

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1356

(Allegany County Delegation)

Environmental Matters

Judicial Proceedings

Vehicle Laws - Motor Vehicle and Bicycle Racing Events - Approval

This emergency bill authorizes motor vehicle racing events under certain circumstances and adds requirements for bicycle racing events.

The bill terminates September 30, 2009.

Fiscal Summary

State Effect: Given that the State Highway Administration (SHA) would be authorized but not required to approve racing events, the bill's provisions could be implemented with existing resources.

Local Effect: Given that local government would be authorized but not required to approve racing events, the bill's provisions could be implemented with existing resources.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: A motor vehicle racing event on a highway or highway bridge that is approved by SHA or a local authority is lawful under this bill.

SHA or a local authority may approve a motor vehicle racing event if the event is held under conditions that provide reasonable safety and prevent unreasonable interference, as specified in statute.

The sponsors of a motor vehicle or bicycle racing event must indemnify the State and local governments from any loss arising out of or relating to the racing event and provide comprehensive liability insurance. The amount of the insurance is to be determined by SHA or the local authority with jurisdiction over the highway where the racing event is to be held, for the benefit of State and local governments, spectators, and other users of the highway or highway bridge. The county or other local jurisdiction where the racing event is to be held must provide written authorization for the racing event. The highway where the racing event is held must be closed in a manner approved by SHA or the local authority with jurisdiction over the highway, with appropriate access measures in place.

If traffic control adequately assures the safety of participants, spectators, and other highway or highway bridge users, SHA or a local authority may exempt participants in an approved motor vehicle racing event from compliance with other provisions of the Maryland Vehicle Law that would otherwise apply.

Current Law: Except as otherwise provided, on any highway or any private property used by the public, a person may not drive a vehicle in a race or speed contest. A person may not participate as a timekeeper or flagman in any vehicle race or speed contest.

When SHA or a local authority approves a bicycle or foot racing event on a highway or highway bridge under its respective jurisdiction, the event is lawful. A “local authority” is a political subdivision or local board or other entity that has authority to enact laws and adopt local police regulations relating to traffic.

SHA or a local authority may authorize a bicycle or foot racing event only under conditions that provide for reasonable safety for participants, spectators, and highway or highway bridge users and prevent unreasonable interference with traffic flow that would seriously inconvenience other highway or highway bridge users. If traffic control adequately assures the safety of participants, spectators, and other highway or highway bridge users, then SHA or a local authority may exempt bicycle or foot racing participants from compliance with other provisions of the Maryland Vehicle Law that would otherwise apply.

Background: Expansion of SHA and local authority to approve motor racing events is being requested in anticipation of a 1.2 mile hill climb up Polish Mountain on Gilpin Road, scheduled to take place during the summer of 2007. Gilpin Road is a winding State highway that parallels MD-144 and I-68 in Allegany County. MD-144 would be used for staging and the return of vehicles involved in the race.

SHA District 6 advises that most of the traffic control will be conducted by local police and fire personnel and these agencies will provide the needed traffic control devices and

barriers. This is the only known motor vehicle racing event planned for State highways to date.

State and Local Fiscal Effect: SHA advises that the bill's provisions could be implemented with existing resources. The bill authorizes, not requires, SHA to approve motor vehicle racing events. If SHA decided to approve a race event, expenses could be incurred for road closures, traffic redirection, monitoring of race operations, traffic diversion, and restoring routine traffic operations. Although SHA does not normally mandate that race sponsors pay for these costs, it is assumed that SHA could require that these costs be borne by the sponsor as part of the permitting process.

Allegany, Garrett, Montgomery, and Prince George's counties advise that the bill would not have a fiscal impact. Montgomery County reports that sponsors of bicycle racing events are required to indemnify the county and carry adequate insurance as part of the permitting process.

On the other hand, Harford County advises that the bill would have a significant fiscal impact if bicycle or motor vehicle racing events were approved. The local law enforcement agency would have to arrange to close roadways and request the assistance of the local department of public works and SHA for the use of barricades, assistance with traffic re-routing, installation of message boards, and the maintenance of temporary parking areas. Harford County advises that law enforcement personnel would have to be paid overtime and diverted from other assignments to monitor these race events. If the racing event covers a very large area, the manpower may not be available to guarantee the safety of participants, residents, and spectators.

Additional Information

Prior Introductions: None.

Cross File: SB 984 (Senator Edwards) – Judicial Proceedings.

Information Source(s): Allegany County, Montgomery County, Prince George's County, Harford County, Garrett County, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - March 21, 2007
ncs/ljm Revised - House Third Reader - April 6, 2007

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510