

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 70

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Transportation)

Judicial Proceedings

Environment and Transportation

Vehicle Laws – HOV Lanes – Hybrid Vehicles

This departmental bill repeals the authorization for qualified hybrid vehicles to use a high-occupancy vehicle (HOV) lane along the portion of U.S. Route 50 between Interstate 95/Interstate 495 and U.S. Route 301 regardless of the number of passengers. **The bill takes effect September 29, 2019.**

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: None.

Small Business Effect: The Maryland Department of Transportation has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Current Law/Background:

History of HOV Lane Exceptions for Qualified Hybrid Vehicles

Chapter 734 of 2016 authorized “qualified hybrid vehicles” to use an HOV lane on specified portions of U.S. Route 50 regardless of the number of passengers, under specified circumstances, through September 30, 2018. (A “qualified hybrid vehicle” means an automobile that (1) meets all applicable regulatory requirements; (2) meets the current

vehicle exhaust standard set under the federal Tier 2 program for gasoline-powered passenger cars under specified federal regulations; and (3) can draw propulsion energy from both gasoline or diesel fuel and a rechargeable energy storage system.) Chapters 678 and 679 of 2018 extended HOV-lane privileges for qualified hybrid vehicles through September 30, 2022.

Alignment with Federal Law

SHA advises that the federal authorization, under Section 166 of Title 23 of the U.S. Code, for several categories of vehicles to use HOV lanes regardless of vehicle occupancy requires a state to have established a program to ensure the lanes are not degraded. Further, SHA notes that, pursuant to 23 U.S.C. § 166(b)(5)(B), “other low emission and energy-efficient vehicles” may be authorized to use HOV lanes only through September 29, 2019. “Qualified hybrid vehicles,” as defined in Maryland law, qualify under this federal provision; however, the current authorization under State law for such vehicles to use HOV lanes on U.S. Route 50 expires September 30, 2022 – approximately three years *beyond* the date authorized by federal law.

The bill, therefore, aligns Maryland law with federal law. SHA notes that the Federal Highway Administration has broad authority to withhold federal highway funds, and that noncompliance with federal law – including HOV lane exceptions – may result in a significant loss of federal highway funding to the State.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 21, 2019
sb/ljm Third Reader - March 20, 2019
Revised - Amendment(s) - March 20, 2019

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Vehicle Laws – HOV Lanes – Plug-in Drive and Hybrid Vehicles

BILL NUMBER: SB 70

PREPARED BY: Maryland Department of Transportation / _____
(Dept./Agency)

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS