
By: **Senator Stone**

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Committee Report: Favorable with amendments

Senate action: Adopted

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CHAPTER _____

1 AN ACT concerning

2 ~~Vehicle Laws – Highway Work Zones – Law Enforcement Presence and~~
 3 ~~Penalties~~
 4 State Highway Administration - Protection of Highway Construction and
 5 Maintenance Workers

6 ~~FOR the purpose of requiring a county, municipal corporation, or the State Highway~~
 7 ~~Administration to provide for at least one law enforcement officer to be present~~
 8 ~~in or near highway work zones when certain workers are present under certain~~
 9 ~~circumstances; requiring law enforcement officers present in or near highway~~
 10 ~~work zones under this Act to be in uniform, be in marked police vehicles, display~~
 11 ~~certain lights or visual signals, and be located in highway work zones in a~~
 12 ~~certain manner; authorizing law enforcement officers present in or near~~
 13 ~~highway work zones to take any appropriate action to enforce traffic laws in the~~
 14 ~~highway work zone; prohibiting the use of speed monitoring systems to enforce~~
 15 ~~speed limit laws in highway work zones except under certain circumstances;~~
 16 ~~authorizing the State Highway Administrator and the Secretary of State Police~~
 17 ~~to adopt certain regulations; providing for a certain minimum penalty for a first~~
 18 ~~conviction of a violation of certain laws relating to highway work zones;~~
 19 ~~providing for a certain minimum and maximum penalty for a second or~~
 20 ~~subsequent conviction of a violation of certain laws relating to highway work~~
 21 ~~zones within a certain period of time; and generally relating to highway work~~
 22 ~~zones.~~

23 FOR the purpose of requiring the State Highway Administration to develop certain
 24 procedures to ensure the safety of highway construction and maintenance
 25 workers during construction or maintenance work on certain expressways and
 26 controlled access highways; requiring the Administration or the appropriate

1 local authority to incorporate the procedures into the project planning and
2 construction phases of certain proposed highway projects; requiring procedures
3 developed under this Act to include certain methods of protecting highway
4 construction and maintenance workers, including closure of certain highways in
5 a certain manner, the use of certain barriers, or maintenance of a law
6 enforcement presence at or near the site of certain highway construction or
7 maintenance projects; prohibiting the use of speed monitoring systems to
8 enforce speed limits at the site of certain highway construction or maintenance
9 projects under certain circumstances; and generally relating to the protection of
10 certain highway construction and maintenance workers.

11 BY repealing and reenacting, without amendments,
12 Article - Transportation
13 Section 8-610(a), (b), (g), (h), and (i)
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2005 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Transportation
18 Section 11-151 and 21-101(a) and (m)
19 Annotated Code of Maryland
20 (2002 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 ~~BY repealing and reenacting, with amendments,~~
27 ~~Article - Transportation~~
28 ~~Section 21-802.1 and 27-101(m)~~
29 ~~Annotated Code of Maryland~~
30 ~~(2002 Replacement Volume and 2005 Supplement)~~

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

33 **Article - Transportation**

34 8-610.

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

1 (b) (1) "Construction phase" means the phase in which a highway project is
2 advanced through detailed engineering, property acquisition, and construction to
3 completion.

4 (2) This definition does not preclude the Administration from acquiring
5 property during the project planning phase, and the completion of property
6 acquisition does not constitute a commitment to the project's alignment or
7 construction.

8 (g) "Project planning phase" means the phase in which engineering and
9 environmental studies and analyses are conducted with full participation of the
10 public, in addition to local, State, and federal agencies, to determine the scope and
11 location of a proposed highway project.

12 (h) "Initial project planning phase" means that portion of the project planning
13 phase which includes:

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

15 (2) Initial interagency review;

16 (3) Initial systems planning;

17 (4) Identification of alternatives, as set forth in § 8-102 of this title, for
18 the scope and the location of the project;

19 (5) Estimates of right-of-way requirements, including available detail
20 with respect to specific properties affected, and of cost;

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

22 (7) Reports of consultants, if any have been retained for the analysis of
23 preliminary alternatives.

24 (i) "Final project planning phase" means that portion of the project planning
25 phase which follows the initial project planning phase. The final project planning
26 phase includes:

27 (1) Detailed review of alternatives;

28 (2) Selection of final alignment and scope;

29 (3) Preparation of final environmental impact documents;

30 (4) Detailed design and engineering studies;

31 (5) Any formal federal approval of design and location;

32 (6) Full participation of the public; and

33 (7) Full participation of local, State, and federal agencies.

1 8-613.2.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "ROADWAY" HAS THE MEANING STATED IN § 11-151 OF THIS ARTICLE.

5 (3) "SHOULDER" HAS THE MEANING STATED IN § 21-101 OF THIS
6 ARTICLE.

7 (B) THE ADMINISTRATION SHALL DEVELOP PROCEDURES IN ACCORDANCE
8 WITH SUBSECTION (D) OF THIS SECTION TO ENSURE THE SAFETY OF HIGHWAY
9 CONSTRUCTION AND MAINTENANCE WORKERS DURING CONSTRUCTION OR
10 MAINTENANCE WORK ON AN EXPRESSWAY OR CONTROLLED ACCESS HIGHWAY WITH
11 A POSTED SPEED LIMIT OF 50 MILES PER HOUR OR MORE.

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

17 (D) (1) (I) THIS PARAGRAPH APPLIES TO WORK THAT IS:

18 1. PERFORMED IN A ROADWAY; AND

19 2. EXPECTED TO LAST AT LEAST 100 HOURS.

20 (II) THE PROCEDURES DEVELOPED UNDER SUBSECTION (B) OF
21 THIS SECTION SHALL ENSURE THAT FOR EACH HIGHWAY CONSTRUCTION OR
22 MAINTENANCE PROJECT, PRIORITY IS GIVEN TO PERFORMING THE PROPOSED
23 HIGHWAY CONSTRUCTION OR MAINTENANCE WORK IN THE ABSENCE OF ADJACENT
24 TRAFFIC THROUGH FULL OR PARTIAL CLOSURE OF THE HIGHWAY AT THE LOCATION
25 OF THE CONSTRUCTION OR MAINTENANCE WORK, IF THE CLOSURE IS DETERMINED
26 TO BE FEASIBLE AFTER CONSIDERATION OF THE FOLLOWING:

27 1. SAFETY OF THE TRAVELING PUBLIC;

28 2. AVAILABILITY AND FEASIBILITY OF DETOURS;

29 3. ACCESS TO ABUTTING BUSINESSES, RESIDENCES, AND
30 OTHER FACILITIES; AND

31 4. DELAYS THAT MAY RESULT FROM FULL OR PARTIAL
32 CLOSURE OF THE HIGHWAY.

33 (2) (I) THIS PARAGRAPH APPLIES TO WORK THAT IS:

34 1. PERFORMED IN A ROADWAY, IF THE ADMINISTRATION OR
35 THE APPROPRIATE LOCAL AUTHORITY DETERMINES THAT FULL OR PARTIAL

- 1 2. BE IN A MARKED LAW ENFORCEMENT VEHICLE;
- 2 3. DISPLAY THE VISUAL LIGHTS OR SIGNAL DEVICES
 3 INSTALLED ON THE LAW ENFORCEMENT VEHICLE; AND
- 4 4. BE LOCATED AT OR NEAR THE SITE OF THE HIGHWAY
 5 CONSTRUCTION OR MAINTENANCE PROJECT IN A MANNER TO:
- 6 A. ENHANCE WORKER SAFETY; AND
- 7 B. FACILITATE THE ENFORCEMENT OF TRAFFIC LAWS.
- 8 (IV) A LAW ENFORCEMENT OFFICER PRESENT AT OR NEAR THE
 9 SITE OF A HIGHWAY CONSTRUCTION OR MAINTENANCE PROJECT UNDER
 10 SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY TAKE ANY AUTHORIZED ACTION TO
 11 ENFORCE TRAFFIC LAWS AT OR NEAR THE PROJECT.
- 12 (V) EXCEPT AS AUTHORIZED UNDER § 21-809 OF THIS SUBTITLE, A
 13 SPEED LIMIT ESTABLISHED UNDER THIS SECTION MAY NOT BE ENFORCED
 14 THROUGH THE USE OF SPEED MONITORING SYSTEMS.

15 ~~21-802.1.~~

16 (a) ~~In this section, "highway work zone" means a construction or maintenance~~
 17 ~~area on or alongside a highway that is marked by appropriate warning signs or other~~
 18 ~~traffic control devices designating that work is in progress.~~

19 (b) (1) ~~The State Highway Administration may reduce established speed~~
 20 ~~limits in a highway work zone upon a determination that the change is necessary to~~
 21 ~~ensure the public safety.~~

22 (2) ~~A county may:~~

23 (i) ~~Designate an area on a county highway or a highway on which~~
 24 ~~the county is authorized to do work [pursuant to] UNDER a maintenance agreement~~
 25 ~~as a highway work zone; and~~

26 (ii) ~~Reduce established speed limits in the highway work zone after~~
 27 ~~a determination that the change is necessary to ensure the public safety.~~

28 (3) ~~A municipal corporation may:~~

29 (i) ~~Designate an area on a municipal highway or a highway on~~
 30 ~~which the municipal corporation is authorized to do work [pursuant to] UNDER a~~
 31 ~~maintenance agreement as a highway work zone; and~~

32 (ii) ~~Reduce established speed limits in the highway work zone after~~
 33 ~~a determination that the change is necessary to ensure the public safety.~~

34 (e) ~~A speed limit established under this section shall become effective when~~
 35 ~~posted.~~

~~(D) (1) WHEN A WORKER IS PRESENT IN A HIGHWAY WORK ZONE FOR THE PURPOSE OF WORKING ON A HIGHWAY CONSTRUCTION OR MAINTENANCE PROJECT, AT LEAST ONE LAW ENFORCEMENT OFFICER SHALL BE PRESENT IN OR NEAR THE HIGHWAY WORK ZONE.~~

~~(2) A LAW ENFORCEMENT OFFICER PRESENT IN OR NEAR A HIGHWAY WORK ZONE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:~~

~~(I) BE IN UNIFORM;~~

~~(II) BE IN A MARKED LAW ENFORCEMENT VEHICLE;~~

~~(III) DISPLAY THE VISUAL LIGHTS OR SIGNAL DEVICES INSTALLED ON THE LAW ENFORCEMENT VEHICLE; AND~~

~~(IV) BE LOCATED IN OR NEAR THE HIGHWAY WORK ZONE IN A MANNER TO:~~

~~1. ENHANCE CONSTRUCTION OR MAINTENANCE WORKER SAFETY; AND~~

~~2. FACILITATE THE ENFORCEMENT OF TRAFFIC LAWS.~~

~~(3) A LAW ENFORCEMENT OFFICER SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE PROVIDED:~~

~~(I) FOR A COUNTY HIGHWAY OR A HIGHWAY ON WHICH A COUNTY IS AUTHORIZED TO DO WORK UNDER A MAINTENANCE AGREEMENT, BY THE COUNTY;~~

~~(II) FOR A MUNICIPAL HIGHWAY OR A HIGHWAY ON WHICH A MUNICIPAL CORPORATION IS AUTHORIZED TO DO WORK UNDER A MAINTENANCE AGREEMENT, BY THE MUNICIPAL CORPORATION; OR~~

~~(III) FOR ALL OTHER HIGHWAYS, BY THE STATE HIGHWAY ADMINISTRATION.~~

~~(4) A LAW ENFORCEMENT OFFICER PRESENT IN OR NEAR A HIGHWAY WORK ZONE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY TAKE ANY APPROPRIATE ACTION TO ENFORCE TRAFFIC LAWS IN THE HIGHWAY WORK ZONE.~~

~~(E) EXCEPT AS AUTHORIZED UNDER § 21-809 OF THIS SUBTITLE, A SPEED LIMIT ESTABLISHED UNDER THIS SECTION MAY NOT BE ENFORCED THROUGH THE USE OF SPEED MONITORING SYSTEMS.~~

~~(F) THE STATE HIGHWAY ADMINISTRATOR AND THE SECRETARY OF STATE POLICE MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.~~

1 ~~27-101.~~

2 (m) ~~Any person who is convicted of a violation of any of the provisions of §~~
3 ~~21-802.1 of this article (Exceeding speed limit within highway work zone):~~

4 (1) ~~FOR A FIRST OFFENSE, is subject to a fine of not LESS THAN \$250 AND~~
5 ~~NOT more than \$1,000; AND~~

6 (2) ~~FOR A SECOND OR SUBSEQUENT OFFENSE WITHIN A 12 MONTH~~
7 ~~PERIOD, IS SUBJECT TO A FINE OF NOT LESS THAN \$500 AND NOT MORE THAN \$2,000.~~
8 ~~11-151.~~

9 (a) "Roadway" means that part of a highway that is improved, designed, or
10 ordinarily used for vehicular travel, other than the shoulder.

11 (b) If a highway includes two or more separate roadways, the term "roadway"
12 as used in the Maryland Vehicle Law refers to any one roadway separately, and not to
13 all of the roadways collectively.

14 ~~21-101.~~

15 (a) In this title and Title 25 of this article the following words have the
16 meanings indicated.

17 (m) "Shoulder" means that portion of a highway contiguous with the roadway
18 for the accommodation of stopped vehicles, for emergency use, and for the lateral
19 support of the base and surface courses of the roadway.

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