

Department of Legislative Services  
 Maryland General Assembly  
 2006 Session

FISCAL AND POLICY NOTE

Senate Bill 1035 (Senator Stone)  
 Judicial Proceedings

Vehicle Laws - Highway Work Zones - Law Enforcement Presence and Penalties

This bill requires that at least one law enforcement officer be present near a highway work zone when a worker is present. In addition, the bill establishes a minimum and maximum fine for exceeding the speed limit in a highway work zone.

Fiscal Summary

**State Effect:** General fund revenues would increase by at least \$167,400 in FY 2007 and \$223,200 annually thereafter for additional fine revenue for violations of the Maryland Vehicle Law. Transportation Trust Fund (TTF) expenditures would increase by \$3.9 million in FY 2007 and by \$5.2 million annually thereafter due to placing a law enforcement officer in a marked police vehicle at every road repair marked with signs or traffic control devices with a worker present.

| (in dollars)   | FY 2007       | FY 2008       | FY 2009       | FY 2010       | FY 2011       |
|----------------|---------------|---------------|---------------|---------------|---------------|
| GF Revenue     | \$167,400     | \$223,200     | \$223,200     | \$223,200     | \$223,200     |
| SF Expenditure | 3,892,500     | 5,190,000     | 5,190,000     | 5,190,000     | 5,190,000     |
| Net Effect     | (\$3,725,100) | (\$4,966,800) | (\$4,966,800) | (\$4,966,800) | (\$4,966,800) |

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

**Local Effect:** Local expenditures could increase by as much as \$16.4 million in FY 2007 and by \$21.8 million annually thereafter to place a law enforcement officer in a marked police vehicle at every road repair marked with signs or traffic control devices with a worker present. **This bill imposes a mandate on local governments.**

**Small Business Effect:** None.

## Analysis

**Bill Summary:** The law enforcement official must be in uniform, be in a marked law enforcement vehicle, display the lights and signal devices installed in the vehicle, and be located in or near the work zone to enhance worker safety and facilitate the enforcement of traffic laws. If the highway in question is a county highway or a highway on which a county is authorized to do work, the law enforcement officer must be provided by the county. If it is a municipal highway or a highway on which a municipal corporation is authorized to do work, the officer must be provided by the municipal corporation. For all other highways, the officer must be provided by the State Highway Administration (SHA).

A first offense for speeding in a highway work zone must be subject to a fine of at least \$250 and not more than \$1,000. An individual convicted of a second or subsequent offense within a 12-month period is subject to a fine of at least \$500 and not more than \$2,000.

**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.

**Background:** 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.

The District Court prepayable fine for speeding in a work zone is \$280. In fiscal 2005, there were 797 tickets issued for this offense.

In 2004, there were 67,233 lane miles of road in the State. Of those, 23% were State roads, 63% were county roads, and 15% were municipal roads.

**State Revenues:** General fund revenues would increase from additional fine revenue for violations of speed limits in work zones; however, the exact magnitude is difficult to determine. Assuming that due to the increased law enforcement presence at work zones twice as many people receive tickets for speeding in a work zone and that all are first offenders, general fund revenues would increase by at least \$167,370 in fiscal 2007 and by \$223,160 annually thereafter.

**State Expenditures:** TTF expenditures would increase by at least \$3.9 million in fiscal 2007 and by \$5.2 million annually thereafter. This estimate is based on the following assumptions:

- SHA will be conducting highway work for 200 days annually;
- on any given work day, SHA will have approximately 50 work zones with a worker present;
- 45 work zones would have at least one worker present for at least 8 hours;
- 5 work zones would have at least one worker present for an average of 16 hours;
- SHA previously would have paid \$750,000 for police presence at specified worksites; and
- an average cost of \$67.50 per hour for the police officer's time.

**Local Expenditures:** As the definition of highway includes local streets and roads, and not just controlled access roads, the bill would necessitate a marked police vehicle at every worksite with a worker present that was somehow marked. This includes items such as pothole repair or other roadside maintenance. The bill states further that it is the counties and municipal corporations who are responsible for providing the law enforcement officers, not any contractor with whom a local government has arranged to perform road repair work.

In Montgomery County alone, the county advises that it has 14 crews working an eight-hour day every weekday. Based on 260 weekdays, 29,120 hours of law enforcement presence would be required on work zones. At \$67.50 an hour for a law enforcement officer, the cost to Montgomery County would be \$1.5 million in fiscal 2007 and \$2.0 million annually thereafter.

Extrapolating from Montgomery County, which constitutes 9% of the total county and municipal road miles in the State, local expenditures could increase by as much as \$16.4 million in fiscal 2007 and by \$21.8 million annually thereafter.

Counties and municipal corporations would have to incur additional expenditures to provide local law enforcement for this service; in addition, if a county or municipal

corporation did not have sufficient police personnel to perform this function, additional officers would need to be hired or outside assistance sought. For instance, Montgomery County could seek to use law enforcement officers from Prince George's County to fulfill the requirements of the bill.

Given the number of sites that would require a marked police vehicle, additional personnel would likely be required by several jurisdictions, as well as additional vehicles.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** City of Westminster, Town of Bel Air, City of Salisbury, Washington County, Montgomery County, Prince George's County, Kent County, Worcester County, Department of State Police, Town of Riverdale Park, Town of Leonardtown, Maryland Department of Transportation, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - March 20, 2006  
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Analysis by: Nora C. McArdle

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510