

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
First Reader

House Bill 959 (Delegate Parrott)
Environment and Transportation

Vehicle Laws - Pedestrian Hybrid Beacons

This bill authorizes the use of a pedestrian hybrid beacon (PHB) on Maryland roadways as a traffic control signal. A PHB may be placed at a midblock pedestrian crossing or an intersection. The State Highway Administration (SHA) and local jurisdictions are authorized to install a PHB in accordance with the Maryland Manual on Uniform Traffic Control Devices (MDMUTCD). The bill defines a PHB as a pedestrian-activated traffic control signal placed at a crosswalk that uses a combination of steady and flashing lights to alert and stop traffic approaching the crosswalk to allow pedestrians to safely cross a main roadway.

Fiscal Summary

State Effect: Potential minimal increase in expenditures to the extent SHA installs and operates PHBs. Potential minimal increase in revenue from fines imposed in the District Court. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. Potential minimal increase in expenditures to the extent local governments install and operate PHBs. Revenues are not affected.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The bill requires SHA to update MDMUTCD to incorporate details regarding the proper operation of a PHB in the State by December 31, 2018. If SHA fails

to update MDMUTCD, SHA and local jurisdictions may install a PHB only in accordance with the federal Manual on Uniform Traffic Control Devices (FMUTCD).

Current Law: The Transportation Article does not define PHB or address the use of PHBs 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.

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 the Motor Vehicle Administration (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 and, in addition to the maximum \$500 fine, is subject to imprisonment for up to two months. On conviction, MVA must assess three points against the driver's license.

Background: PHBs 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 PHB can reduce pedestrian crashes by 69%.

A PHB generally consists of two red circular lenses above a single yellow lens. A traditional PHB remains dark until a pedestrian activates the beacon. A modified PHB flashes yellow until a pedestrian activates the beacon. In March 2017, SHA installed a modified PHB at a pedestrian crossing in Montgomery County on Route 586 at Turkey Branch Parkway. In September 2017, SHA installed the first traditional PHB located in Montgomery County at the entrance to Bethesda Chevy Chase High School.

According to the Administrative Office of the Courts, in fiscal 2017, 1,125 individuals received citations for failing to stop for a pedestrian in a crosswalk.

FMUTCD specifies the national standards by which traffic signs, road surface markings, and signals are designed, installed, and used and approved by FHA. MDMUTCD is the combined document of the national set of traffic control device standards and guidance promulgated by FHA and Maryland's supplemental guidance. In 2017, SHA received approval from FHA to adopt the PHB guidelines in FMUTCD. Previous to that, MDMUTCD did not authorize PHBs. The 2011 edition of MDMUTCD has been revised to include the federal PHB standards along with Maryland specific guidance.

Additional Information

Prior Introductions: HB 578 of 2017, a similar bill, passed in the House as amended but received no further action from the Senate Judicial Proceedings Committee. Its cross file, SB 338 of 2017, received an unfavorable report from the Senate Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Montgomery, Washington, and Worcester counties; Maryland Association of Counties; City of Westminster; Maryland Department of Transportation; Federal Highway Administration; U.S. Department of Transportation; Department of Legislative Services

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