

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 322 (Delegate Afzali)
Environment and Transportation

**Frederick County - Failure to Obey Traffic Control Device on Maryland Route
75 - Penalty**

This bill increases the maximum penalty from \$500 to \$10,000 for failure to obey a traffic control device governing the height of vehicles traveling on Maryland Route 75 between Baldwin Road and Maryland Route 80 in Frederick County.

Fiscal Summary

State Effect: Minimal general fund revenue increase from the increased maximum penalty applicable to this offense. Enforcement can be handled with existing resources.

Local Effect: The bill does not materially affect local finances, although the deterrent effect may mitigate the need for law enforcement officials in Frederick County to respond to vehicles that have been unable to clear the CSX Bridge. Enforcement can be handled with existing resources.

Small Business Effect: Minimal.

Analysis

Current Law: A “traffic control device” means any sign, signal, marking, or device that (1) is not inconsistent with the Maryland Vehicle Law and (2) is placed by the authority of an authorized public body or official to regulate, warn, or guide traffic.

Except in specified circumstances, the driver of any vehicle must obey the instructions of any traffic control device applicable to the vehicle and placed in accordance with the Maryland Vehicle Law. The driver of a vehicle approaching an intersection controlled by

a traffic control device may not drive across private property or leave the roadway for the purpose of avoiding the instructions of a traffic control device.

If a provision of the Maryland Vehicle Law or of an ordinance or regulation of a local authority requires the traffic control device, the provision is unenforceable against an alleged violator if, at the time and place of the alleged violation, the traffic control device is not in proper position and legible enough to be seen by an ordinarily observant individual. Unless a provision of the Maryland Vehicle Law or of an ordinance or regulation of a local authority states that a traffic control device is required, the provision is effective and enforceable even if no traffic control device is in place.

If a traffic control device is placed in a position approximately meeting the requirements of the Maryland Vehicle Law, the device is presumed to have been placed by the official act or direction of lawful authority, unless the contrary is established by competent evidence. In addition, if a traffic control device is placed in accordance with the Maryland Vehicle Law and purports to meet the lawful requirements governing such devices, the device is presumed to meet the requirements of the Maryland Vehicle Law, unless the contrary is established by competent evidence.

It is a misdemeanor for any person to violate any of the provisions of the Maryland Vehicle Law unless the violation (1) is declared to be a felony by the Maryland Vehicle Law or by any other law of the State or (2) is punishable by a civil penalty under the applicable provision of the Maryland Vehicle Law. Except as otherwise specified, a person convicted of a misdemeanor for the violation of any provisions of the Maryland Vehicle Law is subject to a fine of not more than \$500.

Background: In July 2013, the State Highway Administration began implementing a new truck [restriction](#) on a section of Maryland Route 75 near Monrovia in Frederick County. The action was taken to attempt to address an ongoing problem with trucks getting stuck under a railroad overpass (the CSX Bridge, which has a relatively low height clearance of 12 feet, 6 inches). Commercial vehicles over 48 feet long or over 102 inches wide are restricted from using Maryland Route 75 between Maryland Route 80 and West Baldwin Road because such trucks would also be too tall to clear the bridge; violations carry a fine of up to \$500. Problems with trucks attempting to use the route worsened after a Costco Distribution Depot opened nearby on Intercoastal Drive. Despite low-clearance warning signs and these restrictions, problems with trucks too large to use the route have persisted with trucks becoming wedged underneath the bridge or needing to turn around, snarling traffic in the area.

Additional Information

Prior Introductions: None.

Cross File: SB 885 (Senators Hough and Young) - Judicial Proceedings.

Information Source(s): Frederick County, Department of State Police, Maryland Department of Transportation, *Frederick News-Post*, roads.maryland.gov, Department of Legislative Services

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md/ljm

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