

Part G

Transportation and Motor Vehicles

Transportation

Maryland Transit Administration

Baltimore Corridor Transit – Red Line

The proposed Red Line is a 10.5-mile east-west corridor connecting sections of Baltimore County, Edmondson Village in Baltimore City, West Baltimore, downtown Baltimore, and the Inner Harbor East. The Red Line would connect to Baltimore's existing transit system – Metro Subway, light rail, and MARC lines. Options being considered for the project are enhanced bus service, bus rapid transit, and light rail transit (including underground rail). In addition, the impact of not building is being considered. Several bills were introduced during the session concerning the Red Line project.

Senate Bill 873/House Bill 1309 (both passed) establish a citizen's advisory council to advise the Maryland Transit Administration (MTA) on the Red Line project. The Citizen's Advisory Council established under *Senate Bill 873/House Bill 1309* consists of five members appointed by the President of the Senate, five members appointed by the Speaker of the House, two members appointed by the Governor, two members appointed by the Mayor of Baltimore, and one member appointed by the County Executive of Baltimore County. The council's role is to advise the Maryland Transit Administrator on major policy matters concerning a Red Line project. In addition, *Senate Bill 837/House Bill 1306 (both failed)* would have required MTA to study heavy rail as an alternative for the Red Line project.

MARC Stations

MTA attempted to close the St. Denis, Dickerson, Jessup, and Boyds stations on the CSX-operated Brunswick and Camden lines as of March 6, 2006, due to extremely low ridership. The Montgomery County Council opposed the closing and argued for increased advertising to attract more riders. MTA reversed its decision and announced on February 10, 2006 that it would not close the stations.

Senate Bill 366 (Ch. 18) requires MTA to continue to operate the St. Denis, Dickerson, and Boyds stations until March 6, 2007. The Act also requires that MTA perform several studies related to ridership, traffic congestion, and population growth and report on its findings before closing any stations on these lines.

WMATA

Senate Bill 699/House Bill 1632 (both failed) would have required the Secretary of the Maryland Department of Transportation (MDOT) to conduct a study of the need and feasibility of extending the Green Line route of the Metrorail from the Greenbelt Metrorail station to Baltimore-Washington International Thurgood Marshall Airport (BWI). BWI is the only major airport in the Baltimore-Washington, DC area that is not scheduled to be served directly by the Washington Metropolitan Area Transit Authority (WMATA). Although legislation was not passed, there is \$1 million in MDOT's Consolidated Transportation Plan for a planning study of this expansion.

WMATA Funding: Response to Federal Legislation

On July 28, 2005, Representative Tom Davis of Virginia introduced H.R. 3496 in the U.S. Congress which would authorize \$1.5 billion in federal funding for WMATA over 10 years and require that certain amendments to the WMATA compact be enacted by the signatories. The approximately \$150 million a year in new federal funding would be used for capital expenses associated with the ongoing maintenance of the system and to ensure its operation at full capacity.

To receive the additional federal funding under the proposed federal legislation, there are several provisions that must be agreed upon by each of the compact's signatories (Virginia, Maryland, and the District of Columbia) and adopted as amendments to the compact. The most controversial of these amendments is the need for each compact jurisdiction to identify a dedicated funding source "for the cost of operating and maintaining the adopted regional system." Furthermore, the legislation defines dedicated funding source as "any source of funding which is earmarked and required under State or local law to be used for payments."

In response to the federal legislation, Virginia and the District of Columbia each have proposed legislation that would either increase or dedicate a portion of the sales tax to cover the matching component of the additional \$150 million annually in federal funding. Likewise *Senate Bill 850/House Bill 1345 (both passed)*, as originally introduced, would have dedicated five percent of the sales and use tax revenue to a special "Mass Transit Account" within the Transportation Trust Fund by fiscal 2009. Both bills were amended, however, to instead require MDOT to study the transit funding needs of the State, and how transit services are funded in other states and internationally. The bills also require MDOT to identify funding strategies to leverage potential new federal funding for WMATA.

Highway User Revenues

Senate Bill 245/House Bill 177 (both passed) extend the period during which highway user revenues distributed to Baltimore City may be used to pay students' costs of discounted MTA fares for eligible public school students through 2010. The law was scheduled to terminate at the end of fiscal 2006.

Maryland Port Administration

A May, 2005 study by Mercer Management Consulting highlighted numerous challenges confronting the Maryland Port Administration (MPA) in its quest to remain competitive. The study identified overly bureaucratic procurement procedures as one factor that hindered the port's ability to respond quickly to circumstances in a fluid market.

Mercer noted that some of the bureaucratic delays were internal to MPA, while others involved what it termed to be excessive involvement of other State agencies in MPA's procurement activities. In addition to recommending ways in which MPA could expedite procurement timelines it specifically recommended eliminating the involvement of outside agencies, including the Board of Public Works from the procurement process. In 2005, the General Assembly's Joint Commission on the Maryland Port Administration recommended granting MPA certain exemptions from State procurement law for maritime enterprise procurements. *Senate Bill 834/House Bill 1293 (both failed)* would have enabled the Maryland Port Commission to exempt most procurements by MPA from State procurement law and from oversight and approval by the Board of Public Works.

The Private Sector Port Governance Committee on the Governance of the Maryland Port Administration was established by the Secretary of Transportation and appointed by the executive director of MPA. It consists of 10 members representing brokers, engineers and contractors, intermodal transportation, pilots, laborers and stevedores, and steamship lines and agents. The committee concluded that there was insufficient evidence to support changing the governance of the Port of Baltimore but recommended increased capital investment in the port and changes to the hiring practices and the procurement process at MPA.

Senate Bill 788 (failed) would have transferred MPA to the Department of Business and Economic Development. In addition, it would have transferred annually an amount of money, equivalent to 5 percent of the Transportation Trust Fund revenues for that fiscal year, to a new special fund established to fund MPA.

Highways and Toll Facilities

Maryland Transportation Authority

Public-private Partnerships: A public-private partnership is an arrangement by which private entities assume some of the design responsibility or share the financial responsibility for

a public project. Public-private partnerships, which can take many forms, have been used to finance billions of dollars worth of new highway projects in the United States.

By regulation, the Maryland Transportation Authority (MdTA) has the authority to enter into public-private partnerships to construct new airport, rail, port, and transit facilities and for major expansion and rehabilitation of such facilities. MdTA has entered into public-private partnerships in a limited number of cases and always in conjunction with another State agency.

MdTA has undertaken several public-private partnership projects using nontraditional financing mechanisms to finance transportation-related projects such as port and airport support facilities. MdTA is using a “design-build” partnership to build the planned express toll lanes on Interstate 95. Under the arrangement, MdTA is responsible for a portion of the design process, while a private entity will finish the design and build the road.

House Bill 1469 (failed) would have codified the existing public-private partnership program under MdTA and added the ability for private entities to submit unsolicited bids for highway projects. *House Bill 1555 (failed)* would have required MdTA to provide notice to specified legislative committees 45 days prior to issuing a public notice of procurement related to a public-private partnership to lease an existing or future revenue-producing highway, bridge, or tunnel.

MdTA Membership: Senate Bill 52 (passed) increases the appointed membership of MdTA from six members to eight, and requires Authority members to have specified expertise and reflect the geographic and demographic diversity of the State. Additionally, the bill prohibits employees of the Executive Branch from serving as members of the Authority and alters the terms of membership.

State Highway Administration

Chapter 14 of 2006 (Senate Bill 281 of 2005; veto overridden) established a Commission to Study Southern Maryland’s Transportation Needs and outlined several tasks for the commission, including studying the current and future impact of traffic congestion in Southern Maryland and assessing barriers to transportation improvement. The commission must report its findings to the General Assembly by November 1, 2006.

House Bill 1023 (failed) would have established a task force to study the State Highway Administration’s sound barrier installation policy. *House Bill 213 (failed)* would have allowed qualified hybrid vehicles to use the High Occupancy Vehicle lanes at all times, regardless of the number of passengers.

Motor Vehicles

Rules of the Road

Automated Speed Enforcement – Montgomery County

The use of speed monitoring systems was authorized in Montgomery County under House Bill 443 of 2005. A “speed monitoring system” is a device with one or more motor vehicle sensors producing at least two time-stamped images of a motor vehicle that includes the same stationary object near the motor vehicle. The devices may be used to enforce speeding laws only (1) on a highway in a residential district with a maximum posted speed limit of 35 miles per hour or (2) in an established school zone. A violation recorded by a speed monitoring system is a civil infraction subject to a maximum penalty of \$40. Montgomery County is required to use revenues from automated speed enforcement to increase local expenditures for public safety. Related public safety expenditures must be used to supplement and may not supplant existing local expenditures for the same purpose. The Montgomery County Council must report to the General Assembly on the effectiveness of speed monitoring systems by December 31, 2009. House Bill 443 was passed during the 2005 session, but was vetoed by the Governor. The veto was overridden by the General Assembly in the 2006 session..

Automated Speed Enforcement – Baltimore County

House Bill 858 (failed) would have authorized the use of speed monitoring systems on Route 26 in Baltimore County to identify and issue citations to persons who are recorded exceeding, by at least 10 miles per hour, a posted speed limit. A violation recorded by a speed monitoring system would have been subject to a maximum civil penalty of \$40. Any remaining local revenues after reimbursement of costs for the installation, operation, and maintenance of the speed cameras and the processing of recorded images and citations would have been allocated to the Maryland Trauma Physician Services Fund.

Roadside Solicitation

State laws governing solicitation on highways vary. Some states prohibit intentional acts of roadside solicitation. Other states authorize roadway solicitation with the permission of the local jurisdiction or for certain nonprofit organizations that solicit funds for charitable causes. *House Bill 793 (passed)* prohibits, in Montgomery County, a person under the age of 18 years from standing in a roadway, median divider, or intersection to solicit money or donations of any kind from vehicle occupants. In Montgomery County, the ban must be enforced by warnings. The bill also authorizes the Anne Arundel County Council to prohibit, by ordinance, a child under the age of 18 from standing in a roadway, median divider, or intersection in Anne Arundel County to solicit money or donations from vehicle occupants.

Weight Violations on the Chesapeake Bay Bridge

The Chesapeake Bay Bridge connects Maryland’s Eastern Shore with the metropolitan areas of Baltimore, Annapolis, and the District of Columbia. More than 25 million vehicles

crossed the bridge in 2003. The Maryland Transportation Authority recently spent \$52 million on reconstruction of the westbound span of the bridge and will spend an additional \$57.5 million through fiscal 2009. Overweight vehicles significantly accelerate the deterioration of the bridge.

The Chesapeake Bay Bridge is part of the US 301 corridor, which runs from Bradenton, Florida, to Glasgow, Delaware. Some commercial vehicle operators, traveling with overweight loads, may take US 301 to avoid the weigh stations on Interstate 95. *Senate Bill 168 (Ch. 24)* doubles the fine for certain overweight vehicles on the Chesapeake Bay Bridge from the standard overweight vehicle fine in effect on all highways. The fine for each additional pound over 2,000 pounds of excess weight but less than 5,001 pounds is doubled to 10 cents. The fine for each additional pound over 5,000 pounds excess weight but less than 10,001 pounds is doubled to 24 cents. The fine for each additional pound over 10,000 pounds excess weight but less than 20,001 pounds is doubled to 40 cents, and the fine for each pound of excess weight over 20,000 pounds is doubled to 80 cents.

Moving Violation Surcharges

House Bill 1668 (passed) requires the assessment of a surcharge of \$7.50 in addition to the fine for moving violations for which points may be assessed. The surcharges are allocated to the Volunteer Company Assistance Fund and the State Police Helicopter Replacement Fund. A more detailed discussion of *House Bill 1668* may be found under Part E – Crime, Corrections, and Public Safety of this *90 Day Report*.

Drunk and Drugged Driving

High Alcohol Concentration

According to the National Conference of State Legislatures, at least 32 states have enacted high blood alcohol content laws (also known as high BAC laws). States with high BAC laws generally establish a two-tier system for drunk driving offenses. The standard drunk driving limit is still set at 0.08 BAC, but a second, higher BAC level is established for drivers who are extremely drunk. These high BAC levels range from 0.15 to 0.20. Some states impose stiffer administrative or judicial penalties for a high BAC offense, while others establish high BAC as a separate offense with separate penalties.

House Bill 525 (passed) establishes a two-tier system of administrative penalties for BAC test results from 0.08 to less than 0.15 and test results of 0.15 or more. The bill increases the administrative suspension period from 45 days to 90 days for a first offense and from 90 days to 180 days for a second or subsequent offense if the driver takes a test of blood or breath that indicates a BAC level of 0.15 or more. For a test result of 0.08, but less than 0.15, the administrative suspension period remains 45 days for a first offense and 90 days for a second or subsequent offense.

In addition to the notice of sanctions that a police officer must currently provide to a driver who refuses a test of blood or breath or a person who has a test result of 0.08 or greater, a police officer must inform a detained driver that if the driver refuses to take a test or takes a test

with a BAC of 0.15 or greater, the person may participate in the Ignition Interlock Program for one year instead of requesting a hearing on the administrative penalties if certain conditions are met. The bill establishes the following conditions to authorize participation in the Ignition Interlock Program:

- The driver’s license must not be currently suspended, revoked, canceled, or refused;
- The driver must not be charged with a moving violation that arises out of the same circumstances that involved a death or serious physical injury to another person; and
- Within the time limits for requesting an administrative hearing, the driver must surrender a valid Maryland driver’s license or sign a statement certifying that the driver no longer possesses the license, and elect in writing to participate in the Ignition Interlock Program for one year.

The bill also specifies that the existing authority of the Motor Vehicle Administration (MVA) to modify an administrative suspension and issue a restrictive license does not apply to drivers who had a test result indicating a BAC of 0.15 or more. If a driver refused to take a test or had a test with a BAC result of 0.15 or more, the MVA may modify the license and issue a restrictive license only if the driver participates in the Ignition Interlock System Program for one year. If the driver fails to complete participation in the program, the license or driving privilege must be summarily suspended for the full period applicable to the administrative offense of either taking a test with a result of 0.15 or more, or refusing to take a test of blood or breath.

Mandatory Suspensions for Young Drivers

National statistics show that motor vehicle crashes are the number one killer of teenagers nationwide. An analysis of the teen driving problem, completed by the University of Maryland Baltimore County in January 2006, showed that in 2003, of 9,089 Maryland traffic accidents due to alcohol and/or drug impairment, 1,070 or 11.8 percent involved teens. Of 179 fatalities from alcohol- and/or drug-related traffic accidents, 34 fatalities or 19 percent, involved teens. Out of 5,187 traffic accidents due to alcohol and/or drug impairment where injuries were sustained, 719 or 13.9 percent involved teen drivers. According to the State Police, in 2005, 57 teen drivers between the ages of 15 and 19 were at fault for fatal crashes and 13 teen passengers were killed in crashes involving a teen driver.

Senate Bill 228/House Bill 310 (both passed) require the MVA to suspend the license of a child adjudicated as delinquent or a child found to have committed a delinquent act for violating alcohol and/or drug-related driving provisions. For a first offense, the license suspension must be for one year. For a second or subsequent offense, the license suspension period must be for two years. The period of suspension is mandatory. The suspension must run concurrently with any other suspension or revocation that arises out of the same circumstances. Any other suspension imposed due to violation of an alcohol restriction or refusal to take a test of blood or breath must be credited against the suspension imposed under these bills.

Driver Licensing

Driving Without a License

Under State law, a person may not drive a motor vehicle unless the person holds a driver's license, is expressly exempt from licensing requirements, or is specifically authorized to drive certain vehicles. The number of persons charged with driving without a license in Maryland has dramatically increased over the past few years. There has been about a 64 percent increase from fiscal 2002 through 2005 in the number of drivers arrested for this offense. During that four year period, almost 100,000 drivers have been charged with driving without a license. These 100,000 drivers are separate and distinct from those drivers charged with driving with a suspended or revoked license. Under *Senate Bill 558/House Bill 524 (both passed)* if a police officer has probable cause to believe that a person is driving or attempting to drive a vehicle without a license, the police officer may arrest the person without a warrant. The maximum penalty for a first offense is a fine of \$500 or imprisonment for 60 days or both. Both bills maintain the existing maximum fine of \$500 and/or imprisonment for not more than one year for a second or subsequent offense.

Restricted License for Individuals with Impaired Vision

The MVA may issue restricted driver's licenses under specified circumstances, including for individuals who have vision deficiencies. *Senate Bill 758/House Bill 1375 (both passed)* allow the MVA to issue a restricted driver's license to an individual with impaired vision who is evaluated and recommended for approval by the Medical Advisory Board and who successfully completes a driver training course.

Advance Directive Registry

An advance directive is a written or oral instruction, such as a living will or durable power of attorney, concerning health care when a person is incapacitated. In Maryland, advance directives allow an individual to select a health care agent, give health care instructions, or both. *Senate Bill 236 (passed)* creates a voluntary Advance Directive Registry within the Department of Health and Mental Hygiene. The bill requires the registry to be a secure, electronic database to which authorized access is available 24 hours per day, seven days per week. In addition, *Senate Bill 236* requires the Department of Transportation to allow an applicant for a driver's license or identification card to indicate on the license or card that the individual has an advance directive registered with the Department of Health and Mental Hygiene. *Senate Bill 236* is also discussed under Part J – Public Health – Generally of this *90 Day Report*.

Motor Vehicle Registration

Historic Motor Vehicles

Historic motor vehicles are eligible for a special registration in the State. These vehicles are 20 years old or older and are used in exhibitions, club activities, parades, tours, and for occasional transportation. Historic vehicles are exempt from periodic inspections and emission

standards. The annual registration fee for historic vehicles is \$25.50, with renewal every two years. *Senate Bill 184 (passed)* establishes a one-time registration fee of \$50.00 for historic motor vehicles that are at least 60 years old. The one-time registration fee is valid as long as the vehicle is not transferred to a subsequent owner.

Vehicles on Smith Island

Smith Island, inhabited since 1657, is located in the Chesapeake Bay in Somerset County. Smith Island is made up of three islands nearby, with a land mass eight miles long and four miles wide. The island is only accessible by a 45-minute passenger ferry ride and is so small that many individuals use golf carts or bicycles for transportation. Smith Island is a popular tourist attraction. *Senate Bill 328 (passed)* expands the existing “farm area motor vehicle” registration class to include motor vehicles that are operated exclusively on Smith Island. The bill establishes an annual registration fee for these “Island Vehicles” of \$2.50.

Special “Dealer” Registration Plates

Vehicle dealers in the State may obtain special “dealer” license plates and may attach these plates to vehicles for test driving by prospective buyers. *Senate Bill 456 (passed)* allows a dealer to loan a vehicle with a “dealer” license plate to a school or college that provides accommodations for the deaf and hearing impaired in the school’s driver’s education program.

Vehicles Not Requiring Registration

Regulation of Minibikes

Many safety advocates have concluded that minibikes (also known as pocket bikes) should be prohibited from use on the roads. Much like racing motorcycles and race cars, pocket bikes are not “street legal” in Maryland. These motor vehicles lack safety equipment that the states and federal government require for motor vehicles. *House Bill 143 (passed)* defines a “motorized minibike” as a motor vehicle that has two or three wheels and does not require registration by the MVA. A “motorized minibike” does not include a motor scooter, a moped, or a farm tractor. The bill authorizes a local authority to require a permit and impose a permit fee for motorized minibikes. The bill also requires a person who sells a motorized minibike to inform the buyer in writing that the motorized minibike may not be driven on a highway in the State.

Bicycles and Motor Scooters

Senate Bill 846 (passed) authorizes a bicycle to be equipped with a lamp that emits a red light or flashing amber light visible from 500 feet to the rear instead of the required red reflector. The bill also authorizes, but no longer requires, a person to operate a bicycle or motor scooter that is equipped with a bell or device capable of giving an audible signal for at least 100 feet; however, the audible device may not be a siren or whistle. Under the bill, a bike or motor scooter must be equipped with a braking system capable of stopping from a speed of 10 miles per hour within 15 feet on dry, clean, level pavement.

Motor Vehicle Related Business Regulation

Succession of Vehicle Dealers

Vehicle dealers must enter into an agreement with manufacturers to sell a particular make of vehicle. *Senate Bill 634 (passed)* authorizes a dealer to designate an individual to represent the dealer with respect to business with manufacturers, distributors, or factory branches. Under the bill, a manufacturer, distributor, or factory branch may not disapprove the person designated unless the person lacks moral character or reasonable general business experience. The bill also prohibits a manufacturer, distributor, or factory branch from requiring or coercing a dealer to exclude other vehicle makes from the dealer's lot.

Miscellaneous

Standing or Parking Near Crosswalks in Baltimore City

Senate Bill 79 (passed) authorizes Baltimore City to regulate the distance that a person may stop or park a vehicle from a crosswalk. Throughout the State, a person may not stop, stand, or park a vehicle within 20 feet of a crosswalk at an intersection.

Exceptional Hauling Permits

House Bill 1583 (passed) authorizes the State Highway Administration to issue an exceptional hauling permit for vehicles in Allegany and Garrett counties authorizing excess weight for vehicles carrying forest products. Under the permit, a vehicle must adhere to special axle vehicle inspection, records inspection, and tolerance requirements. The State Highway Administrator may stop issuing and renewing permits if the Administrator determines that the use of the permits is adversely affecting any part of the State highway system.