

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 98

(Senator Reilly)

Finance

Environment and Transportation

Railroad Grade Crossings - Exempt Highway-Rail Grade Crossing Plaque

This bill authorizes the State Highway Administration (SHA) to erect an exempt highway-rail grade crossing plaque at each railroad grade crossing in the State that is no longer in use by a railroad. The design and placement of a plaque must conform to the federal *Manual on Uniform Traffic Control Devices* (MUTCD). The bill also exempts specified vehicles from stopping at a railroad grade crossing with an exempt plaque.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase minimally for SHA to produce and install the plaques authorized by the bill. Potential minimal decrease in general fund revenues to the extent that fewer people receive citations due to the bill's exemptions. The timing of any such impacts depends on when, or if, SHA chooses to use the authorization under the bill.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law/Background:

Requirements for Vehicles at Railroad Crossings

Certain vehicles are generally required to stop at *all* railroad crossings, including every:

- motor vehicle carrying a passenger for hire;

- school vehicle carrying any passenger;
- bus that is owned or operated by a church and carrying any passenger;
- vehicle carrying flammable liquid or an explosive as cargo; and
- vehicle carrying hazardous materials that require placarding under federal regulations.

A driver of any of these vehicles has to stop within 50 feet (but not less than 15 feet) from the nearest rail in the crossing. While stopped, the driver must listen and look in both directions along the track for any approaching or passing train and for any signals indicating the approach or passage of a train. The driver may not proceed unless he or she can do so safely. In addition, the driver may proceed only in the gear of the vehicle in which it will be unnecessary to shift gears manually while passing through the crossing as a driver may not shift gears manually while passing over any track of the railroad. A violation of any of these duties is a misdemeanor, subject to a maximum fine of \$500. The prepayment penalty established by the District Court for these violations is \$90 and, upon conviction, one point assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty is \$130 and three points assessed against the license.

In some circumstances, a vehicle otherwise required to stop at a railroad grade crossing is exempt from the requirement. In a business district or residential district, vehicles exempt from the requirement include (1) a vehicle carrying a passenger for hire; (2) a vehicle carrying flammable liquid or an explosive as cargo; or (3) a vehicle carrying hazardous materials that require placarding under federal regulations. In addition, school buses and church buses in Baltimore City are exempt from the requirement to stop if a local traffic signal indication does not require such vehicles to stop.

Manual on Uniform Traffic Control Devices

MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public travel. MUTCD is published by the Federal Highway Administration under the Code of Federal Regulations. MUTCD is updated periodically to accommodate the nation's changing transportation needs and to address new safety technologies, traffic control tools, and traffic management techniques.

Exempt Highway-rail Grade Crossing Plaques

Under MUTCD, when authorized by law or regulation, an exempt plaque may be used at highway-rail grade crossings to inform drivers of vehicles carrying passengers for hire,
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school buses carrying students, or highway vehicles carrying hazardous materials that a stop is not required at designated grade crossings, except when rail traffic is approaching or occupying the grade crossing, or the driver's view is blocked. In Maryland, such exempt plaques are not currently authorized.

State Fiscal Effect: The Maryland Department of Transportation advises that the bill is expected to have a minimal fiscal impact on SHA. The estimated cost for production and installation of the plaques authorized by the bill is approximately \$10,000. Accordingly, TTF expenditures increase by about \$10,000 – likely in fiscal 2018 only – assuming SHA uses the authorization to erect plaques within the first year after the bill takes effect.

In addition, because the bill exempts various types of vehicles from stopping at a highway-rail grade crossing with an exempt plaque, fewer individuals may receive citations for failure to comply with the crossing requirements discussed above. According to the District Court, 14 citations were issued in fiscal 2016 for failure to comply with crossing requirements. It is not known how many, if any, of these violations were at a crossing that could have an exempt plaque under the bill. Thus, any impact on general fund revenues is likely negligible.

Additional Information

Prior Introductions: As amended, SB 1120 of 2016 passed the Senate but received no further action from the House Rules and Executive Nominations Committee. Its nonidentical cross file, HB 1598, was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: None.

Information Source(s): Department of State Police; Maryland Department of Transportation; Judiciary (Administrative Office of the Courts); U.S. Department of Transportation (Federal Highway Administration); Department of Legislative Services

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mm/ljm Third Reader - February 1, 2017

Analysis by: Eric Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510