

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 207

(Senator Brochin, *et al.*)

Judicial Proceedings

Environmental Matters

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Vehicle Laws - Speed Monitoring and Work Zone Speed Control Systems

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This bill alters the definition of a “recorded image” as it applies to speed monitoring and work zone speed control systems to require the inclusion of sufficient information to show the progression of a motor vehicle based on the two currently required time-stamped images. The bill also requires quarterly, rather than annual, calibration checks for speed monitoring and work zone speed control systems. It specifies that the calibration must be conducted by a laboratory that is independent from the system manufacturer and vendor; the jurisdiction that controls the system; and any person that operates, provides, or deploys the system or that administers or processes citations. The bill restricts the implementation of speed monitoring systems in school zones to use near elementary and secondary schools; the separate authority to place speed monitoring systems near higher education institutions in Prince George’s County is unaffected. Finally, the bill alters the prohibition on the payment to contractors of a fee contingent on the number of citations issued or paid by specifying that the prohibition applies to contractors that provide, deploy, or operate a system or administer and process civil citations.

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**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) expenditures increase, potentially significantly, beginning in FY 2014 for the State Highway Administration (SHA) to ensure that quarterly calibration checks are conducted in accordance with the bill. Revenues are not significantly affected.

**Local Effect:** Local government expenditures increase, potentially significantly, for any jurisdiction that operates speed monitoring systems to ensure that quarterly calibration checks are conducted in accordance with the bill; to renegotiate contracts with vendors for the provision, deployment, or operation of systems or the administration and

processing of civil citations; and/or to hire additional law enforcement personnel. Revenues are not significantly affected. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** A recorded image is defined as an image recorded by a speed monitoring or work zone speed control system on a photograph, microphotograph, electronic image, videotape, or any other medium that shows the rear of a motor vehicle, at least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle, and, on at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

SHA or a local authority may designate an area within a half-mile radius of a school as a school zone, which must have signs designating the school zone and may have other traffic control devices, including timed flashing warning lights. A local authority is defined as a political subdivision or a local board or other body that has authority under State law to enact laws and adopt local police regulations relating to traffic. A “school” is not defined by State law, but according to the SHA website, it is an accredited public, parochial, or private learning institution for one or more grades kindergarten through the twelfth grade.

A speed monitoring system operator may be a representative of a local law enforcement agency (or if the local government does not have a police force, then another designated unit) or a contractor. A work zone speed control system operator is a police officer, representative of a State or local police department, or an SHA contractor who has been trained and certified to operate a work zone speed control system.

A contractor that *provides, deploys, or operates* a work zone speed control system, or a contractor that *operates* a local speed monitoring system, may not be paid a fee that is contingent on the number of citations issued or paid.

A speed monitoring or work zone speed control system must undergo an annual calibration check performed by an independent calibration laboratory. The laboratory must issue a signed certificate of calibration that must be kept on file and admitted as evidence in a court proceeding.

## **Background:**

### *Speed Monitoring Systems*

Chapter 15 of 2006 (HB 443 of 2005) authorized the first use of speed monitoring systems in the State, but it only applied to highways in school zones and residential districts in Montgomery County. Chapter 500 of 2009 (SB 277) expanded statewide the authorization for the use of speed monitoring systems in school zones. Chapter 474 of 2010 (HB 1477) authorized the use of speed monitoring systems in Prince George's County on a highway located within the grounds of an institution of higher education or on nearby highways under certain circumstances.

Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation of specified speed restrictions in the Maryland Vehicle Law. The maximum fine for a citation issued by a speed monitoring system operator is \$40. However, a local law enforcement or other designated agency operating the speed monitoring system may mail a warning notice instead of a citation.

Before activating an unmanned stationary speed monitoring system, a local jurisdiction must:

- publish notice of the location on its website and in a newspaper of general circulation in the jurisdiction;
- ensure that each school zone sign indicates that speed monitoring systems are in use in school zones; and
- for a speed monitoring system near an institution of higher education, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that indicate that a speed monitoring system is in use and that are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by SHA.

A speed monitoring system may be placed in a school zone for operation between 6:00 a.m. and 8:00 p.m., Monday through Friday. Before a speed monitoring system may be used in a local jurisdiction, its use must be authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing.

As shown in **Exhibit 1**, a number of counties and municipal corporations currently implement speed monitoring systems. The Department of Legislative Services advises that, as to municipal corporations, the exhibit only reflects municipal corporations that have reported revenues to the Comptroller in fiscal 2012 and, therefore, may not include

all municipal corporations that *currently implement* speed monitoring systems. Further, additional jurisdictions may be *considering* the use of speed monitoring systems at this time.

From the fines generated by a speed monitoring system, the relevant jurisdiction may recover the costs of implementing the system and may spend any remaining balance solely for public safety purposes, including for pedestrian safety programs. However, if the balance of revenues after cost recovery for any fiscal year is greater than 10% of the jurisdiction's total revenues, the excess must be remitted to the Comptroller. According to data from the Comptroller, about \$2.2 million was remitted in fiscal 2011 from five municipal corporations, but no money was remitted in fiscal 2012. In addition, 17 municipal corporations and Baltimore City generated speed monitoring system fine revenues of about \$36.3 million, of which about \$21.7 million was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems.

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**Exhibit 1**  
**Local Speed Monitoring System Enforcement**

<u>County</u>	<u>Municipal Corporation</u>
Baltimore	Bowie
Charles	Brentwood
Howard	Chesapeake Beach
Montgomery	Chevy Chase Village
Prince George's	College Park
Wicomico	Denton
Baltimore City	Forest Heights
	Fruitland
	Hagerstown
	Laurel
	New Carrollton
	Princess Anne
	Riverdale Park
	Rockville
	Salisbury
	Seat Pleasant
	Takoma Park

Source: Comptroller's Office; Department of Legislative Services

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## *Work Zone Speed Control Systems*

Chapter 500 of 2009 also authorized State and local law enforcement agencies or their contractors to issue citations or warnings for speeding at least 12 miles per hour above the posted speed limit in highway work zones that are set up on expressways or controlled access highways where the speed limit is 45 miles per hour or greater.

A “work zone” is a segment of a highway identified as a temporary traffic control zone by a traffic control device in conformance with State specifications and where highway construction, repair, maintenance, utility work, or related activities are being performed, regardless of whether workers are present. A work zone speed control system may only be used while being operated by a work zone speed control system operator. The maximum fine for a ticket issued by a work zone speed control system operator is \$40. A conspicuous road sign warning of the use of speed monitoring systems must be placed at a reasonable distance from the work zone.

The Maryland Department of Transportation advises that work zones are inherently dangerous due to obstacles such as concrete barriers, narrowed lanes, and cones, all of which increase the risk of traffic accidents from speeding motorists. In these work zone accidents, about 85% of injuries are to the motorists, and about 15% of those injured are transportation workers according to the Federal Highway Administration. According to the National Work Zone Safety Information Clearinghouse, there were 576 fatalities in highway work zones nationwide in 2010, including 6 in Maryland.

Through fiscal 2012, slightly more than one million citations had been generated by work zone speed control systems, according to data from SHA. In fiscal 2012, the State’s Automated Speed Enforcement Program generated just less than \$15 million in revenues, down from about \$18.4 million in fiscal 2011.

## *Recent Media Scrutiny*

A number of bills related to automated enforcement have been introduced in the 2013 legislative session, in part due to recent media scrutiny of speed cameras statewide. The additional scrutiny has centered around two common criticisms of speed cameras: (1) that technical issues and insufficient review of recorded images result in erroneously generated citations; and (2) that the contracts with vendors are structured in such a manner as to establish an incentive to generate more citations and revenues, thereby casting doubt on the integrity of speed cameras as safety measures.

## *Automated Speed Enforcement Efficacy*

Although a statewide review of speed monitoring programs has not been conducted, a combination of national and international studies and local program evaluations provide some insight into the level of effectiveness of such programs. According to the Insurance Institute for Highway Safety, several studies have documented reductions in crashes in the vicinities of speed cameras, including crashes that result in an injury or fatality. The most recent of these studies was a meta-analysis by the Cochrane Collaboration in 2010, which reviewed 28 individual studies and found reductions of between 8% and 49% for crashes, between 8% and 50% for crashes resulting in injury, and between 11% and 44% for crashes involving fatalities and serious injuries.

Locally, Prince George's County has evaluated its first year of speed monitoring system implementation and found that compliance with speed limits increased, on average, from about 20% of vehicles in certain locations before speed cameras were installed to about 67% after installation. This was based on an assessment of only seven locations, however. In Montgomery County, a 2009 review of its Safe Speed Program revealed that, on average, the number of citations generated by a speed camera decreased 78% between the first and twelfth months of the system's usage, and that the average speed of passing vehicles declined by 6%. Finally, an SHA review of its work zone speed monitoring systems revealed that work zone crashes fell by 11.8% between 2009 and 2011, crashes involving an injury dropped by 16.8%, and the number of annual fatalities fell from nine to three.

**State Fiscal Effect:** TTF expenditures increase, potentially significantly, beginning in fiscal 2014 for SHA to contract with an independent laboratory under the bill's new requirements for quarterly calibration checks. SHA advises that it is unable to quantify the additional cost to contract with an independent laboratory to undertake these checks in accordance with the bill's requirements, but that the cost may be significant.

**Local Expenditures:** Local expenditures increase, potentially significantly, for jurisdictions that operate speed monitoring systems to contract with an independent laboratory for quarterly calibration checks under the bill's new requirements. Baltimore and Montgomery counties and Baltimore City each indicated that the additional cost for such calibration checks is indeterminate, but potentially significant. For example, Montgomery County advises that the additional cost may be about \$300,000 annually based on an estimated cost of \$1,000 per calibration per speed monitoring system.

Local personnel expenditures or contract costs may also increase significantly for any jurisdiction that is required to alter its contract with a vendor due to the bill's modified restrictions on the terms of payment with contractors. For example, Montgomery County advises that its contract contains a provision which states that, in the event that legislation

prohibits the manner in which the vendor is currently paid, the vendor instead is to receive a payment in the amount of \$150,000 per month for its services in processing citations. According to Montgomery County, a \$150,000 per month fee is the equivalent of more than 50% of the county's speed monitoring revenues; its current contract is structured so that the vendor is paid about 41% of program revenues.

Baltimore County advises that, based on previous experience, contract costs likely increase significantly if it is necessary to alter its contract to a specified monthly fee. Its previous contract established a monthly fee of \$11,995 per system, which amounted to about 82% of program revenues. The new contract pays a fee of \$18.95 for each citation paid, or about 47% of revenues. Therefore, if Baltimore County negotiated a new contract with a monthly fee that was similar in amount to its previous fee, costs may increase significantly. However, it is unclear whether a future contract negotiated by a jurisdiction that is required to change its contract as a result of the bill may result in a more favorable rate than previous contracts. Further, it is unclear whether the bill results in the requirement for Baltimore County, or any other jurisdiction, to alter its contract with vendors.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel, Baltimore, Charles, Frederick, and Montgomery counties; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Comptroller's Office; National Work Zone Safety Information Clearinghouse; Federal Highway Administration; Insurance Institute for Highway Safety; Cochrane Collaboration; Department of Legislative Services

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