

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1151 (Delegate Hill, *et al.*)
Environment and Transportation

Vehicle Laws - Speed Monitoring Systems

This bill makes several changes to speed monitoring system requirements, including (1) establishing an additional annual calibration requirement; (2) requiring local jurisdictions to post information online regarding calibrations; (3) allowing a person receiving a citation to request the presence of a duly authorized law enforcement officer who signed the citation or the technician performing the calibration check and increasing the amount of time for the person to make that request; and (5) establishing that a denial of a reasonable request for speed monitoring system data is a rebuttable presumption that the citation was issued erroneously.

Fiscal Summary

State Effect: General fund revenues may decrease due to fewer guilty dispositions resulting from the bill's changes. However, general fund revenues may also increase due to more individuals opting for trials. Overall, the effect on general fund revenues is indeterminate. To the extent that the bill results in additional trials, general fund expenditures may also increase for the District Court.

Local Effect: Local revenues decrease, potentially significantly. Local expenditures also increase significantly due to increased costs related to calibration and overtime costs for law enforcement officers to appear in court. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The bill modifies the definition of “recorded image” to include an image recorded by a speed monitoring system on any medium that provides an accurate visual record of a motor vehicle. In addition, the bill requires an image to show an accurate representation of the linear distance traveled by the motor vehicle between each time-stamped image.

The bill also modifies the annual calibration check requirement such that it must include a check of all key systems relevant to the accuracy of the system. Each local jurisdiction with a speed monitoring system program must publish online information regarding the annual calibration, including the certificate of calibration.

The bill authorizes a person receiving a citation from a speed monitoring camera to request the duly authorized law enforcement officer who signed the citation, or the technician who performed a calibration check, to be present and available for cross examination at trial. The bill also increases the time period within which a person receiving a citation may make such a request – only necessitating that the request be made within 10 days before trial (rather than 20 days before trial).

If a person receiving a speed monitoring camera citation makes a reasonable request for data (other than a recorded image from the speed monitoring system) and the request is denied by the local jurisdiction, there is a rebuttable presumption that the citation issued was an erroneous violation.

Current Law/Background: In the context of speed monitoring systems, a “recorded image” means an image recorded by a speed monitoring system on (1) a photograph; (2) a microphotograph; (3) an electronic image; (4) videotape; or (5) any other medium. The image must show (1) the rear of a motor vehicle; (2) at least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and (3) on at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

Speed monitoring systems are required to undergo an annual calibration check performed by an independent calibration laboratory that is (1) selected by the local jurisdiction and (2) unaffiliated with the manufacturer of the speed monitoring system. The independent laboratory must issue a signed certificate of calibration after the annual calibration check that (1) must be kept on file and (2) must be admitted as evidence in any court proceeding for a violation.

A complete discussion of speed monitoring systems in the State can be found in the **Appendix – Speed Monitoring Systems.**

State Fiscal Effect: Due to the establishment of a presumption of innocence for situations in which a person makes a data request to a local jurisdiction that is subsequently denied, the bill likely results in more individuals who receive citations opting for a trial in District Court. As a result, general fund revenues potentially increase (as any fines resulting from guilty dispositions are paid into the general fund). Nevertheless, the bill's changes also likely result in a higher percentage of not guilty dispositions, which is likely to cause a *decrease* in general fund revenues. As a result, the overall effect on general fund revenues cannot be reliably estimated at this time.

Local Fiscal Effect: The bill establishes a requirement for the presence of a law enforcement officer if requested, which results in a potentially significant increase in overtime costs for local jurisdictions. Montgomery County notes that its current labor contracts would need to be revised in order to allow an increase in the amount of overtime paid to officers going to court.

The calibration requirement likely affects each jurisdiction with speed monitoring systems differently, depending on the type of equipment used. For example, the City of Frederick advises that its current equipment would not be able to capture images in the way required by the bill, meaning equipment would need to be retrofitted in order to comply.

Local revenues decrease, likely significantly, due to an increase in the number of individuals opting for a trial in District Court. In addition, to the extent that jurisdictions are unable to comply with the bill's calibration and data publication requirements, some jurisdictions may need to cease operating speed monitoring systems altogether. Montgomery County advises that it expects the bill to effectively shut down its speed monitoring system for several years, resulting in an annual net revenue loss of more than \$8 million and the elimination of 30 full-time positions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery and Prince George's counties; cities of Frederick and Havre de Grace; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2018
nb/ljm

Analysis by: Eric F. Pierce

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

Appendix – Speed Monitoring Systems

Speed Monitoring Systems

Chapter 15 of 2006 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 expanded statewide the authorization for the use of speed monitoring systems in school zones and also authorized the use of work zone speed control systems. Chapter 474 of 2010 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.

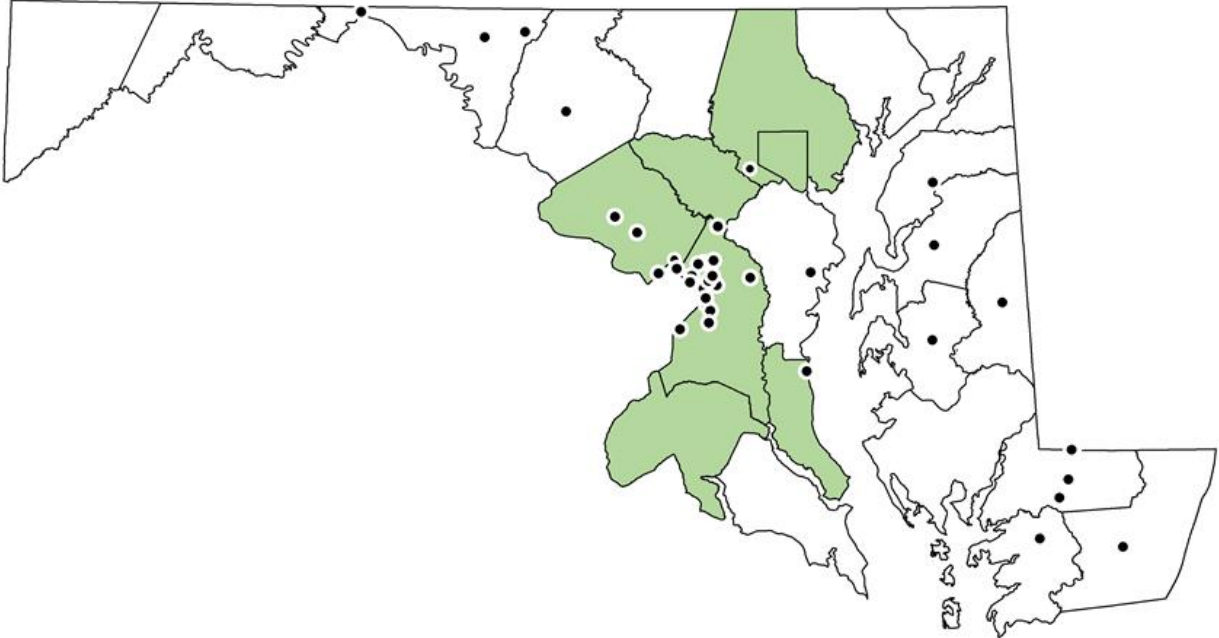
Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation 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.

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, and its location must be published on the jurisdiction's website and in a newspaper of general circulation in the jurisdiction.

According to the Insurance Institute for Highway Safety (IIHS), 143 jurisdictions across the nation use speed cameras. In addition, Illinois, Maryland, and Oregon use speed cameras statewide in work zones. In Maryland, speed cameras are used in six counties and Baltimore City, 38 other jurisdictions, and by the State Highway Administration (SHA) on a statewide basis for work zones. **Exhibit 1** shows local speed camera usage across the State as of January 2018.

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, as of January 2018, no money was remitted in either fiscal 2017 or 2016 (with data pending from Prince George's County only).

Exhibit 1
Local Speed Monitoring System Enforcement in Maryland
January 2018



Note: ● represents municipal corporations that operate speed monitoring systems; ■ represents counties that operate speed monitoring systems. Speed cameras are also operated in highway work zones statewide.

Source: Insurance Institute for Highway Safety; Comptroller's Office; Department of Legislative Services

In fiscal 2017, the Comptroller reports that 45 local jurisdictions generated speed monitoring system fine revenues of about \$54.8 million, of which about \$24.8 million (45.2%) was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems. Between fiscal 2016 and 2017, total fine revenues decreased by approximately \$2.4 million while implementation expenditures decreased by \$1.5 million. Net revenues retained for public safety decreased by approximately \$451,000 between fiscal 2016 and 2017.

Exhibit 2
Local Speed Monitoring Systems Data (Aggregated)
Fiscal 2014-2017

<u>Fiscal Year</u>	<u>Fine Revenues</u>	<u>System Costs</u>	<u>Net Revenues</u>	<u>Due to State</u>
2017*	\$54,802,197	\$30,145,731	\$24,757,588	-
2016	57,198,345	31,637,019	25,208,963	-
2015	56,966,652	28,794,043	28,175,109	\$456,006
2014	53,842,875	32,978,310	20,864,564	-

* As of January 2018; data pending for Prince George’s County.

Source: Comptroller’s Office; Department of Legislative Services

Speed Monitoring System Reform – Chapter 491 of 2014

The General Assembly passed House Bill 929 of 2014 (enacted as Chapter 491) in response to significant concerns from the public and media scrutiny of speed cameras in Baltimore City and several other jurisdictions. These concerns centered around two common criticisms of speed cameras: (1) that technical issues and insufficient review of recorded images resulted in erroneously generated citations; and (2) that the contracts with vendors were structured in such a manner as to establish an incentive to generate more citations and revenues, thereby casting doubt on the integrity or purpose of speed monitoring programs. Thus, Chapter 491 required jurisdictions to impose new restrictions and requirements on their contracts with speed monitoring vendors and established numerous additional requirements and restrictions pertaining to the issuance of citations, the calibration and self-testing of systems, the review of erroneous citations, and the use and placement of systems in school zones.

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 IIHS, several studies have documented reductions in crashes in the vicinities of speed cameras, including crashes that result in an injury or fatality.

A 2015 study by IIHS of speed camera usage in Montgomery County, Maryland, showed long-term changes in driver behavior as well as reductions in injuries and deaths. Montgomery County introduced speed cameras in 2007, and an initial review of the

program by IIHS six months into the program found that the percentage of vehicles going more than 10 miles per hour over the speed limit (which, at that time, was the enforcement threshold) declined by 70% on roads with speed cameras. The 2015 study showed a 59% reduction in the likelihood of a driver exceeding the speed limit by more than 10 miles per hour, compared with similar roads in Virginia without speed cameras. The same comparison showed a 19% reduction in the likelihood that a crash would involve a fatality or an incapacitating injury.

Data from the National Work Zone Safety Information Clearinghouse shows that there were 764 fatalities in highway work zones nationwide in 2016, including 5 in Maryland. The number of work zone fatalities in Maryland in 2016 was unchanged from 2015; both years had the lowest number of fatalities since 2011. On average, the number of work zone fatalities has declined significantly since the program's commencement. Between 2010 and 2016, work zone fatalities averaged 6.6 per year in Maryland, a reduction of about 45% from the seven-year average of 11.9 fatalities per year from 2003 through 2009.

Nationally, there was also a similar, but less significant, drop in work zone fatalities, with a 30% reduction in the average between 2010 and 2016, as compared with the period from 2003 through 2009. Federal data also shows that work zone fatalities, *as a percentage of total traffic fatalities*, have dropped in Maryland, comparing averages from 2003 through 2009 to those from 2010 through 2016. 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.