

**Department of Legislative Services**  
 Maryland General Assembly  
 2012 Session

**FISCAL AND POLICY NOTE**

Senate Bill 125 (Chair, Judicial Proceedings Committee)(By Request -  
 Departmental - Transportation)  
 Judicial Proceedings

**Vehicle Laws - Public Transit Vehicles - Right-of-Way**

This departmental bill requires the driver of a motor vehicle in an immediate adjacent lane to yield the right-of-way to a public transit vehicle that is traveling in the same direction, displays a specified yield sign in a specified location, and activates its left directional signal to indicate that it is reentering traffic. Violators are guilty of a misdemeanor and subject to a maximum fine of \$500 upon conviction.

The bill does not relieve a public transit vehicle driver from the duty to drive with due regard for the safety of other persons using the roadway. Transit agencies in the State must conduct public information campaigns, including public service announcements, to inform motorists and the law enforcement community about the bill’s requirements.

**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) expenditures increase by \$17,400 in FY 2013 to install bus decals. Potential minimal increase in general fund revenues due to the penalty provision applicable to this offense under the Maryland Vehicle Law.

(in dollars)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	17,400	0	0	0	0
Net Effect	(\$17,400)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Although not required to equip their transit vehicles, local government expenditures increase to the extent they have transit agencies and must, nonetheless, conduct a public information campaign, as required by the bill. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** The Maryland Department of Transportation (MDOT) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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## **Analysis**

**Current Law:** A “transit vehicle” means a mobile device used in rendering transit service. “Right-of-way” means the right of one vehicle or pedestrian to proceed in a lawful manner on a highway in preference to another vehicle or pedestrian. A “motor vehicle” is a vehicle that is self-propelled or propelled by electric power obtained over head electrical wires and is not operated on rails. Motor vehicles do not include mopeds or motor scooters.

A person may not drive or move on any highway any vehicle or equipment that is equipped with or displays any light or signal device designed to emit an oscillating, blinking, rotating, or other similar emission of light unless designated and authorized by the Motor Vehicle Administrator. The use of authorized signal equipment on emergency and other authorized vehicles imposes on drivers of other vehicles the obligation to yield the right-of-way and stop as required by the Maryland Vehicle Law. The use of flashing lighting on an unauthorized vehicle and the failure to yield to an authorized vehicle displaying such lighting are misdemeanor offenses subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$60 for the unauthorized use of flashing lights and \$110 for failure to yield to an authorized vehicle.

On the immediate approach of an emergency vehicle using authorized audible and visual signals or of a police vehicle lawfully using an audible signal, the driver of every other vehicle, unless otherwise directed by a police officer, must first, yield the right-of-way; second, drive immediately to a position parallel to and as close as possible to the edge or curb of the roadway, clear of any intersection; and third, stop and stay in that position until the emergency vehicle has passed.

When proceeding in the same direction as an emergency or police vehicle using authorized audible and visual signals, or a police vehicle using an authorized audible signal, a driver may not pass that vehicle unless the emergency vehicle has stopped or unless otherwise directed by a police officer. Unless otherwise directed by a police officer or a traffic control device, a driver, when approaching from the rear an emergency vehicle that is stopped, standing, or parked on a highway and using any authorized visual signal, has to take the following actions: (1) make a lane change into an available lane not immediately adjacent to the emergency vehicle with due regard for safety and traffic conditions, if practicable and not otherwise prohibited; or (2) slow to a reasonable and

prudent speed that is safe for existing weather, road, and vehicle or pedestrian traffic conditions, if the driver of the motor vehicle is unable to make a lane change into an available lane not immediately adjacent to the emergency vehicle with due regard for safety and traffic conditions.

Generally, a violation of these provisions requires the assessment of one point against the driving record except for the offense of passing a moving emergency or police vehicle, which requires the assessment of two points. All of these offenses are misdemeanors, punishable by a penalty of up to \$500. The District Court has established a prepayment penalty of \$110 if the violation does not contribute to an accident. However, if the violation does contribute to an accident, the prepayment penalty increases to \$150, and if serious bodily injury or death results from the accident, the District Court assesses a penalty of \$750. Also, if the offense contributes to an accident, three points must be assessed against the driving record.

**Background:** The Maryland Transit Administration (MTA) operates a comprehensive transit system throughout the Baltimore-Washington metropolitan area, including more than 50 local bus lines in Baltimore and other services such as the light rail, metro subway, commuter buses, Maryland Area Regional Commuter trains, and mobility/paratransit vehicles.

One of the most difficult aspects of a bus operator's job is to enter traffic after stopping for passengers. MTA trains bus operators to pull completely out of traffic when stopped at a bus bay or bus stop to avoid impeding the flow of traffic. However, high traffic volume makes it difficult for bus operators to merge back into traffic and prompts service delays that frustrate passengers and operators.

MDOT advises that the bill will improve safety, transit service reliability, and traffic flow by making it easier for public transit buses to remain on schedule. In addition, the bill may improve MTA efficiency and effectively attract new riders, reduce traffic congestion, and moderate vehicle idling emissions.

MDOT advises that other states with similar laws giving transit vehicles priority include California, Colorado, Florida, Minnesota, Montana, New Jersey, Oregon, and Washington.

**State Expenditures:** While not required by the bill, MDOT advises that it will equip its bus fleet with directional signs if the bill is enacted. Therefore, this analysis assumes TTF expenditures increase by \$17,424 in fiscal 2013 to equip 706 buses. This estimate assumes that equipping a bus requires 15 minutes of overtime labor (\$9.68) and a \$15.00 decal.

MDOT can absorb any costs associated with conducting a public information campaign about the bill's requirements.

**Local Expenditures:** Local government expenditures increase to the extent they have transit agencies and must conduct a public information campaign. For example, Montgomery County advises that expenditures increase by \$10,000 in fiscal 2013 to post advertisements on buses and print and distribute posters and flyers at various facilities.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City, Montgomery County, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Department of Legislative Services

**Fiscal Note History:** First Reader - January 24, 2012  
ncs/lgc

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Analysis by: Amanda Mock

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

## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Vehicle Laws – Public Transit Vehicles – Right-of-Way

BILL NUMBER: SB 125

PREPARED BY: Maryland Department of Transportation

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

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

The proposed legislation will have no impact on small business in Maryland.