

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 1038 (Delegate Shoemaker, *et al.*)
Environment and Transportation

Vehicle Laws - Speed Monitoring, Work Zone Speed Control, and Traffic
Control Signal Monitoring Systems - Repeal

This bill repeals the authority to operate work zone speed control systems.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) and special fund revenues decrease significantly beginning in FY 2016 from the elimination of civil fines distributed to the State Highway Administration (SHA) for the recovery of costs of operating work zone speed control systems and to the Department of State Police (DSP) for roadside enforcement. TTF revenues decrease further from the reduction in collection of administrative fees collected following nonpayment of a citation. TTF expenditures decrease significantly, but to a lesser extent, beginning in FY 2016 from the elimination of the work zone speed control system program administered by SHA. General fund expenditures for DSP increase significantly to replace the revenues provided by work zone speed control system fines (including for the currently programmed replacement of DSP vehicles paid for by work zone speed control system fines). General fund expenditures decrease from a reduction in District Court caseloads; likewise, general fund revenues decrease from a reduction in the collection of fines and court costs.

Local Effect: The bill is not anticipated to materially affect local operations or finances as no local jurisdiction operates a work zone speed control system.

Small Business Effect: Minimal.

Analysis

Current Law/Background: Chapter 500 of 2009 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. Work zone accidents injure both motorists and workers.

Through fiscal 2014, about 1.9 million citations had been generated by work zone speed control systems, according to data from SHA. In fiscal 2014, the State’s Automated Speed Enforcement Program generated about \$14.9 million in revenues, less than the \$18.4 million in fiscal 2011, \$15.0 million in fiscal 2012, and \$16.4 million in fiscal 2013.

Automated Speed Enforcement Efficacy

National and international studies of automated speed enforcement, as well as local program evaluations, provide some insight into the level of effectiveness of such enforcement mechanisms. 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.

Data from the National Work Zone Safety Information Clearinghouse shows that there were 579 fatalities in highway work zones nationwide in 2013, including 10 in Maryland.

While the number of work zone fatalities in Maryland in 2013 is greater than the number in the preceding three years, it is lower than the average number of fatalities in the three full years prior to the program's commencement. Between 2010 and 2013, there was an average of 6.5 work zone fatalities per year in Maryland, a reduction of about 46% from the three-year average of 11.3 fatalities per year from 2006 through 2008. Nationally, there was also a similar, but less significant, drop in work zone fatalities, with a 31% reduction in the average between 2010 and 2013, as compared with the period from 2006 through 2008. Federal data also shows that work zone fatalities, *as a percentage of total traffic fatalities*, have dropped in Maryland, comparing averages from the periods 2006 through 2008 and 2010 through 2013. Again, the reduction in Maryland is greater than the similar, but less significant, reduction nationally in terms of the percentage of traffic fatalities occurring in work zones. Finally, as to the number of injury crashes and total crashes, according to SHA data, there has been a reduction of 31.4% in the average number of injury crashes in work zones in Maryland, comparing the period between 2006 and 2008 with the period between 2010 and 2014, as well as a 25.9% reduction in the average number of total crashes between these two periods.

State Fiscal Effect: A reliable estimate of the decrease in TTF and special fund revenues cannot be made due to uncertainty regarding the number of paid future work zone speed control system citations generated in fiscal 2016. As noted above, about \$14.9 million was collected in fiscal 2014 from the payment of citations generated by work zone speed control systems, and about \$16.4 million was collected in fiscal 2013.

Additionally, a reliable estimate of the net revenues that are distributed to DSP for roadside enforcement after the recovery of costs cannot be made due to uncertainty regarding future costs of operating and administering the State's work zone speed control system program. However, work zone speed control systems generated average annual net revenues of about \$8.4 million between fiscal 2012 and 2014, after average annual program cost recovery of about \$7.0 million. Thus, *for illustrative purposes only*, net revenues of about \$8.4 million, which might be distributed to DSP in the absence of the bill, are eliminated under the bill, assuming that program revenues and expenditures would otherwise remain constant at the average of fiscal 2012 through 2014 levels.

TTF revenues also decrease significantly, but to a lesser extent, from the reduction in fees collected from individuals seeking to remove an administrative flag placed on their vehicle's registration for failure to pay a work zone speed control system fine. For example, 29,259 administrative flags imposed on the driving records of vehicles that failed to pay a work zone speed control system fine were removed in fiscal 2013. Assuming the payment of \$30 per flag, about \$658,000 in administrative flag removal fees distributed to TTF may be eliminated in fiscal 2016, assuming the number of removals remains at fiscal 2013 levels and accounting for the bill's October 1, 2015 effective date.

Any such reduction in the number of administrative flags is assumed to result in redirection of staff.

General fund expenditures likely increase significantly to replace the special funds from work zone speed control enforcement in order to maintain current levels of DSP roadside enforcement resources. Additionally, the Budget Reconciliation and Financing Act (Chapter 464) of 2014 requires that \$7.0 million annually of the net revenues from work zone speed control systems between fiscal 2016 and 2018 be dedicated for the purpose of purchasing replacement vehicles for DSP and related equipment in order to reduce the general fund appropriations for this purpose. The bill eliminates this revenue source and, unless DSP defers the purchase of replacement vehicles, general fund expenditures are needed to replace these special funds.

District Court caseloads, and associated administrative and personnel expenditures, decrease due to the elimination of work zone speed control system trials. Additionally, general fund revenues decrease as fewer fines and court costs are paid following work zone speed control system trials.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, Frederick, and Montgomery counties; cities of Frederick and Havre de Grace; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Maryland Association of Counties; Insurance Institute for Highway Safety; National Work Zone Safety Information Clearinghouse; Cochrane Collaboration; Department of Legislative Services

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