJECT
6 THAT UTILIZES BARRIERS UNDER THIS PARAGRAPH, THE ADMINISTRATION OR THE
7 APPROPRIATE LOCAL AUTHORITY MAY PROVIDE FOR A LAW ENFORCEMENT
8 PRESENCE AT OR NEAR THE SITE OF THE CONSTRUCTION OR MAINTENANCE WORK
9 IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.

10 (3) (I) IF THE ADMINISTRATION OR THE APPROPRIATE LOCAL
11 AUTHORITY DETERMINES THAT HIGHWAY CLOSURE UNDER PARAGRAPH (1) OF THIS
12 SUBSECTION AND INSTALLATION OF BARRIERS UNDER PARAGRAPH (2) OF THIS
13 SUBSECTION ARE NOT FEASIBLE, THE ADMINISTRATION OR THE APPROPRIATE
14 LOCAL AUTHORITY SHALL PROVIDE FOR AT LEAST ONE LAW ENFORCEMENT
15 OFFICER TO BE PRESENT AT OR NEAR THE SITE OF THE CONSTRUCTION OR
16 MAINTENANCE WORK WHEN WORKERS ARE PRESENT.

17 (II) A LAW ENFORCEMENT OFFICER PRESENT AT OR NEAR THE
18 SITE OF A HIGHWAY CONSTRUCTION OR MAINTENANCE PROJECT UNDER
19 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:

- 20 1. BE IN UNIFORM;
- 21 2. BE IN A MARKED LAW ENFORCEMENT VEHICLE;
- 22 3. DISPLAY THE VISUAL LIGHTS OR SIGNAL DEVICES
23 INSTALLED ON THE LAW ENFORCEMENT VEHICLE; AND
- 24 4. BE LOCATED AT OR NEAR THE SITE OF THE HIGHWAY
25 CONSTRUCTION OR MAINTENANCE PROJECT IN A MANNER TO:
 - 26 A. ENHANCE WORKER SAFETY; AND
 - 27 B. FACILITATE THE ENFORCEMENT OF TRAFFIC LAWS.

28 (III) A LAW ENFORCEMENT OFFICER PRESENT AT OR NEAR THE
29 SITE OF A HIGHWAY CONSTRUCTION OR MAINTENANCE PROJECT UNDER
30 SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY TAKE ANY APPROPRIATE ACTION TO
31 ENFORCE TRAFFIC LAWS AT OR NEAR THE PROJECT.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2006.