

SENATE BILL 1049

R2

0lr3477

By: **Senator Harrington**

Introduced and read first time: February 26, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Clearing Sidewalks of Snow at Transit**
3 **Stations – Agreements with Political Subdivisions**

4 FOR the purpose of requiring the State Highway Administration, under certain
5 circumstances, to enter into a Memorandum of Understanding or other
6 agreement with certain political subdivisions regarding the clearing of snow
7 from the sidewalks that serve certain transit stations; requiring the
8 Memorandum of Understanding or agreement to include certain terms; defining
9 a certain term; and generally relating to the clearing of snow from sidewalks
10 that serve certain transit stations.

11 BY repealing and reenacting, without amendments,
12 Article – Transportation
13 Section 7–101(o)
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2009 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Transportation
18 Section 8–602
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2009 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Transportation**

24 7–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (o) (1) "Transit station" means any facility, the primary function of which
2 relates to the boarding and alighting of passengers from transit vehicles.

3 (2) "Transit station" includes platforms, shelters, passenger waiting
4 facilities, parking areas, access roadways, and other real property used to facilitate
5 passenger access to transit service or railroad service.

6 8-602.

7 (a) The Administration shall:

8 (1) Keep all State highways reasonably clear of brush, snow, and other
9 debris; and

10 (2) Remove from a State highway, as soon as its presence is made
11 known to the Administration, any animal carcass that will impede traffic or
12 substantially endanger the safety of the traveling public.

13 (b) (1) In removing snow from highways in Garrett County, the
14 Administration:

15 (i) Shall avoid blocking completely the entrance to any home or
16 business adjacent to the highway; and

17 (ii) May not throw or pile snow against any building in any way
18 that interferes with the use of the building by its owner or occupant.

19 (2) If, in unusual circumstances, the entrance to any home or business
20 is blocked in the course of snow removal, the Administration shall unblock the
21 entrance within a reasonable time.

22 (c) (1) **IN THIS SUBSECTION, "TRANSIT STATION" HAS THE MEANING**
23 **STATED IN § 7-101(O) OF THIS ARTICLE.**

24 (2) **THE ADMINISTRATION SHALL NEGOTIATE AND ENTER INTO A**
25 **MEMORANDUM OF UNDERSTANDING OR ANY OTHER AGREEMENT WITH THE**
26 **GOVERNING BODY OF EACH POLITICAL SUBDIVISION IN WHICH A TRANSIT**
27 **STATION IS LOCATED TO CLEAR SNOW FROM THE PEDESTRIAN SIDEWALKS THAT**
28 **SERVE THE TRANSIT STATION AFTER A DECLARATION OF A SNOW EMERGENCY**
29 **BY:**

30 (i) **THE GOVERNOR; OR**

31 (ii) **THE GOVERNING BODY OF THE POLITICAL SUBDIVISION**
32 **IN WHICH THE TRANSIT STATION IS LOCATED.**

1 **(3) THE MEMORANDUM OF UNDERSTANDING SHALL:**

2 **(I) OUTLINE THE PROCEDURES AND RESPONSIBILITIES OF**
3 **THE ADMINISTRATION AND THE POLITICAL SUBDIVISION TO CLEAR SNOW FROM**
4 **THE SIDEWALKS THAT SERVE THE TRANSIT STATION; AND**

5 **(II) INCLUDE PROVISIONS REGARDING WHO BEARS THE**
6 **COST AND ANY LIABILITY RELATED TO CLEARING THE SNOW FROM THE**
7 **SIDEWALKS THAT SERVE THE TRANSIT STATION.**

8 **[(c)] (D)** (1) (i) In this subsection the following words have the
9 meanings indicated.

10 (ii) “Farm truck” has the meaning stated in § 13–921 of this
11 article.

12 (iii) “Local state of emergency” means a local state of emergency
13 declared under § 14–111 of the Public Safety Article.

14 (iv) “State of emergency” means a state of emergency declared
15 under § 14–107 of the Public Safety Article.

16 (2) In the event of a state of emergency or a local state of emergency,
17 including snow, hurricane, windstorm, or a similar event, the Administration may
18 request that the owner of a farm truck allow the Administration to use the farm truck
19 to assist in snow removal.

20 (3) The owner of a farm truck may refuse a request made under
21 paragraph (2) of this subsection to allow the Administration to use the farm truck.

22 (4) The owner of a farm truck may not allow the farm truck to be used
23 under this subsection to assist in snow removal outside of the county in which the
24 farm truck is registered.

25 (5) The Administration shall compensate the owner of a farm truck
26 that is used by the Administration for snow removal.

27 (6) This subsection applies only if the farm truck meets the following
28 minimum requirements:

29 (i) The farm truck passed its most recent inspection under §
30 23–302 of this article;

31 (ii) The operator of the farm truck possesses a valid commercial
32 driver’s license and a current medical card;

SENATE BILL 1049

1 (iii) The owner of the farm truck meets minimum insurance
2 requirements; and

3 (iv) The farm truck uses ultra-low sulfur diesel fuel while being
4 used to assist the Administration in snow removal.

5 (7) The Administration may adopt regulations to carry out the
6 provisions of this subsection.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2010.