

Department of Legislative Services
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FISCAL AND POLICY NOTE
Revised

House Bill 1734

(Delegate Malone)

Environmental Matters

Finance

State Highway Administration - Protection of Highway Construction and
Maintenance Workers

This bill requires the State Highway Administration (SHA) to develop procedures to ensure the safety of highway construction and maintenance workers working on an expressway or controlled access highway with a speed limit of 50 miles per hour or more. SHA or the appropriate local jurisdiction must incorporate such procedures into the project planning and construction phase of a proposed expressway or controlled access highway project.

Fiscal Summary

State Effect: General fund revenues could increase due to additional fine revenue for violations of the Maryland Vehicle Law. Transportation Trust Fund (TTF) expenditures could increase by \$750,000 in FY 2007 and \$1 million annually thereafter to place additional law enforcement officers in marked police vehicles at controlled access highway or expressway work zones with a speed limit of 50 miles per hour or more.

Local Effect: Local expenditures could increase by as much as \$62,400 in FY 2007 and by \$83,200 annually thereafter to place a law enforcement officer in a marked police vehicle at every road repair with a worker present on a controlled access highway or expressway with a speed limit of 50 miles per hour or more. **This bill imposes a mandate on local governments.**

Small Business Effect: None.

Analysis

Bill Summary: Priority must be given to performing work while the expressway or controlled access highway is partially or fully closed if work is performed in a roadway and is expected to last at least 100 hours.

SHA or the appropriate local authority must consider protecting highway workers on controlled access highways and expressways by using temporary traffic barriers, movable concrete barriers, movable link-system barriers, or other available barrier systems, including the feasibility of temporarily widening the road to include such barriers if:

- work is performed in a roadway and is expected to last at least 100 hours and closing the roadway is not feasible; or
- work is performed on the shoulder and expected to last at least 100 hours.

SHA or the appropriate local authority must provide a law enforcement officer at or near a worksite on a controlled access highway or an expressway when workers are present if:

- work is performed in a roadway or on the shoulder, and is expected to last at least 3 hours; or
- work is performed on the shoulder or in the roadway, is expected to last at least 100 hours, and neither barriers nor highway closure is feasible.

The law enforcement officer must be in uniform, in a marked vehicle, display lights and signal devices, and be located in a manner designed to enhance worker safety and facilitate the enforcement of traffic laws. A monitoring system using photographic imaging cannot be used to enforce the speed limit except in Montgomery County.

Current Law: A “highway” is defined as integral parts of a street, road, or highway, including, but not limited to, rights-of-way, roadway surfaces, shoulders, median dividers, related stormwater management facilities and structures, guardrails, bridges, tunnels, overpasses, underpasses, interchanges, bicycle and walking paths, and any other property acquired for the construction, operation, or use of the highway.

A “highway work zone” is a construction or maintenance area on or alongside a highway that is marked by appropriate warning signs or other traffic control devices designating that work is in progress. SHA, counties, or municipal corporations that are conducting work on a highway may designate a highway work zone and reduce speed limits in the work zone.

An “expressway” is defined as a major highway of two or more traffic lanes in each direction that has a median divider, limited predetermined points of entry and exits, shoulders wide enough to permit vehicles to stop or park, vertical curves long enough to provide long sight distances, and grade separation structures at intersections or roads (*i.e.*, overpasses or underpasses). A “controlled access highway” is a highway that has all the characteristics of an expressway except for grade separation structures.

Background: According to the Federal Highway Administration, in 2003 there were 1,028 fatalities and more than 41,000 injuries that resulted from motor vehicle crashes in work zones. Four out of five people killed were either motorists or passengers. On March 22, 2006, a highway maintenance worker was killed on the Baltimore-Washington Parkway when a driver fell asleep at the wheel.

SHA advises that it voluntarily places a police officer at certain highway work zones. Usually, these work zones are on high-speed highways and involve lane closures and diversions. Under those circumstances, it typically uses Department of State Police (DSP) personnel and reimburses DSP for the time. If DSP personnel are not available, SHA will hire an officer from a local police department. SHA advises that it spends approximately \$500,000 to \$1.0 million annually for this purpose.

In 2004, there were 67,233 lane miles of road in the State. Of those, 4,816, or 7%, are State highways with a speed limit of 50 miles per hour or more. In addition, SHA estimates that approximately 150 to 200 local road miles statewide would qualify.

State Revenues: General fund revenues could increase from additional fine revenue for violations of speed limits in work zones; however, the exact magnitude is difficult to determine. The amount of the increase would be dependent on the number of additional work zones that SHA placed officers at, which cannot be reliably estimated at this time.

State Expenditures: SHA advises that most of the changes codify existing SHA practice concerning barriers and lane closures. SHA advises that the largest increase in expenditures would be for additional law enforcement presence at construction sites. SHA currently pays between \$500,000 and \$1 million annually for such presence. SHA estimates that payments for additional law enforcement presence would increase by approximately \$1 million annually. Therefore, TTF expenditures could increase by \$750,000 in fiscal 2007, accounting for the bill’s October 1, 2006 effective date, and \$1 million annually thereafter.

Local Expenditures: The bill provides that the appropriate local authority must either close lanes, provide barriers, or place a law enforcement officer at the required work zones if SHA does not; therefore, the local authority would be financially responsible for making its own arrangements for protection on local highways. It is assumed that local

jurisdictions would not find it feasible to close lanes or place movable barriers at their work zones for the specified highways due to the expense of the equipment, and would place a law enforcement officer at a work zone instead.

SHA advises that relatively few lane miles of local highways qualify as either a controlled access highway or an expressway; the lane miles that do exist are concentrated in Baltimore City. SHA advises that approximately 150 to 200 lane miles would qualify.

Montgomery County advised that it had 14 construction crews working eight hours per day to maintain and repair 4,726 lane miles of road annually, or 29,120 hours per year.

Assuming that the 200 local lane miles of highway with a speed limit of 50 miles per hour or more are maintained at a similar rate to Montgomery County roads, local expenditures could increase by \$62,381 in fiscal 2007 and \$83,175 annually thereafter. This estimate is based on the following assumptions:

- maintaining and repairing the 200 lane miles of road would take 1,232 hours annually;
- all projects would take more than three hours;
- no local jurisdiction currently places a law enforcement officer at such worksites; and
- an average cost of \$67.50 an hour for a police officer.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Department of State Police, Maryland Department of Transportation, *Baltimore Sun*, Department of Legislative Services

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