

Department of Legislative Services
 Maryland General Assembly
 2006 Session

FISCAL AND POLICY NOTE

House Bill 1351 (Delegates Walkup and Smigiel)
 Environmental Matters

State Highway Administration - Bridges - Installation of Throwable Flotation Devices

This bill requires the State Highway Administration to install a readily accessible Type IV U.S. Coast Guard-approved throwable flotation device (personal flotation device, or PFD) on every bridge or elevated structure in the State that is: (1) part of a highway; (2) extends over a body of water; (3) includes a pedestrian walkway at least two feet wide; and (4) requires a construction permit from the Coast Guard. A person may not, without the approval of SHA, remove or tamper with such a device. A violation of this offense is a misdemeanor and subject to a maximum fine of \$500.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures would increase by \$5,000 in FY 2007 to purchase Type IV throwable flotation devices. Potential minimal increase in general fund revenues from fines.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
GF Revenue	-	-	-	-	-
SF Expenditure	5,000	0	0	0	0
Net Effect	(\$5,000)	\$0	\$0	\$0	\$0

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Except under specified conditions, a person is prohibited from operating or permitting the operation of a vessel shorter than 21 feet when a child who is not wearing a securely and properly attached PFD is in the vessel. “Child” means an individual who is younger than seven, regardless of the individual’s weight, or weighs 50 pounds or less, regardless of the individual’s age. Beginning April 1, 2006, additional safety features will be required on PFDs worn by children younger than four. The mandatory PFD provisions do not apply to a vessel that is moored or anchored or to a child who is below deck or in an enclosed cabin.

Current State regulations require the use of PFDs while on a commercial whitewater trip, on whitewater portions of designated streams, waterskiing, and using a personal watercraft. Current regulations also require the use of a PFD during the winter months on the Upper Potomac River and its tributaries.

The Coast Guard sets minimum safety standards for vessels and associated equipment. Federal regulations require that there be one Coast Guard-approved PFD for each person on board the boat or being towed. All PFDs must be readily available, in serviceable condition, and of proper size.

The Coast Guard approves several types of PFDs, as shown below.

<u>Type of PFD</u>	<u>General Description</u>
Type I	Life preservers/jackets
Type II	Buoyant vests
Type III	Marine buoyant devices (flotation aids)
Type IV	Throwable devices (life rings, cushions)
Type V	Special-use devices (work vests, harnesses)

State Expenditures: SHA advises that it has approximately 24 such structures that meet the criteria for a flotation device. SHA advises that it would put two devices at each structure. SHA estimates the costs for installing and purchasing the floatation devices would be approximately \$5,000. The bill does not specify to which fund fine revenues are to be distributed. Assuming fines are credited to the general fund, general fund revenues could increase. It is assumed any increase in fine revenue would be minimal.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2006
nas/ljm

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