

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 64 (Delegates Krimm and Korman)
Environment and Transportation

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

This bill authorizes the State Highway Administration (SHA), in consultation with the Maryland Transit Administration (MTA) and the Department of State Police, to designate shoulder areas on State highways that may be used for travel by State or local transit buses, as specified. The bill establishes (1) criteria that SHA must consider when designating an area; (2) signage requirements for designated areas; and (3) requirements and restrictions for drivers of transit buses being driven in designated shoulder areas. SHA may adopt regulations to implement the bill.

Fiscal Summary

State Effect: To the extent SHA uses the authority provided by the bill, Transportation Trust Fund (TTF) expenditures increase minimally to post signage. The bill may result in additional repair costs for affected shoulder lanes in future years, as discussed below. The bill is not otherwise anticipated to materially affect State operations or finances. Revenues are not affected.

Local Effect: Local transit agencies may experience savings in labor and fuel costs if they are able to use the designated shoulder areas; however, any such savings are likely to be negligible. Local revenues are not affected.

Small Business Effect: Minimal.

Analysis

Bill Summary: SHA may limit the use of a designated shoulder area to specific days and times. In designating shoulder areas pursuant to the bill, SHA must consider right-of-way availability and capacity; peak congestion hours for the shoulder under consideration; the level of congestion on the roadway adjacent to the shoulder; and any other factor it considers relevant. Additionally, SHA must post signs near each designated shoulder area to indicate the beginning and the end of the designated shoulder area.

The driver of a transit bus is expressly authorized to drive in a designated shoulder area and to overtake and pass to the right of another vehicle when doing so. However, the driver (1) may not drive in the designated shoulder area if the speed of traffic on the adjacent roadway is 35 miles per hour or greater; (2) may not exceed the speed of traffic on the adjacent roadway by more than 10 miles per hour; and (3) must yield to merging, entering, and exiting traffic and other vehicles on the shoulder.

Current Law: MTA is a modal unit within the Maryland Department of Transportation (MDOT), and it 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, Baltimore Metro subway, commuter buses, MARC trains, and mobility/paratransit vehicles. With the exception of the Washington Metropolitan Area Transit Authority systems, MDOT and MTA are generally the agencies responsible for the construction and operation of transit lines in the State.

SHA (another modal unit within MDOT) is responsible for more than 5,200 miles or approximately 16,800 lane miles of road, 2,500 bridges, 3,500 small stream crossing structures, and 80 miles of sound/noise barriers in the State. It also has responsibility for planning, designing, constructing, and maintaining these roads and bridges to safety and performance standards while considering sociological, ecological, and economic concerns.

The shoulder area of a highway is the area contiguous with the roadway for the accommodation of stopped vehicles, for emergency use, for use by bicycles and motor scooters, and for the lateral support of the base and surface courses of the roadway. Generally, other motor vehicles cannot use the shoulder as a standard driving lane.

Drivers on a highway or roadway are only permitted to overtake and pass to the right of another vehicle (1) if the overtaken vehicle is making or about to make a left turn; (2) on a highway with obstructed pavement not occupied by parked vehicles and wide enough for two or more lines of vehicles moving lawfully in the same direction as the overtaking vehicle; or (3) on any one-way roadway, if the roadway is free from obstruction and wide enough for two or more lines of moving vehicles.

State Expenditures:

Implementation Costs for the State Highway Administration

TTF expenditures increase by about \$1,000 for each designated shoulder area for SHA to install signs indicating the beginning and end of the areas. While the exact number of areas SHA will designate pursuant to the bill is unknown, the total cost to post signage is likely minimal.

SHA advises that, to the extent shoulder areas are designated pursuant to the bill, the bill may result in potentially significant repair costs in future years. Over time, roadways succumb to wear and tear as vehicles traverse them, with heavier vehicles (such as buses) having a more pronounced effect. While it cannot be reliably estimated, the additional bus traffic on the shoulders may necessitate the repair and/or reconstruction of those lanes when it would not have been necessary absent the bill. To the extent that these additional repairs are necessary, TTF expenditures increase, potentially significantly, in future fiscal years.

Operational Efficiencies for the Maryland Transit Administration

SHA and MTA advise that several MTA Core Bus routes operate segments on State roads that may be eligible to drive on designated shoulders under the bill and that doing so would reduce travel times and improve reliability for those buses. Even so, MTA anticipates the total labor and fuel savings resulting from the bill to be negligible.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Transportation; Department of State Police; Harford and Montgomery counties; City of College Park; Department of Legislative Services

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rh/lgc

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