

SENATE BILL 699

R1
SB 1035/06 – JPR

71r1466

By: **Senator Stone**
Introduced and read first time: February 2, 2007
Assigned to: Finance

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 expressways and
7 controlled access highways; requiring the Administration or the appropriate
8 local authority to incorporate the procedures into the project planning and
9 construction phases of certain proposed highway projects; requiring procedures
10 developed under this Act to include certain methods of protecting highway
11 construction and maintenance workers, including closure of certain highways in
12 a certain manner, the use of certain barriers, or maintenance of a law
13 enforcement presence at or near the site of certain highway construction or
14 maintenance projects; prohibiting the use of speed monitoring systems to
15 enforce speed limits at the site of certain highway construction or maintenance
16 projects under certain circumstances; and generally relating to the protection of
17 certain highway construction and maintenance workers.

18 BY repealing and reenacting, without amendments,
19 Article – Transportation
20 Section 8–610(a), (b), (g), (h), and (i)
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2006 Supplement)

23 BY adding to
24 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 8–613.2
2 Annotated Code of Maryland
3 (2001 Replacement Volume and 2006 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article – Transportation
6 Section 11–151 and 21–101(a) and (v)
7 Annotated Code of Maryland
8 (2006 Replacement Volume and 2006 Supplement)

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

11 **Article – Transportation**

12 8–610.

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

14 (b) (1) “Construction phase” means the phase in which a highway project
15 is advanced through detailed engineering, property acquisition, and construction to
16 completion.

17 (2) This definition does not preclude the Administration from
18 acquiring property during the project planning phase, and the completion of property
19 acquisition does not constitute a commitment to the project’s alignment or
20 construction.

21 (g) “Project planning phase” means the phase in which engineering and
22 environmental studies and analyses are conducted with full participation of the public,
23 in addition to local, State, and federal agencies, to determine the scope and location of
24 a proposed highway project.

25 (h) “Initial project planning phase” means that portion of the project
26 planning phase which includes:

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

28 (2) Initial interagency review;

29 (3) Initial systems planning;

1 (4) Identification of alternatives, as set forth in § 8–102 of this title,
2 for the scope and the location of the project;

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

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

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

8 (i) “Final project planning phase” means that portion of the project planning
9 phase which follows the initial project planning phase. The final project planning
10 phase includes:

11 (1) Detailed review of alternatives;

12 (2) Selection of final alignment and scope;

13 (3) Preparation of final environmental impact documents;

14 (4) Detailed design and engineering studies;

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

16 (6) Full participation of the public; and

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

18 **8–613.2.**

19 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
20 **MEANINGS INDICATED.**

21 (2) **“ROADWAY” HAS THE MEANING STATED IN § 11–151 OF THIS**
22 **ARTICLE.**

23 (3) **“SHOULDER” HAS THE MEANING STATED IN § 21–101 OF THIS**
24 **ARTICLE.**

1 **(B) THE ADMINISTRATION SHALL DEVELOP PROCEDURES IN**
2 **ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION TO ENSURE THE SAFETY**
3 **OF HIGHWAY CONSTRUCTION AND MAINTENANCE WORKERS DURING**
4 **CONSTRUCTION OR MAINTENANCE WORK ON AN EXPRESSWAY OR CONTROLLED**
5 **ACCESS HIGHWAY WITH A POSTED SPEED LIMIT OF 50 MILES PER HOUR OR**
6 **MORE.**

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

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

- 14 **1. PERFORMED IN A ROADWAY; AND**
- 15 **2. EXPECTED TO LAST AT LEAST 100 HOURS.**

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

- 24 **1. SAFETY OF THE TRAVELING PUBLIC;**
- 25 **2. AVAILABILITY AND FEASIBILITY OF DETOURS;**
- 26 **3. ACCESS TO ABUTTING BUSINESSES, RESIDENCES,**
27 **AND OTHER FACILITIES; AND**
- 28 **4. DELAYS THAT MAY RESULT FROM FULL OR**
29 **PARTIAL CLOSURE OF THE HIGHWAY.**

1 **2. EXPECTED TO LAST AT LEAST 3 HOURS.**

2 **(II) IF THE ADMINISTRATION OR THE APPROPRIATE LOCAL**
3 **AUTHORITY DETERMINES THAT HIGHWAY CLOSURE UNDER PARAGRAPH (1) OF**
4 **THIS SUBSECTION AND INSTALLATION OF BARRIERS UNDER PARAGRAPH (2) OF**
5 **THIS SUBSECTION ARE NOT FEASIBLE, THE ADMINISTRATION OR THE**
6 **APPROPRIATE LOCAL AUTHORITY MAY PROVIDE FOR AT LEAST ONE LAW**
7 **ENFORCEMENT OFFICER TO BE PRESENT AT OR NEAR THE SITE OF THE**
8 **CONSTRUCTION OR MAINTENANCE WORK WHEN WORKERS ARE PRESENT.**

9 **(III) A LAW ENFORCEMENT OFFICER PRESENT AT OR NEAR**
10 **THE SITE OF A HIGHWAY CONSTRUCTION OR MAINTENANCE PROJECT UNDER**
11 **SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY:**

- 12 **1. BE IN UNIFORM;**
- 13 **2. BE IN A MARKED LAW ENFORCEMENT VEHICLE;**
- 14 **3. DISPLAY THE VISUAL LIGHTS OR SIGNAL DEVICES**
15 **INSTALLED ON THE LAW ENFORCEMENT VEHICLE; AND**
- 16 **4. BE LOCATED AT OR NEAR THE SITE OF THE**
17 **HIGHWAY CONSTRUCTION OR MAINTENANCE PROJECT IN A MANNER TO:**
- 18 **A. ENHANCE WORKER SAFETY; AND**
- 19 **B. FACILITATE THE ENFORCEMENT OF TRAFFIC**
20 **LAWS.**

21 **(IV) A LAW ENFORCEMENT OFFICER PRESENT AT OR NEAR**
22 **THE SITE OF A HIGHWAY CONSTRUCTION OR MAINTENANCE PROJECT UNDER**
23 **SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY TAKE ANY AUTHORIZED ACTION**
24 **TO ENFORCE TRAFFIC LAWS AT OR NEAR THE PROJECT.**

25 **(V) EXCEPT AS AUTHORIZED UNDER § 21-809 OF THIS**
26 **ARTICLE, A SPEED LIMIT ESTABLISHED UNDER THIS SECTION MAY NOT BE**
27 **ENFORCED THROUGH THE USE OF SPEED MONITORING SYSTEMS.**

1 11-151.

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

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

7 21-101.

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

10 (v) "Shoulder" means that portion of a highway contiguous with the roadway
11 for the accommodation of stopped vehicles, for emergency use, and for the lateral
12 support of the base and surface courses of the roadway.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2007.