

SENATE BILL 699

R1
SB 1035/06 – JPR

71r1466

By: **Senator Stone**
Introduced and read first time: February 2, 2007
Assigned to: Finance
Reassigned: Judicial Proceedings, February 9, 2007

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 24, 2007

CHAPTER _____

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~~ enhance the safety of highway construction and
6 maintenance workers during construction or maintenance work on certain
7 expressways and controlled access highways; requiring ~~the Administration or~~
8 ~~the appropriate local authority~~ a county, municipal corporation, the
9 Administration, or the Maryland Transportation Authority to incorporate the
10 procedures into the project planning and construction phases of certain
11 proposed highway projects; requiring procedures developed under this Act to
12 include certain methods of protecting highway construction and maintenance
13 workers, including closure of certain highways in a certain manner; ~~requiring a~~
14 ~~county, municipal corporation, the Administration, or the Maryland~~
15 ~~Transportation Authority to consider~~ the use of certain barriers, ~~or;~~ authorizing
16 a county, municipal corporation, the Administration, or the Maryland
17 Transportation Authority to provide maintenance of a law enforcement presence
18 at or near the site of certain highway construction or maintenance projects;
19 ~~prohibiting the use of speed monitoring systems to enforce speed limits at the~~
20 ~~site of certain highway construction or maintenance projects under certain~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~circumstances;~~ and generally relating to the protection of certain highway
2 construction and maintenance workers.

3 BY repealing and reenacting, without amendments,
4 Article – Transportation
5 Section 8–610(a), (b), (g), (h), and (i)
6 Annotated Code of Maryland
7 (2001 Replacement Volume and 2006 Supplement)

8 BY adding to
9 Article – Transportation
10 Section 8–613.2
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 11–151 and 21–101(a) and (v)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2006 Supplement)

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

20 **Article – Transportation**

21 8–610.

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

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

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

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

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

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

4 (2) Initial interagency review;

5 (3) Initial systems planning;

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

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

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

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

13 (i) “Final project planning phase” means that portion of the project planning
14 phase which follows the initial project planning phase. The final project planning
15 phase includes:

16 (1) Detailed review of alternatives;

17 (2) Selection of final alignment and scope;

18 (3) Preparation of final environmental impact documents;

19 (4) Detailed design and engineering studies;

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

21 (6) Full participation of the public; and

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

23 **8–613.2.**

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

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

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

7 (B) THE ADMINISTRATION SHALL DEVELOP PROCEDURES IN
8 ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION TO ~~ENSURE~~ ENHANCE
9 THE SAFETY OF HIGHWAY CONSTRUCTION AND MAINTENANCE CONSTRUCTION,
10 MAINTENANCE, UTILITY, AND OTHER HIGHWAY WORKERS DURING
11 CONSTRUCTION OR MAINTENANCE WORK ON AN EXPRESSWAY OR CONTROLLED
12 ACCESS HIGHWAY WITH A POSTED SPEED LIMIT OF ~~50~~ 45 MILES PER HOUR OR
13 MORE.

14 (C) ~~THE ADMINISTRATION OR THE APPROPRIATE LOCAL AUTHORITY A~~
15 COUNTY, MUNICIPAL CORPORATION, THE ADMINISTRATION, OR THE
16 MARYLAND TRANSPORTATION AUTHORITY, WITH RESPECT TO HIGHWAYS
17 UNDER ITS JURISDICTION, SHALL INCORPORATE THE PROCEDURES DEVELOPED
18 UNDER SUBSECTION (B) OF THIS SECTION INTO THE PROJECT PLANNING PHASE
19 AND CONSTRUCTION PHASE OF A PROPOSED HIGHWAY PROJECT FOR AN
20 EXPRESSWAY OR CONTROLLED ACCESS HIGHWAY WITH A POSTED SPEED LIMIT
21 OF ~~50~~ 45 MILES PER HOUR OR MORE.

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

- 23 1. PERFORMED IN A ROADWAY; AND
- 24 2. EXPECTED TO LAST AT LEAST ~~100 HOURS~~ TWO
25 WEEKS.

26 (II) THE PROCEDURES DEVELOPED UNDER SUBSECTION (B)
27 OF THIS SECTION SHALL ENSURE THAT FOR EACH HIGHWAY CONSTRUCTION OR
28 MAINTENANCE PROJECT, PRIORITY IS GIVEN TO PERFORMING THE PROPOSED
29 HIGHWAY CONSTRUCTION OR MAINTENANCE WORK IN THE ABSENCE OF
30 ADJACENT TRAFFIC THROUGH FULL OR ~~PARTIAL~~ TEMPORARY CLOSURE OF THE
31 HIGHWAY AT THE LOCATION OF THE CONSTRUCTION OR MAINTENANCE WORK,

1 IF THE CLOSURE IS DETERMINED TO BE FEASIBLE AFTER CONSIDERATION OF
2 THE FOLLOWING:

- 3 1. SAFETY OF THE TRAVELING PUBLIC;
- 4 2. AVAILABILITY AND FEASIBILITY OF DETOURS;
- 5 3. ACCESS TO ABUTTING BUSINESSES, RESIDENCES,
6 AND OTHER FACILITIES; AND
- 7 4. DELAYS THAT MAY RESULT FROM FULL OR
8 ~~PARTIAL~~ TEMPORARY CLOSURE OF THE HIGHWAY.

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

- 10 1. PERFORMED IN A ROADWAY, IF ~~THE~~
11 ~~ADMINISTRATION OR THE APPROPRIATE LOCAL AUTHORITY~~ A COUNTY,
12 MUNICIPAL CORPORATION, THE ADMINISTRATION, OR THE MARYLAND
13 TRANSPORTATION AUTHORITY, WITH RESPECT TO HIGHWAYS UNDER ITS
14 JURISDICTION, DETERMINES THAT FULL OR ~~PARTIAL~~ TEMPORARY HIGHWAY
15 CLOSURE UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT FEASIBLE; OR
- 16 2. PERFORMED ON THE SHOULDER AND EXPECTED
17 TO LAST AT LEAST ~~100 HOURS~~ TWO WEEKS.

18 (II) ~~THE ADMINISTRATION OR THE APPROPRIATE LOCAL~~
19 ~~AUTHORITY~~ A COUNTY, MUNICIPAL CORPORATION, THE ADMINISTRATION, OR
20 THE MARYLAND TRANSPORTATION AUTHORITY, WITH RESPECT TO HIGHWAYS
21 UNDER ITS JURISDICTION, SHALL CONSIDER PROTECTING HIGHWAY
22 CONSTRUCTION AND MAINTENANCE WORKERS BY MEANS OF:

- 23 1. TEMPORARY TRAFFIC BARRIERS;
- 24 2. MOVABLE CONCRETE BARRIERS;
- 25 3. MOVABLE LINK-SYSTEM BARRIERS; OR
- 26 4. OTHER AVAILABLE BARRIER SYSTEMS.

1 (III) CONSIDERATION OF THE USE OF BARRIERS UNDER THIS
2 PARAGRAPH SHALL INCLUDE CONSIDERATION OF THE FEASIBILITY OF
3 TEMPORARILY WIDENING A HIGHWAY TO ALLOW FOR THE INSTALLATION OF
4 THE BARRIERS.

5 (IV) FOR A HIGHWAY CONSTRUCTION OR MAINTENANCE
6 PROJECT THAT UTILIZES BARRIERS UNDER THIS PARAGRAPH, ~~THE~~
7 ~~ADMINISTRATION OR THE APPROPRIATE LOCAL AUTHORITY~~ A COUNTY,
8 MUNICIPAL CORPORATION, THE ADMINISTRATION, OR THE MARYLAND
9 TRANSPORTATION AUTHORITY, WITH RESPECT TO HIGHWAYS UNDER ITS
10 JURISDICTION, MAY PROVIDE FOR A LAW ENFORCEMENT PRESENCE AT OR
11 NEAR THE SITE OF THE CONSTRUCTION OR MAINTENANCE WORK IN
12 ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION.

13 (3) (I) THIS PARAGRAPH APPLIES TO WORK THAT IS:

14 ~~1. A PERFORMED IN A ROADWAY; OR~~

15 ~~B. PERFORMED ON THE SHOULDER; AND~~

16 1. PERFORMED IN A ROADWAY OR PERFORMED ON
17 THE SHOULDER; AND

18 2. EXPECTED TO LAST AT LEAST TWO WEEKS.

19 ~~2. EXPECTED TO LAST AT LEAST 3 HOURS.~~

20 (II) IF ~~THE ADMINISTRATION OR THE APPROPRIATE LOCAL~~
21 ~~AUTHORITY~~ A COUNTY, MUNICIPAL CORPORATION, THE ADMINISTRATION, OR
22 THE MARYLAND TRANSPORTATION AUTHORITY, WITH RESPECT TO HIGHWAYS
23 UNDER ITS JURISDICTION, DETERMINES THAT HIGHWAY CLOSURE UNDER
24 PARAGRAPH (1) OF THIS SUBSECTION AND INSTALLATION OF BARRIERS UNDER
25 PARAGRAPH (2) OF THIS SUBSECTION ARE NOT FEASIBLE, ~~THE~~
26 ~~ADMINISTRATION OR THE APPROPRIATE LOCAL AUTHORITY~~ A COUNTY,
27 MUNICIPAL CORPORATION, THE ADMINISTRATION, OR THE MARYLAND
28 TRANSPORTATION AUTHORITY, WITH RESPECT TO HIGHWAYS UNDER ITS
29 JURISDICTION, MAY PROVIDE FOR AT LEAST ONE LAW ENFORCEMENT OFFICER
30 TO BE PRESENT AT OR NEAR THE SITE OF THE CONSTRUCTION OR
31 MAINTENANCE WORK WHEN WORKERS ARE PRESENT.

1 (III) A LAW ENFORCEMENT OFFICER PRESENT AT OR NEAR
2 THE SITE OF A HIGHWAY CONSTRUCTION OR MAINTENANCE PROJECT UNDER
3 SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY:

- 4 1. BE IN UNIFORM;
- 5 2. BE IN A MARKED LAW ENFORCEMENT VEHICLE;
- 6 3. DISPLAY THE VISUAL LIGHTS OR SIGNAL DEVICES
7 INSTALLED ON THE LAW ENFORCEMENT VEHICLE; AND
- 8 4. BE LOCATED AT OR NEAR THE SITE OF THE
9 HIGHWAY CONSTRUCTION OR MAINTENANCE PROJECT IN A MANNER TO:
 - 10 A. ENHANCE WORKER SAFETY; AND
 - 11 B. FACILITATE THE ENFORCEMENT OF TRAFFIC
12 LAWS.

13 (IV) A LAW ENFORCEMENT OFFICER PRESENT AT OR NEAR
14 THE SITE OF A HIGHWAY CONSTRUCTION OR MAINTENANCE PROJECT UNDER
15 SUBPARAGRAPH (II) OF THIS PARAGRAPH MAY TAKE ANY AUTHORIZED ACTION
16 TO ENFORCE TRAFFIC LAWS AT OR NEAR THE PROJECT.

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

20 11-151.

21 (a) “Roadway” means that part of a highway that is improved, designed, or
22 ordinarily used for vehicular travel, other than the shoulder.

23 (b) If a highway includes two or more separate roadways, the term “roadway”
24 as used in the Maryland Vehicle Law refers to any one roadway separately, and not to
25 all of the roadways collectively.

26 21-101.

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

1 (v) “Shoulder” means that portion of a highway contiguous with the roadway
2 for the accommodation of stopped vehicles, for emergency use, and for the lateral
3 support of the base and surface courses of the roadway.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.