Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 230
(Chair, Environmental Matters Committee)
(By Request – Departmental – Transportation)

Environmental Matters
Judicial Proceedings

Vehicle Laws - School Crossing Guards - Authority to Direct Traffic

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This departmental bill authorizes a school crossing guard to stop or otherwise direct traffic and pedestrians on a highway or on school grounds to assist • pedestrians with the safe crossing of highways at a school crossing; and • school vehicles that are entering and leaving school grounds. A school crossing guard is qualified to direct traffic if • the guard is at least 18 years old; • is under the control of a local law enforcement agency or a county school board; • has completed appropriate training; and • is wearing an appropriate uniform.

The bill prohibits anyone from willfully disobeying any lawful direction of a school crossing guard. A violator is guilty of a misdemeanor and is subject to a maximum fine of $500. A citation would not be issued by the crossing guard but by a law enforcement officer. The bill does not prohibit a school crossing guard who does not meet the specified qualifications from assisting a pedestrian who is crossing a highway, but the guard may not attempt to assist the pedestrian by directing traffic.

Fiscal Summary

State Effect: Minimal increase in general fund revenues from the bill's penalty provision. No effect on expenditures.

Local Effect: Potentially significant increase in expenditures for some jurisdictions that choose to establish training programs and provide uniforms.

Small Business Effect: The Maryland Department of Transportation has determined that this bill will have minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law: School crossing guards are not specifically authorized by State statute or regulation to direct or regulate traffic. Local governments determine the appropriate qualifications, training, and uniforms for school crossing guards. In Washington County, the county school board supervises school crossing guards.

Background: MDOT has adopted a principle of making walking and crossing streets safer. The bill is also consistent with the Maryland Strategic Highway Safety Plan. This bill is intended to improve pedestrian safety – especially the safety of school children – by authorizing local jurisdictions to empower school crossing guards to direct traffic.

According to MDOT, many school crossing guards, although unauthorized to do so, direct traffic on public roads. They also end up directing school buses and other traffic entering or leaving a school zone. Crossing guards who try to direct traffic have complained to the State Highway Administration that drivers disregard their directions and school children are increasingly at risk of being hurt by drivers. Currently, crossing guards may assist pedestrians only by establishing their presence in a crosswalk and allowing pedestrians to cross once vehicles have stopped. MDOT asserts that the authority of a crossing guard's presence is not sufficient to facilitate pedestrian safety. Some drivers do not observe pedestrian safety and will disregard the crossing guard. In addition, if crossing guards attempt to direct traffic to better assist pedestrians, but do so without adequate training or appropriate uniforms, pedestrian and driver safety can be diminished rather than enhanced.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

Local Expenditures: Prince George's County indicates that the bill would have no fiscal impact because the crossing guards already meet the requirements which authorize them to direct traffic. Talbot County advises that crossing guards are hired and managed through the police department in the town of Easton, so the bill would have no fiscal impact on the county. Allegany County advises that the bill would have no fiscal impact.

On the other hand, Baltimore City advises that the bill could have a significant fiscal impact – at least $868,868 annually – if Baltimore City chooses to meet the bill's requirements. The requirements for the crossing guard position would have to be changed. Additional training for crossing guards regarding motor vehicle laws and the issuance of citations would also

become necessary. Baltimore City states that the salary of crossing guards would have to be increased to conform to the salary of a parking control agent. City parking control agents have a starting salary of $13.23 per hour. The starting salary of crossing guards is currently $8.33 per hour, although many crossing guards are actually making about $9.00 per hour. To increase the salary of the 341 crossing guards working for the city would require an additional $868,868. Additional costs would likely be incurred for training, but those costs cannot be estimated at this time.

Additional Information

Prior Introductions: This bill is similar to SB 293 of 2002, as amended, which passed the Senate and received an unfavorable report from the House Judiciary Committee. Another similar bill, SB 215 of 2001, as amended, passed the Senate but received an unfavorable report from the House Judiciary Committee. SB 526 of 2000, as amended, another similar bill, passed the Senate but received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Wicomico County, Allegany County, Montgomery County, Prince George's County, Talbot County, Baltimore City, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2008
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