

HOUSE BILL 326

R5

2lr1696
CF SB 57

By: **Delegates Frank, Aumann, Bates, Beitzel, Boteler, Bromwell, Cluster, Conaway, DeBoy, Dwyer, Eckardt, Elliott, Fisher, George, Glass, Guzzone, Hogan, Hough, Impallaria, Jacobs, Kach, K. Kelly, Kipke, McConkey, McDermott, McDonough, W. Miller, Minnick, Mitchell, Morhaim, Myers, Norman, Olszewski, Otto, Parrott, Ready, B. Robinson, Schuh, Schulz, Serafini, Smigiel, Stocksdale, Szeliga, Vitale, Weir, and Wood**

Introduced and read first time: January 30, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Use of Work Zone Speed Control Systems – Presence of**
3 **Workers Required**

4 FOR the purpose of altering the definition of “work zone” as it relates to work zone
5 speed control systems; providing that a work zone speed control system may be
6 used only when a worker is present on the roadway, median divider, or shoulder
7 within or adjacent to the work zone; and generally relating to work zone speed
8 control systems.

9 BY repealing and reenacting, without amendments,
10 Article – Transportation
11 Section 21–810(a)(1)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2011 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 21–810(a)(6) and (b)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

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

21 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21-810.

2 (a) (1) In this section the following words have the meanings indicated.

3 (6) "Work zone" means a segment of a highway:

4 (i) That is identified as a temporary traffic control zone by
5 traffic control devices that are placed or installed in general conformance with the
6 State manual and specifications adopted for a uniform system of traffic control
7 devices; and

8 (ii) Where highway construction, repair, maintenance, utility
9 work, or a related activity, including the placement, installation, maintenance, or
10 removal of a work zone traffic control device, is being performed [regardless of
11 whether workers are present].

12 (b) (1) A work zone speed control system that meets the requirements of
13 this subsection may be used to record the images of motor vehicles traveling on a
14 highway:

15 (i) Within a work zone;

16 (ii) That is an expressway or a controlled access highway as
17 defined in § 21-101 of this title; and

18 (iii) On which the speed limit, established using generally
19 accepted traffic engineering practices, is 45 miles per hour or greater.

20 (2) A work zone speed control system may be used only:

21 (i) On a highway as specified in paragraph (1) of this
22 subsection;

23 (ii) When being operated by a work zone speed control system
24 operator; [and]

25 (iii) **WHEN AT LEAST ONE WORKER IS PRESENT ON THE**
26 **ROADWAY, MEDIAN DIVIDER, OR SHOULDER WITHIN OR ADJACENT TO THE**
27 **WORK ZONE; AND**

28 (IV) If, in accordance with the Maryland manual on uniform
29 traffic control devices, a conspicuous road sign is placed at a reasonable distance
30 consistent with national guidelines before the work zone alerting drivers that a speed
31 monitoring system may be in operation in the work zone.

1 (3) A work zone speed control system may be used only to record the
2 images of vehicles that are traveling at speeds at least 12 miles per hour above the
3 posted work zone speed limit.

4 (4) (i) A work zone speed control system operator shall complete
5 training by the manufacturer of the work zone speed control system in the procedures
6 for setting up, testing, and operating the work zone speed control system.

7 (ii) On completion of the training, the manufacturer shall issue
8 a signed certificate to the work zone speed control system operator.

9 (iii) The certificate of training shall be admitted as evidence in
10 any court proceeding for a violation of this section.

11 (5) A work zone speed control system operator shall fill out and sign a
12 daily set-up log for a work zone speed control system that:

13 (i) States the date and time when and the location where the
14 system was set up;

15 (ii) States that the work zone speed control system operator
16 successfully performed, and the device passed, the manufacturer-specified self-tests
17 of the work zone speed control system before producing a recorded image;

18 (iii) Shall be kept on file; and

19 (iv) Shall be admitted as evidence in any court proceeding for a
20 violation of this section.

21 (6) (i) A work zone speed control system shall undergo an annual
22 calibration check performed by an independent calibration laboratory.

23 (ii) The independent calibration laboratory shall issue a signed
24 certificate of calibration after the annual calibration check that:

25 1. Shall be kept on file; and

26 2. Shall be admitted as evidence in any court proceeding
27 for a violation of this section.

28 (7) The procurement of a work zone speed control system by a unit of
29 State government shall be conducted in accordance with Title 13, Subtitle 1 of the
30 State Finance and Procurement Article.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2012.