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FISCAL AND POLICY NOTE
First Reader - Revised

Senate Bill 338

(Senator Manno, *et al.*)

Judicial Proceedings

Vehicle Laws - Pedestrian Hybrid Signals

This bill authorizes the use of pedestrian hybrid signals (PHS) on Maryland roadways. A PHS may only be placed at a midblock or “T” intersection crosswalk in the manner specified. A driver must obey the light signals of a PHS as specified in the bill, unless otherwise directed by a police officer. An individual who receives a citation from a police officer and is convicted of violating this provision is subject to a maximum penalty of two months’ imprisonment and/or a fine of \$500. The offense is a “must appear” violation. Accordingly, an individual who violates this provision may not prepay the penalty but must appear in court to answer the charge. If the Motor Vehicle Administration (MVA) determines that the offense is a moving violation, points may also be assessed against the driver’s license.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill’s penalty provisions. The Maryland Department of Transportation (MDOT) and the Judiciary can likely handle the bill’s requirements with existing resources. Enforcement can be handled with existing resources.

Local Effect: Potential minimal increase in revenues and expenditures due to the bill’s penalty provisions. Enforcement can be handled with existing resources.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: A “PHS” means a traffic control signal located at a crosswalk that (1) uses a combination of steady and flashing lights to alert and stop traffic to enable a pedestrian or bicyclist to safely cross; (2) is activated by a pedestrian or bicyclist; and (3) is coordinated with a corresponding pedestrian control signal.

PHS Traffic Rules: As shown in **Exhibit 1**, the bill generally applies existing rules related to how to proceed at various types of signals to a PHS; however, a dark signal and a steady red signal are treated differently.

Exhibit 1 Pedestrian Hybrid Signal Guide

<u>Type of Signal Vehicular Traffic Is Facing</u>	<u>Corresponding Action to Be Taken By Vehicular Traffic</u>
Dark	May proceed through the crosswalk
Flashing Yellow	May proceed through the crosswalk with caution
Steady Yellow	Is warned that movement related to the flashing yellow signal is ending and a red signal will be shown immediately after the yellow signal
Steady Red	Must stop at the near side of the crosswalk and remain stopped until the signal flashes red or goes dark; a driver may not enter the intersection to make either a right turn or a left turn from a one-way street onto a one-way street
Flashing Red	May proceed through the crosswalk with caution <i>after stopping</i> at the near side of the crosswalk <i>and checking</i> that any pedestrian or bicyclist lawfully in the crosswalk has crossed out of, or is not moving into, the vehicle’s lane of travel

Source: Department of Legislative Services

PHS and Pedestrian Control Signals: The bill also establishes rules for a PHS showing pedestrian control signals such as the words “walk,” “don’t walk,” or “wait,” or the symbols of “walking person” or “upraised hand.” A pedestrian or bicyclist facing a “walk” or walking person signal may cross the roadway in the direction of the signal and must be given the right-of-way by the driver of any vehicle. A pedestrian or bicyclist may not start to cross the roadway in the direction of a “don’t walk,” upraised hand, or “wait” signal. If a pedestrian or bicyclist has partially completed crossing on a walk or walking person signal, then he or she must proceed without delay to a sidewalk or safety island while the “don’t walk,” “wait,” or upraised hand signal is showing.

Traffic Control Monitoring Systems: A PHS is subject to enforcement by a traffic control monitoring system (*i.e.*, red light camera). Unless the driver of a motor vehicle receives a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a maximum civil penalty of \$100 if the vehicle is recorded for failing to stop at a PHS steady red signal. If a PHS violation is enforced through a traffic control monitoring system, it is not a moving violation for which points may be assessed. It may be treated as a parking violation and may not be considered in the provision of motor vehicle insurance.

Under the bill, if the violation is enforced by a traffic control monitoring system, MVA may not register or transfer the registration of any vehicle involved in a violation of PHS traffic rules if notified that the person cited has not paid the associated fine or filed a notice of intention to appear in court.

The bill requires the State Highway Administration to update the traffic sign manual to conform to the bill’s provisions within 90 days of the bill’s October 1, 2017 effective date.

Current Law: The Transportation Article does not define PHS or address the use of PHS on Maryland roadways.

Duty to Obey Traffic Signals: Except as otherwise specified or unless otherwise directed by a police officer, the driver of any vehicle must obey any traffic control devices. A driver may not leave the roadway or drive across private property to avoid a traffic control device. A violation is a misdemeanor with a maximum \$500 fine. The prepayment penalty is \$90 with one point assessed against the license. If the violation contributes to an accident, the prepayment penalty is \$130 and three points must be assessed against the license.

Traffic Control Monitoring Systems and Failing to Stop at a Red Signal or Arrow: Unless the driver of a motor vehicle receives a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a maximum civil penalty of \$100 if the vehicle is recorded for failing to stop at a red signal or red arrow by a traffic control monitoring system.

If a driver fails to stop at a steady circular red signal and a police officer issues the citation, the driver is subject to conviction for a misdemeanor, which has a maximum penalty of a \$500 fine. The prepayment penalty established by the District Court is \$140 and two points must be assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty is \$180 and three points must be assessed against the driver's license.

Traffic Signs, Signals, and Markings: With the exception of special pedestrian signals that carry a legend, the Maryland Vehicle Law limits the colors used by traffic control signals that show different colored lights or colored lighted arrows, whether successively, one at a time, or in combination, to the colors green, red, and yellow.

Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by the arrow. Vehicular traffic facing a steady red signal or a steady red arrow must stop at the near side of the intersection at a clearly marked stop line. If there is no stop line, traffic must stop before entering any crosswalk. If there is no crosswalk, traffic must stop before entering the intersection. Traffic must remain stopped until a signal to proceed is displayed. This provision also applies to a traffic control signal placed at a location other than an intersection. The required stop must be made at a sign or marking on the pavement indicating where the stop must be made, or at the signal, if there is no sign or marking.

A violation of either of the above provisions is a misdemeanor and a violator is subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$140 and two points must be assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty increases to \$180 and three points must be assessed against the driver's license.

If a flashing red or yellow light is used in a traffic control signal or traffic sign, vehicular traffic must obey the signal. A red flashing signal requires vehicular traffic to stop at the near side of the intersection, if there is no clearly marked stop line, before entering any crosswalk. If there is no crosswalk, the vehicular traffic must stop before entering the intersection. A driver may then proceed under the same rules that allow the driver to proceed after stopping at a stop sign. A yellow flashing signal requires vehicular traffic to proceed through the intersection or past the flashing signal only with caution. This flashing light provision does not apply to railroad crossings.

Vehicular traffic approaching a nonfunctioning traffic control signal at an intersection must (1) *stop* at a clearly marked stop line, before entering any crosswalk (if there is no clearly marked stop line), or before entering the intersection (if there is no clearly marked stop line

or crosswalk); (2) *yield* to any vehicle or pedestrian in the intersection; and (3) *remain stopped* until it is safe to enter and continue through the intersection.

A violation of either of the above provisions is a misdemeanor, and a violator is subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$90 and one point must be assessed against the driver's license. If the violation contributes to an accident, the prepayment penalty increases to \$130 and three points must be assessed against the license.

Pedestrian Control Signals: Generally, a pedestrian is subject to all traffic control signals including special pedestrian control signals where the words "walk," "don't walk," or "wait" or the symbols of "walking person" or "upraised hand" are in place. A pedestrian facing a walk or walking person signal may cross the roadway in the direction of the signal and must be given the right-of-way by the driver of any vehicle. At an intersection where an exclusive all-pedestrian interval is established, a pedestrian may cross the roadway in any direction within the intersection. A pedestrian may not start to cross the roadway in the direction of a "don't walk" or upraised hand signal. A pedestrian may not start to cross the roadway in the direction of a "wait" signal. If a pedestrian has partly completed crossing on a "walk" or walking person signal, the pedestrian must proceed without delay to a sidewalk or safety island while the "don't walk," "wait," or upraised hand signal is showing. A violation of the above provisions is a misdemeanor and a violator is subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$50.

Right-of-way of Pedestrians in Crosswalk: When there is no pedestrian tunnel, overhead pedestrian crossing, or a traffic signal in operation, the Maryland Vehicle Law requires the driver of a vehicle to come to a stop when a pedestrian is crossing in a crosswalk and is on the half of the roadway on which the vehicle is traveling. Likewise, the driver must stop when the pedestrian in a crosswalk is approaching from an adjacent lane on the other half of the roadway. A violation is a misdemeanor with a maximum fine of \$500. The prepayment penalty established by the District Court is \$80 and one point must be assessed against the driver's license by MVA. However, if the violation contributes to an accident, the fine may not be prepaid; the violator must appear in court to answer the charge.

Vehicle Registration Withheld: Citations issued by traffic control monitoring systems are treated as parking violations for which points may not be assessed. If a person cited by a traffic control monitoring system has not paid the associated fine or filed a notice of intention to appear in court, MVA may not register or transfer the registration of any vehicle involved in a failure to stop at a red signal violation.

Background: PHS are used in various locations, including Washington, DC, as well as cities in Arizona. They are intended to fill the gap between unprotected crosswalks and crossings with full traffic signals. According to the Federal Highway Administration

(FHA), midblock locations account for more than 70% of pedestrian fatalities and vehicle speeds are generally higher at these locations, contributing to higher fatality rates. FHA cites a 2010 study that found use of a PHS can reduce pedestrian crashes by 69%.

According to the Administrative Office of the Courts, there were 5,760 red light citations in fiscal 2016. In fiscal 2016, 1,428 individuals received citations for failing to stop for a pedestrian in a crosswalk. Of that total, 144 contributed to an accident and were must-appear offenses.

State Revenues: General fund revenues may increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court, to the extent that MDOT installs and operates PHS, and to the extent that convictions occur as a result of contested citations in the District Court.

State Expenditures: General fund expenditures may increase minimally as a result of the bill's incarceration penalties due to more people being committed to State correctional facilities for convictions in Baltimore City. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Potential minimal increase in revenues to the extent local governments install and operate PHS and police issue citations which are uncontested and to the extent that traffic control monitoring systems (red light cameras) are implemented at locations with PHS devices and uncontested citations increase as a result.

Local Expenditures: Expenditures may increase as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years. The number of people convicted of this proposed crime is expected to be minimal.

Additional Information

Prior Introductions: None.

Cross File: HB 578 (Delegate Kramer, *et al.*) – Environment and Transportation.

Information Source(s): Harford, Montgomery, and Wicomico counties; cities of College Park and Frostburg; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Federal Highway Administration; Department of Legislative Services

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