

March 4, 2016

Statement of Steven McKay in Support of HB0322 and SB0885

I strongly support the proposed increase in fines to trucks that violate the posted height and size restrictions on Green Valley Road (MD 75) in Monrovia. In my position as president of a local community group involved in land development issues, I have had the opportunity to speak with many area residents and I share their concerns about truck traffic on this road. I have witnessed first hand the impact of truck accidents at the CSX bridge, as well as the far more frequent, and far less reported impact of trucks trying to turn around on this narrow road after realizing – much too late – that they can't clear the low bridge. I have seen the property damage from trucks backing over curbs, knocking over mailboxes, and destroying residents' landscaping. I have personally intercepted a confused truck driver heading toward the bridge, and helped guide him to his destination at COSTCO. I still drive by the two white crosses near the bridge from the accident that claimed two lives by a truck that wasn't supposed to be on the road.

I'm not alone in this. I've spoken many times to people living along Green Valley Road near the CSX bridge. I am submitting testimony from several of these people. Unfortunately, I wasn't able to reach another resident along this road, but I wanted to share his story nonetheless. Bill Atwell lives near the Bush Creek Church at the top of the hill before it descends down to the bridge. I can't remember how many times Bill has told me about yet another truck driving north past his house. What's amazing is what usually does – he follows them. He knows the truck driver is heading toward trouble and Bill tries to help them. You see, when the driver finally realizes that he can't clear the bridge – if he realizes it in time – he can't turn around very easily. They need help from passing drivers, or from people living along the road. So Bill – and many others – go out there and help them. They stop traffic and help guide the truck driver. Residents of the area spend their time and even risk their own safety for one simple reason – the trucks are still trying to use this restricted roadway.

Warning Signs are Everywhere

The poster prepared for Delegate Kathy Afzali provides a clear depiction of the extensive signage surrounding the CSX bridge, and along the roads leading in that direction. Truck drivers are given ample warning of the height and size restriction. The State Highway Administration installed special height sensor and physical warning devices (actually, they are more like hanging tin cans) designed to alert drivers to the impending low bridge. There are even signs warning of a \$500 fine to violators. Yet, it seems to have hardly made a dent in the problem. Trucks still routinely violate the restriction.

Despite having spent nearly \$300,000 on signs and warning devices, the Maryland Department of Transportation reported that 45-50 trucks still get stuck or are forced to around each year on Green Valley Road (MD 75). I don't know why. Are the signs missed or are they ignored? Do drivers fail to see the sign or recognize the impending threat, or do they cavalierly think they can "squeeze under the bridge"? I don't have

these answers, I only know this – the signs haven't stopped the problem. Nor has the \$500 fine.

A \$10,000 Fine is NOT Excessive

When this initiative was first proposed by local residents, we argued for a \$30,000 maximum fine. This fine was based on a variety of factors, including:

- 1) Knowledge that fines of this size are commonplace across the country in special transportation situations;
- 2) To a truck driver, the \$500 fine was considered trivial – it didn't "move the needle" when it comes down to meeting a delivery deadline;
- 3) A \$30,000 fine isn't unprecedented in Frederick County. In fact, less than a quarter mile from the bridge, a person can be fined up to \$30,000 for littering in a creek.

Let me emphasize that last point – there is a posted warning sign only a quarter mile from the CSX bridge, warning of a fine up to \$30,000 for littering. I fully support this environmental initiative, and I understand that such fines are posted at other sensitive water resources around the county. I also recognize that there are serious life safety issues involved in the situation along Green Valley Road (MD 75), and they deserve to be treated with equal severity as the littering problem at the creek.

We proposed a \$30,000 fine to Delegate Afzali when we brought this initiative to her attention. In reviewing this proposed legislation with the County delegation, they felt it best to propose a lower fine - \$10,000. I have no doubt that this was a wise decision on their part. However, to those of you that may still consider this fine to be excessive, please keep in mind my points here, remember the \$30,000 fine for littering, and remember that the local residents wanted the higher fine.

The Truck Problem Will Get Worse

The rate of truck incidents has increased over the years, despite the warning signs, for one primary reason – the Costco distribution center. Back in 2007, the County approved a warehouse and distribution center for Costco just north of the CSX bridge. Trucks using the facility were supposed to use only I-70 to access the site. That's not how it has turned out. Local residents know full well that the incident rate at the CSX bridge has risen sharply since Costco began operations and now it promises to get worse.

In 2014, the County approved a threefold expansion of the Costco facility and they are reviewing another light industrial use application next to the facility. The implications of the continued industrial/commercial expansion & development just north of the CSX bridge are crystal clear. More trucks will violate the restrictions trying to get to their destinations at these facilities. More damage will take place. More accidents will occur and someone else may lose their life.

Signs, Fines and Turn-Arounds

When the Costco expansion was approved in 2014, they agreed to contribute to the construction of truck turn-arounds on the north and south side of the CSX bridge. I understand that the State Highway Administration (SHA) and/or MDOT have been trying to identify land for the turn-arounds. While there are several options on the southside of the bridge, I really don't know where they'll put the turn-around on the north side. There is very little room. In the end, I know that these are needed and that they will provide a needed mitigation for truck drivers that learn too late the problem they face.

In fact, I am convince that a multi-phase approach is needed to combat the truck problem on Green Valley Road (MD 75). We need the signs and perhaps there can even be some improvements to make the issue clearer. We need the turn-arounds to enable drivers to navigate a way out of the mess they create – and without damaging property or requiring people to risk their own safety to help.

However, underpinning both of these measures, I think it is vital to put in place higher fines. Restrictions need teeth for when the restrictions are violated. The \$500 fine hasn't proven to be of much worth. It isn't getting their attention. I strongly support increasing the fine to \$10,000. I consider it primarily as a deterrent; however, I want to provide that extra punitive measure to the charging officer and/or judge so that they can use it when the situation warrants. For example, if a truck ignores all warnings and impacts and damages the bridge, then I would strongly support the \$10,000 fine. On the other hand, a truck simply caught turning around ahead of the bridge, should probably be fined much less.

Summary

Please support this effort to help resolve the problem of trucks on Green Valley Road (MD 75). Despite spending nearly \$300,000 on the issue, the problem continues and is on the verge of getting much worse following the Costco expansion. A \$10,000 fine is reasonable, has ample precedent, and should be part of a comprehensive effort to deal with this issue. It will serve as a strong deterrent and should be made available to local police and the judiciary, to apply when a situation so warrants.

Thank you for your consideration of this matter.

Respectfully,

Steve McKay
President, Residents Against Landsdale Expansion (RALE)
3810 Shakespeare Way
Monrovia, MD 21770