

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 389

(Senator Raskin, *et al.*)

Judicial Proceedings

---

Vehicle Laws - Speed Monitoring Systems - Enforcement

---

This bill alters the persons who may sign a statement in a citation alleging a speed monitoring or work zone speed control system violation, and swear to or affirm for evidentiary reasons that a violation occurred, to include any authorized person trained in speed monitoring system enforcement. These individuals may not receive any payment from a contractor that operates a speed monitoring system for a local jurisdiction or police department.

---

Fiscal Summary

**State Effect:** Potential minimal decrease in workloads or expenditures for the State Highway Administration (SHA), Maryland Transportation Authority, and the Department of State Police to the extent the bill allows State law enforcement resources to be allocated more efficiently. District Court workloads increase minimally to revise certain forms.

**Local Effect:** Potential minimal decrease in workloads or expenditures for any jurisdiction that operates a speed monitoring system program to the extent that the bill allows local police departments to more efficiently allocate resources or to contract with an outside vendor trained in speed monitoring enforcement, which is separate from any other contractor that operates speed monitoring systems.

**Small Business Effect:** Minimal.

---

## Analysis

**Current Law:** A citation mailed to a person whose vehicle was recorded by a speed monitoring system must include specified information, including a copy of the recorded image and a signed statement by a *duly authorized law enforcement officer* employed by, or under contract with, an agency that, based on an inspection of recorded images, the motor vehicle was being operated in violation of a speed restriction. A certificate alleging that a violation occurred must be to the satisfaction of, or sworn to or affirmed by, an agent or employee of an authorized agency of a local political subdivision.

For a work zone speed control system, a *police officer* employed by a local or State police department must provide a signed statement that, based on inspection of recorded images, a motor vehicle was being operated in violation of a speed restriction. A certificate alleging that a violation occurred must be to the satisfaction of, or sworn to or affirmed by, a *police officer* employed by a State or local police department.

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.

### 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 systems 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.

---

**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

---

*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; the number of work zone fatalities in Maryland fell to 3 in 2011.

Through fiscal 2012, slightly more than 1 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 \$15.0 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 revenue, 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.

**Local Expenditures:** The bill authorizes a person trained in speed monitoring system enforcement who is either employed by, or under contract with, a local agency to sign a citation or swear to or affirm that a speed monitoring system violation occurred. Thus, in addition to shifting these duties from duly authorized police officers to other trained employees of the law enforcement agency, agencies are authorized to utilize private contractors for this service. This additional flexibility may result in greater savings than using existing staff or hiring additional personnel. However, if a jurisdiction opts to utilize an outside contractor under the bill's authority, it must ensure that the contractor does not receive payment from any other contractor utilized for the operation of speed monitoring systems. It is unclear how many jurisdictions, if any, have contracted with outside vendors to "operate" the speed monitoring systems. Any decrease in local government expenditures under the bill is likely to be minimal.

---

### **Additional Information**

**Prior Introductions:** SB 486 of 2012 passed the Senate but was referred to interim study by the House Environmental Matters Committee. Its cross file, HB 944, was also referred to interim study by the House Environmental Matters Committee. SB 671 of 2011 received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, HB 664, received an unfavorable report from the House Environmental Matters Committee.

**Cross File:** None.

**Information Source(s):** Carroll, Cecil, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of State Police; Federal Highway Administration; National Work Zone Safety Information Clearinghouse; Insurance Institute for Highway Safety; Cochrane Collaboration; Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2013  
ncs/ljm

---

Analysis by: Evan M. Isaacson

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