

HOUSE BILL 64

R5

2lr0618

(PRE-FILED)

By: **Delegates Krimm and Korman**

Requested: October 4, 2021

Introduced and read first time: January 12, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **State Highways – Designated Shoulder Areas – Establishment and Use by**
3 **Transit Buses**

4 FOR the purpose of authorizing the State Highway Administration, in consultation with
5 the Maryland Transit Administration and the Department of State Police, to
6 designate shoulder areas on State highways that may be used for travel, subject to
7 certain restrictions, by State and local transit buses; requiring the State Highway
8 Administration to post certain signage to indicate the beginning and the end of a
9 designated shoulder area; and generally relating to the establishment and use of
10 designated shoulder areas.

11 BY repealing and reenacting, with amendments,
12 Article – Transportation
13 Section 21–304(a)
14 Annotated Code of Maryland
15 (2020 Replacement Volume and 2021 Supplement)

16 BY adding to
17 Article – Transportation
18 Section 21–315
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2021 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Transportation**

24 21–304.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Subject to the requirements of subsection (b) of this section, the driver of a
2 vehicle may overtake and pass to the right of another vehicle only:

3 (1) If the overtaken vehicle is making or about to make a left turn;

4 (2) On a highway with unobstructed pavement not occupied by parked
5 vehicles and wide enough for two or more lines of vehicles moving lawfully in the same
6 direction as the overtaking vehicle; [or]

7 (3) On any one-way roadway, if the roadway is free from obstruction and
8 wide enough for two or more lines of moving vehicles; OR

9 (4) **WHEN DRIVING A TRANSIT BUS IN A DESIGNATED SHOULDER**
10 **AREA IN ACCORDANCE WITH § 21-315 OF THIS SUBTITLE.**

11 **21-315.**

12 (A) (1) **THE STATE HIGHWAY ADMINISTRATION, IN CONSULTATION WITH**
13 **THE MARYLAND TRANSIT ADMINISTRATION AND THE DEPARTMENT OF STATE**
14 **POLICE, MAY:**

15 (I) **DESIGNATE SHOULDER AREAS ON STATE HIGHWAYS THAT**
16 **MAY BE USED FOR TRAVEL BY STATE OR LOCAL TRANSIT BUSES; AND**

17 (II) **LIMIT THE USE OF A DESIGNATED SHOULDER AREA TO**
18 **SPECIFIC DAYS AND TIMES.**

19 (2) **IN ESTABLISHING A DESIGNATED SHOULDER AREA, THE STATE**
20 **HIGHWAY ADMINISTRATION SHALL CONSIDER:**

21 (I) **RIGHT-OF-WAY AVAILABILITY AND CAPACITY;**

22 (II) **PEAK CONGESTION HOURS FOR THE SHOULDER UNDER**
23 **CONSIDERATION;**

24 (III) **THE LEVEL OF CONGESTION ON THE ROADWAY ADJACENT**
25 **TO THE SHOULDER; AND**

26 (IV) **ANY OTHER FACTOR THE STATE HIGHWAY**
27 **ADMINISTRATION CONSIDERS RELEVANT.**

1 **(3) THE STATE HIGHWAY ADMINISTRATION SHALL POST SIGNAGE**
2 **PROXIMATE TO A DESIGNATED SHOULDER AREA TO INDICATE THE BEGINNING AND**
3 **THE END OF THE DESIGNATED SHOULDER AREA.**

4 **(B) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
5 **PARAGRAPH, THE DRIVER OF A TRANSIT BUS MAY DRIVE IN A DESIGNATED**
6 **SHOULDER AREA.**

7 **(II) THE DRIVER OF A TRANSIT BUS MAY NOT DRIVE IN A**
8 **DESIGNATED SHOULDER AREA IF THE SPEED OF TRAFFIC ON THE ADJACENT**
9 **ROADWAY IS 35 MILES PER HOUR OR GREATER.**

10 **(2) THE DRIVER OF A TRANSIT BUS BEING DRIVEN IN A DESIGNATED**
11 **SHOULDER AREA:**

12 **(I) MAY NOT EXCEED THE SPEED OF TRAFFIC ON THE**
13 **ADJACENT ROADWAY BY MORE THAN 10 MILES PER HOUR; AND**

14 **(II) SHALL YIELD TO MERGING, ENTERING, AND EXITING**
15 **TRAFFIC AND OTHER VEHICLES ON THE SHOULDER.**

16 **(C) THE STATE HIGHWAY ADMINISTRATION MAY ADOPT REGULATIONS**
17 **GOVERNING THE ESTABLISHMENT AND USE BY TRANSIT BUSES OF DESIGNATED**
18 **SHOULDER AREAS.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2022.