

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 1079

(Delegate McMillan)

Environment and Transportation

Judicial Proceedings

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**Roadways - Crossing by Pedestrians of Roadways - Authority of Local Jurisdictions**

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This bill authorizes local jurisdictions to regulate pedestrians who cross local roadways between adjacent intersections where there is no traffic control signal in operation and establish civil penalties for a violation.

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**Fiscal Summary**

**State Effect:** None. The bill only affects local government operations.

**Local Effect:** Enforcement can be handled with existing resources. Revenues increase to the extent penalties are established and collected by local jurisdictions.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Generally, local jurisdictions may not make or enforce any local law on any subject that is covered by the Maryland Vehicle Law unless the local jurisdiction is specifically authorized to do so in State law. In the reasonable exercise of its police power, State law grants to local jurisdictions specified powers related to local highways, including the powers to regulate, among other things:

- stopping, standing, or parking of vehicles;
- the designation of roadways as one-way;
- traffic via the use of police officers or traffic control devices;

- the speed and weight of vehicles in public parks;
- the restricted use of highways for preservation;
- the operation of bicycles;
- the turning of vehicles at intersections;
- through truck traffic; and
- any other matter related to vehicle laws specifically authorized in State law.

*Pedestrians at Crosswalks:* A pedestrian is subject to all traffic control signals at intersections and may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the driver to yield. A driver of a vehicle approaching a crosswalk or unmarked crosswalk at an intersection may not overtake and pass another vehicle that is stopped to let a pedestrian cross the roadway. When no traffic control signal is in operation, a vehicle must come to a stop when a pedestrian is on the half of the roadway on which the vehicle is traveling or when a pedestrian is approaching from an adjacent lane on the other half of the highway. If practicable, a pedestrian must walk on the right half of a crosswalk.

A person who violates the above provisions is guilty of a misdemeanor and subject to a maximum fine of \$500. A person who violates the restriction on a pedestrian leaving the curb in an unsafe manner is subject to a prepayment penalty established by the District Court of \$50. Both the failure of a driver to stop for a pedestrian in a crosswalk as well as the unlawful passing of another vehicle that is stopped for a pedestrian in a crosswalk are violations, each subject to a prepayment penalty of \$80 and one point against the driver's license by the Motor Vehicle Administration. However, if the violations contribute to an accident, the fine may not be prepaid. The violators must appear in court to answer the charges.

*Other Pedestrian Crossings:* A pedestrian that crosses a roadway at any point, other than in a marked crosswalk or in an unmarked crosswalk at an intersection, must yield the right-of-way to any vehicle approaching on the roadway. Similarly, if a pedestrian crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing is provided, the pedestrian must yield the right-of-way to any vehicle approaching on the roadway. A pedestrian may cross a roadway only in a marked crosswalk between adjacent intersections at which a traffic control signal is in operation. A pedestrian may not cross a roadway intersection diagonally unless authorized by a traffic control device for crossing movements. If authorized to cross diagonally, a pedestrian may cross only in accordance with the traffic control device.

A pedestrian who crosses a roadway must yield the right-of-way to any approaching police or other emergency vehicle that is lawfully using audible and visual signals. However, a driver of an emergency vehicle is not relieved from the duty to drive with due regard for the safety of all persons. A person who violates the above provisions is guilty of a

misdemeanor and subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$50.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Caroline, Montgomery, and Prince George's counties; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2017  
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