

Part G

Transportation and Motor Vehicles

Transportation

Highways

Roadside Solicitation

The expanding practice of roadside solicitation of motorists has been a growing concern in recent years and has sparked State and local efforts to curb or stop the practice. Charles, Harford, and Washington counties prohibit roadside solicitation and Prince George's County does not allow children under the age of 15 to solicit from roadways and prohibits adults from encouraging them to do so. Several bills were introduced this session to further regulate or ban solicitation from median strips, intersections, and other roadside locations. *Senate Bill 443/House Bill 283 (both passed)*, prohibit solicitation on Frederick County roads, but two other bills, *House Bill 61 (failed)* and *House Bill 1323 (failed)*, that would have eliminated soliciting on roadways statewide did not pass.

Another measure, *House Bill 187 (passed)* creates a licensing program for the solicitation from county roads, median dividers, and intersections in Anne Arundel County by a nonprofit organization if the organization purchased a license and met specified licensing requirements. House Bill 187 resembles laws in other states that authorize roadway solicitation with the permission of the local jurisdiction or authorize certain nonprofits to solicit funds for charitable causes.

Reporting Requirements for Toll Increases

The Maryland Transportation Authority (MdTA) raised tolls at three locations in November 2001 and at five facilities in November 2003, excluding the Chesapeake Bay Bridge and the Potomac River (Nice) Toll Bridge. Toll revenues in fiscal 2005 will be \$160 million, or 106 percent higher than in fiscal 2001, due primarily to these toll increases. *House Bill 262 (passed)* requires the MdTA, before fixing or revising tolls on bridges, tunnels, or highways, to provide information to the fiscal committees of the General Assembly on the proposed toll changes, including (1) the annual revenues generated by the toll charges; (2) the proposed use of the revenues; and (3) the proposed commuter discount rates.

No Ballot for New Bridge

Traffic congestion on the Chesapeake Bay Bridges has increased by 23 percent between 1994 and 2001, prompting discussion of the need to construct another bridge across the bay. Maryland voters would have seen a question on the November 2004 general election ballot asking whether they approved of building another bridge across the Chesapeake Bay and committing State resources to do so under *Senate Bill 159/House Bill 1527 (both failed)*. The results would not have been binding. MdTA, which set aside \$500,000 in the fiscal 2004 capital budget to study the issue, estimates that such a bridge would cost \$1.5 to \$3 billion to construct.

Magnetic Levitation Transportation System (Maglev)

The Baltimore-Washington area was one of two finalists in a competition for federal funding to construct a Maglev transportation system; however, the federal law requiring a competition is no longer in effect. Nonetheless, federal aid could be available for a proposed 40-mile Maglev project linking Camden Yards in Baltimore and Baltimore-Washington International Airport to Union Station in Washington, DC. Maglev would provide a 16-minute trip between Baltimore and Washington and could be expanded to provide service to other locations on the East Coast. The project's total cost is approximately \$5 billion, or \$125 million per mile. Maryland would be required to contribute about \$500 million.

The fiscal 2005 budget includes \$1 million in federal funding to complete the Environmental Impact Statement (EIS) for the Maglev system. Language adopted in the fiscal 2005 budget and a provision of the 2004 Budget Reconciliation and Financing Act prohibits the State from spending State funds on the study, development, or construction of a Maglev system. The State is authorized, however, to expend \$1 million in federal aid to complete the EIS by July 1, 2005.

Funding

Grant Anticipation Revenue Vehicle (GARVEE)

GARVEE bonds are bonds that are backed by future federal transportation aid and provide one of the sources of potential revenue for the Intercounty Connector (ICC). Chapter 470 of 2002 authorized the use of GARVEE bonds for the Maryland Department of Transportation (MDOT). The Attorney General has declared that MdTA is also authorized to issue GARVEE bonds. Chapter 470 of 2002 established that GARVEE bonds could not have a maturity of more than 30 years, and MdTA's authority to issue revenue bonds limits the issuance of revenue bonds to a 40-year maturity. The amount of federal aid that may be pledged to repay GARVEE bonds is not limited for either MDOT or MdTA.

House Bill 962 (failed) would have repealed the authority of MDOT and MdTA to issue GARVEE bonds. *House Bill 961 (failed)* would have limited GARVEE bonds so that annual debt service for GARVEE bonds could not exceed 10 percent of annual federal transportation aid and would have limited the term of GARVEE bonds to 15 years. *Senate Bill 508 (passed)*, the Budget Reconciliation and Financing Act of 2004, restricts the issuance of GARVEE bonds by

MDOT and MdTA by limiting the annual debt service on the bonds to 13 percent of annual federal transportation aid and limits the term for issued GARVEE bonds to 15 years. MdTA has indicated that it intends to use GARVEEs to finance planning and construction of the ICC. The limits imposed by the General Assembly on the use of GARVEEs will not adversely impact the ICC project. A more detailed discussion of this bill can be found under Part A – Budget and State Aid of this *90 Day Report*.

Department of Transportation Debt Limit

House Bill 1467 (Ch. 9), the Administration’s transportation financing proposal that is discussed in more detail under the Motor Vehicles subpart of the Part G, also increases the amount of bonds that the Maryland Department of Transportation (MDOT) can issue by raising the debt limit from \$1.5 to \$2.0 billion. This change and the additional revenues will enable the department to sell approximately \$505 million of additional consolidated transportation bonds between fiscal 2005 and 2009. Total debt service payments between fiscal 2005 and 2009 may increase by approximately \$100 million. MDOT has identified several potential highway and transit projects for which the additional money could be spent, including Metrorail upgrades, safety projects on Routes 32, 113, and 450, and various road congestion improvements, such as the Hampstead and Hughesville bypasses and improvements to Interstates 495, 70, and 695.

Maryland Transit Administration

Maryland Senior Rides Demonstration Program

Senate Bill 294/House Bill 626 (both passed) create a Maryland Senior Rides Demonstration Program within the Maryland Transit Administration (MTA). The program awards grants of up to \$100,000 to government and nonprofit entities to provide door-to-door transportation to low- to moderate-income seniors who have difficulty accessing existing transportation systems.

Farebox Recovery

Senate Bill 282/House Bill 682 (both passed) extend the June 30, 2004 termination date for Chapter 210 of 2000 to June 30, 2008. Chapter 210 requires MTA to recover at least 40 percent of the operating costs for its bus, light rail, and Metro services in the Baltimore region and established a goal of 50 percent for farebox recovery. In recent years, MTA has not been able to meet this requirement. Chapter 210 of 2000 also altered the definition of a service deficit for transit grants awarded to Prince George’s and Montgomery counties to mean (1) revenues and all federal operating assistance or (2) 40 percent of the operating costs and all federal operating assistance.

Maryland Transportation Authority

Senate Bill 508 (passed), the Budget Reconciliation and Financing Act of 2004, requires the Maryland Transportation Authority to notify the Senate Budget and Taxation Committee, the House Appropriations Committee, and the House Ways and Means Committee for review and

comment whenever it enters into a contract or agreement for the operation or ownership of a transportation facility. Senate Bill 508 and *Senate Bill 191 (passed)*, the Maryland Consolidated Capital Bond Loan of 2004, also establish that MdTA must get authorization from the General Assembly to issue bonds for the financing of transportation projects beginning July 1, 2005. A more detailed discussion of these bills can be found in Part A – Budget and State Aid of this *90 Day Report*.

Transportation Trust Fund (TTF)

TTF Sweeper

Senate Bill 508 (passed), the Budget Reconciliation and Financing Act of 2004, requires that a general fund surplus in excess of \$10 million be appropriated to the TTF. This appropriation may not exceed \$50 million annually and is no longer required once the cumulative appropriations from the general fund to the TTF equal \$314,913,000, the amount that was transferred from the TTF to the general fund by the 2003 Budget Reconciliation and Financing Act. A more detailed discussion of this bill can be found in Part A – Budget and State Aid of this *90 Day Report*.

Motor Vehicles

Drunk and Drugged Driving Enforcement

Driving While Impaired by Drugs

Penalties for Driving While Impaired by Drugs: Two studies by The Walsh Group in conjunction with the Shock Trauma Center at the University of Maryland Hospital indicated that drug use was very high among motor vehicle crash victims. Of the drivers age 16 to 44 admitted to the Trauma Unit, nearly one out of three injured drivers tested positive for marijuana use. *House Bill 373 (passed)* increases the maximum penalties for driving or attempting to drive while impaired by a controlled dangerous substance (CDS) by making the penalties commensurate with the penalties for driving or attempting to drive while under the influence of alcohol or under the influence of alcohol per se. A person who is convicted of driving or attempting to drive while impaired by a CDS within five years after a prior conviction for the same offense is subject to a mandatory minimum penalty of imprisonment for five days and is required to undergo a comprehensive drug abuse assessment. Enhanced penalties for driving or attempting to drive while impaired by a CDS while transporting a minor are added, commensurate with the penalties for driving while under the influence of alcohol or under the influence of alcohol per se while transporting a minor.

Required Assessment before Granting Probation before Judgment: According to the report, *Driving Under the Influence of Drugs Legislation in the United States*, prepared by The Walsh Group and the American Bar Association, as of the year 2000, 31 states provided for court-ordered substance abuse treatment or education for alcohol- or drug-related driving

offenders. *House Bill 376 (passed)* clarifies that if the court stays a judgment for various alcohol- or drug-related driving offenses, then before imposing a period of probation, the court may order the Department of Health and Mental Hygiene to evaluate the defendant to determine if the defendant is in need of and may benefit from an alcohol or drug treatment or education program. If an evaluation is ordered, the court must review the evaluation before imposing a period of probation.

Impaired Driving That Causes Life-threatening Injury or Death

Senate Bill 592 (passed) requires a person involved in an alcohol- and/or drug-related motor vehicle accident resulting in death or life-threatening injury to submit, at the direction of a police officer, to a test of breath or blood or to tests of both breath and blood to determine the person's alcohol concentration or any drug or controlled dangerous substance content of the person's blood.

Motor Vehicle Administration

Senate Bill 34 (passed) allows the Motor Vehicle Administration to delegate to the Office of Administrative Hearings the authority to conduct hearings and render final decisions for all cases under the Maryland Vehicle Law.

Vehicle Licensing and Registration

Vehicle Fees

The General Assembly raised the State vehicle registration fees for the first time in 17 years, as part of *House Bill 1467 (Chapter 9)*. The Act's revenue raisers (described below) followed a series of meetings and public hearings by the Governor's Transportation Task Force in 2003. The task force identified \$10.5 billion in underfunded capital transportation needs over the next six years and delineated several options to raise an additional \$300 million per year for the Transportation Trust Fund (TTF) to fund road and transit projects, including increasing the gas and titling tax and the vehicle registration fee.

Several factors, including stagnant revenue, have contributed to the funding gap. While the number of vehicles and drivers in Maryland continue to increase, resulting in increased demand on highway facilities, transportation revenue sources have remained fixed. For example, the State gasoline tax has not been increased since 1992, and the 5 percent vehicle titling tax was last increased in 1978. The revenue gap was exacerbated in 2003 by a \$300 million transfer from the TTF to close the deficit in the State's general fund.

Registration Fees: The legislation originally raised approximately \$148 million in fiscal 2005 from registration fee increases on all classes of vehicles. The bulk of the revenue stems from an 87 to 89 percent jump in the fee paid on passenger cars, trucks, and sport utility vehicles (SUVs). The biennial registration fee for a Class A passenger car or Class M vehicle (*e.g.*, minivans) will increase by \$47; car owners will pay \$101, in addition to a \$13.50 surcharge for various medical funds. The biennial fee for heavier vehicles such as SUVs will increase from

\$81 (excluding surcharges) to \$153. However, *Senate Bill 508 (passed)*, the Budget Reconciliation and Financing Act of 2004 (BRFA) created an exemption for rental vehicles that covers passenger vehicles, trucks, and trailers (freight and nonfreight), as well as tractor-trailers. The annual estimated revenue loss associated with the exemption is over \$1.3 million.

House Bill 1467 also permanently extends the Maryland Trauma Physician Services Fund (set to expire July 1, 2005) and the \$2.50 annual surcharge on the State vehicle registration fee that supports the fund. The surcharge will generate approximately \$12.4 million annually.

Miscellaneous Fees: BRFA will generate an additional \$17 million in fiscal 2005 and \$20 to \$21 million annually thereafter by changing the formula used by the Motor Vehicle Administration (MVA) to set miscellaneous fees. The MVA has indicated that it will raise most of this revenue by imposing a \$30 fee to release “flags” placed on the registration of Maryland drivers who do not pay their civil citations on time. Currently, the MVA only charges this in cases where a driver does not pay the citation by the time the vehicle’s registration is renewed. In fiscal 2003, the MVA collected almost \$191 million in miscellaneous fees. Following deductions for various funds, net miscellaneous fee revenue was \$129.8 million. House Bill 1467 permits the MVA to establish and charge a fee for persons who fail to keep appointments made for noncommercial driver licensing tests. If a \$20 fee is charged and 5 percent of the MVA customers miss their appointments, the fee will raise \$150,000.

License Tags

Senate Bill 32 (passed) eliminates the 15-day limit on temporary vehicle registrations and authorizes the Motor Vehicle Administrator to determine the duration of temporary registration. It also requires all vehicles, whether purchased in Maryland or out-of-state, to be inspected within 60 days of registration.

Licensing of Undocumented Immigrants

House Bill 40 (failed) would have prohibited a person from knowingly allowing the person’s motor vehicle to be driven on a highway by an individual the person knows is not lawfully admitted into or otherwise lawfully present in the United States. A violator would have been subject to a maximum fine of \$500 and forfeiture of the motor vehicle to the State. In addition, the MVA would have been required to suspend for one year the license of anyone convicted of the crime.

Under MVA policies regarding valid identification documents, there are classes of non-citizens who are legally present in the U.S. but are nevertheless precluded from obtaining a driver’s license. These noncitizen classes include refugees, asylees, temporary protective status grantees, Canadian citizens who are exempt from the requirement of carrying a passport, and individuals granted residence by an immigration judge. *House Bill 41 (failed)* would have prohibited the MVA from issuing a driver’s license to an individual who is not lawfully present in the U.S. in accordance with federal law and regulations.

Standards for Commercial Driver's Licenses

On May 5, 2003, the federal Department of Homeland Security issued new regulations requiring detailed background investigations and fingerprinting of applicants for new and renewed commercial driver's licenses with a hazardous materials endorsement. States were required to implement the background check program by April 1, 2004.

Maryland requires a commercial driver who transports hazardous materials to obtain a State-issued endorsement. *House Bill 855 (passed)* requires that to obtain a State-issued endorsement, the operator must apply to the Criminal Justice Information Systems (CJIS) Central Repository for a national and State criminal history records check. Employers of commercial motor vehicle operators may pay for the background checks. The bill requires a check of Maryland criminal records as well as federal criminal records because Maryland criminal records contain more up-to-date information than the records maintained by the FBI. The MVA may not issue a hazardous material endorsement of a commercial driver's license without the approval of the Transportation Security Administration of the federal Department of Homeland Security.

The Federal Motor Carrier Safety Administration published a Final Rule to establish requirements under the Motor Carrier Safety Improvement Act of 1999. States are required to implement changes to commercial driver licensing and sanctioning procedures by September 30, 2005, or risk the loss of federal highway and Motor Carrier Safety Assistance Program funding. For the first year that Maryland is not in compliance with federal requirements, the State could lose 5 percent of federal highway funds or \$15.4 million. In the second and subsequent years of noncompliance, the percentage of highway funds withheld could rise to 10 percent, or about \$30 million. *Senate Bill 396/House Bill 163 (both failed)* would have established new and stricter sanctions for holders of commercial driver's licenses and would have required uniform reporting procedures. Sanctions applied to the operators of commercial motor vehicles would have applied even if a driver was operating a noncommercial vehicle at the time of an alleged violation.

Vision Requirements

Vision Testing Exemption: The MVA reports that in fiscal 2002, 505,000 driver's license renewals were processed. About 1.3 million drivers age 21 to 40 in Maryland are licensed. Chapter 14 of 2000 repealed a requirement that a driver's license renewal applicant appear in person for every renewal. The MVA undertook comprehensive modernization of the driver licensing process from 1999 to 2001, which made mail-in renewal of driver's licenses possible. By eliminating the requirement for a vision screening once in that 10-year period, drivers in the 21 to 40 age group would be able to renew their licenses electronically, by mail, or other means. *Senate Bill 35 (passed)* provides that an individual who is at least 21 years old, but less than 40, may apply for renewal of a driver's license by mail, electronically, or by other authorized means without taking a vision test, if the individual passed a vision test authorized by the MVA within the previous six years.

Vision Standards: The changes made by the General Assembly in 1997 to authorize restricted licenses with lower vision requirements reflected the recommendations offered by the Workgroup for Modified Vision Standards, which consisted of medical professionals, MVA staff, and citizens. The workgroup was appointed after the MVA concluded that there was a significant population with vision problems that could not legally drive but could drive safely under specified restrictions. *Senate Bill 822 (passed)* repeals the September 30, 2004 termination date for a provision of law that established lower vision standards for Class C noncommercial driver's license applicants if the applicant simultaneously meets specified vision standards and is recommended for consideration for licensure by the applicant's licensed ophthalmologist or optometrist. An applicant must pass a driver's training course, and the Medical Advisory Board may place restrictions on the license.

Other Licensing Provisions

Conversion to Full Driver's License: With the increased automation of the driver's license renewal system, the MVA plans to mail full driver's licenses to holders of provisional licenses after completion of the qualifying period, since all identifying information, including photographs, will be available from the provisional license record. However, if the holder of a provisional license commits a moving violation after qualifying for a full license, but before actually receiving the full license, Maryland law requires the holder to wait an additional 18 months before qualifying for a full license. *Senate Bill 33 (Ch. 13)* authorizes the MVA to issue full driver's licenses to holders of provisional licenses who have been convicted of moving violations after conclusion of the provisional licensing period, but before the drivers have been able to obtain full driver's licenses.

Parking Access for the Disabled: *Senate Bill 368 (passed)* establishes a Task Force on Parking for Individuals with Disabilities. The task force is charged with studying current laws regarding parking privileges for individuals with disabilities, with a focus on laws governing parking spaces designated for Class M (multipurpose) vehicles and for the use of individuals with disabilities. The task force is required to report its findings and recommendations to the General Assembly by December 31, 2004.

Rules of the Road

Traffic Signal Interference

Mobile infrared transmitters, known as "MIRTs," are devices intended to change traffic lights. The technology used to be sold exclusively to police and fire departments, which have used it for years to clear intersections and halt opposing traffic in emergency situations. While initially the cost of a MIRT was prohibitive, copycat versions of the MIRT are now available for a much lower cost. As a result, these devices have become available to the general public. *Senate Bill 457 (passed)* and *House Bill 381 (passed)* both prohibit a person without lawful authority from possessing, with an intent to use, any device capable of transmitting an infrared, electronic, or other signal to a traffic control device or railroad sign or signal for the purpose of altering or otherwise interfering with the operation of the traffic control device or railroad sign or

signal. A violation is a misdemeanor with maximum penalties of imprisonment for two months and/or a fine of \$500.

School Bus Safety

Special Bus Speed Eliminated: On some interstates and highways, especially in the more rural areas of the State, the speed differential between a school bus and other traffic can exceed 20 miles per hour, with the school bus limited to a maximum speed of 50 miles per hour. A vehicle traveling at much slower speeds than surrounding traffic can be at greater risk than if it is traveling at or close to the prevailing speed. Studies have indicated that safety improves as the speed variation among vehicles decreases. ***House Bill 65 (passed)*** repeals the 50 miles per hour speed limit on school buses that are carrying passengers, thereby allowing school buses to travel at the posted speed limit on interstate and rural highways, which have speed limits that generally range from 55 to 65 miles per hour.

Enhanced Penalties: Chapter 332 of 2000 created a nonlapsing fund (through fiscal 2005) that allows the Department of State Police to provide annual grants of up to \$35,000 to local law enforcement agencies to better enforce illegal passing of school vehicles. ***Senate Bill 280/House Bill 1223 (both passed)*** seek to further improve enforcement by increasing, from \$500 to \$1,000, the maximum fine for a driver who fails to stop or remain stopped for a school vehicle that is stopped with activated alternately flashing red lights.

Pedestrian Safety

In Maryland, from the period July 1, 2002, to June 30, 2003, only 591 citations were issued for violating a pedestrian's right-of-way in a crosswalk. Only 18 citations were issued for passing a vehicle that was stopped for a pedestrian. To increase the incentive to enforce pedestrian right-of-way laws, violations of which are punishable by imprisonment and, as such require a court appearance, ***House Bill 954 (passed)*** limits the circumstances under which a violation of a pedestrian right-of-way law may result in a term of imprisonment. Under the bill, a violation of the prohibition against a driver failing to stop for a pedestrian in a marked crosswalk or the prohibition against passing a vehicle stopped for a pedestrian in a marked or unmarked crosswalk at an intersection is punishable by imprisonment for up to two months only if the violation contributes to an accident. If violation of these provisions does not contribute to an accident, then the violators are subject to a maximum fine of \$500 but not imprisonment.

Distracted Driving

The use of telephones while driving and the impact of other distractions on drivers has been a major issue for the past several years. In addition to telephones, cars now come equipped with on-board navigation systems, DVD players, and television monitors, all competing to divert the driver's attention away from the road. Nationwide, the National Highway Transportation Safety Administration estimates that 25 to 30 percent of motor vehicle crashes (about 1.2 million accidents) are caused by driver distraction.

One of the persistent issues with regulating hand-held telephone use or other interactive devices in motor vehicles is the absence of consistent findings or reliable statistics. Studies published in recent years by the New England Journal of Medicine, the Harvard Center for Risk Analysis, and the University of North Carolina Research Center, among others, have proven to be inconclusive. *House Bill 29 (failed)* would have prohibited the driver of a motor vehicle from operating a hand-held telephone while the vehicle is in motion, except in an emergency.

In 2003, the National Transportation Safety Board (NTSB) recommended that all states prohibit holders of learner's permits and intermediate or provisional licenses from using interactive wireless communication devices while driving. This recommendation was one of several pertaining to the overall problem of driver distraction that was part of an NTSB report. *House Bill 5 (failed)* and *House Bill 189 (failed)* would have required the MVA to impose a restriction on certain provisional licenses and learner's instructional permits to prohibit the licensee or permit holder from using an interactive or wireless communication device while operating a motor vehicle. *Senate Bill 630 (failed)* would have prohibited a driver under the age of 18 from operating any mobile telephone, whether hands-free or handheld, while the motor vehicle was in motion, except in an emergency.

Equipment and Inspections

Surge Brakes

According to the State Highway Administration, surge brakes, which function without requiring additional controls for the driver to operate, can provide additional safety for some vehicles such as rental trailers. The General Assembly passed legislation in 2002 (Senate Bill 302/House Bill 404) authorizing the use of surge brakes as an exception to the requirements for braking systems of certain trailers and semitrailers. The Governor vetoed the bills on the grounds that surge brakes did not meet federal or State transportation safety standards. *Senate Bill 395/House Bill 551 (both passed)* authorize the use of surge brakes under specified conditions.

Emergency Vehicles

House Bill 717 (passed) exempts emergency vehicles from size, weight, and load restrictions. Emergency vehicles include ambulances; vehicles used by rescue squads, fire departments, or the Maryland Institute for Emergency Medical Services Systems; or vehicles owned by federal, State, or local law enforcement agencies. Under previous law, restrictions regarding size, weight, and load did not apply to fire apparatus, farm equipment temporarily moved on a highway, or a vehicle with a special permit.