

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 551

(Senator Conway)

Judicial Proceedings

Vehicle Laws - Bus Lane Monitoring Cameras - Authorization

This bill expressly establishes the prohibition against driving a vehicle in a dedicated bus lane, unless authorized to do so by the local jurisdiction in which that bus lane is located, and specifies that certain types of vehicles are authorized to drive in a dedicated bus lane. The bill also authorizes placement of a bus lane monitoring camera on a mass transit vehicle owned and operated by the Maryland Transit Administration (MTA). A camera may only be used in a local jurisdiction if it is authorized by the governing body through a local law enacted after reasonable notice and a public hearing. Local law enforcement agencies may issue warnings or citations to vehicle owners or drivers for driving in a dedicated bus lane in an unauthorized vehicle. The maximum fine for a violation recorded by a bus lane monitoring camera is \$100. Otherwise, a violation continues to be a misdemeanor, subject to a maximum fine of \$500.

Fiscal Summary

State Effect: General fund revenues increase minimally to the extent programs are established; the District Court can likely handle any increase in caseloads with existing resources. Transportation Trust Fund (TTF) revenues increase minimally from additional flag fees placed on the registrations of vehicle owners failing to pay a fine under the bill. TTF expenditures may increase to place cameras on MTA buses, as discussed below.

Local Effect: Local government expenditures increase in any jurisdiction that, as authorized under the bill, establishes a bus lane monitoring system. Similarly, local revenues increase, potentially significantly, in jurisdictions due to the fine revenue collected by local governments.

Small Business Effect: Potential minimal.

Analysis

Bill Summary:

Exceptions to the Prohibition

The bill specifies that the following vehicles may be driven in a dedicated bus lane:

- an MTA bus;
- a school bus;
- a bicycle; and
- an emergency vehicle.

Definitions

A “recorded image” is an image recorded by a bus lane monitoring camera on a photograph, microphotograph, electronic image, videotape, or any other medium, which clearly identifies the registration plate number.

A “bus lane monitoring camera” is a camera placed on a mass transit vehicle owned and operated by MTA that is designed to capture a recorded image of a driver of a motor vehicle committing a violation.

Training and Recordkeeping Requirements

A local jurisdiction that authorizes use of a bus lane monitoring camera must designate an official or employee of the jurisdiction as a bus lane monitoring camera operator. That operator has to investigate and respond to questions or concerns about the jurisdiction’s bus lane monitoring cameras and review a citation generated by the camera on the timely request of the person that received the citation. The bill establishes training and recordkeeping requirements for camera operators, including the performance of calibration checks as specified by an independent laboratory.

Citations

Unless a driver of a motor vehicle receives a citation from a police officer at the time of the violation, a person who receives a citation by mail may pay the specified civil penalty to the relevant jurisdiction or may elect to stand trial in District Court, which is granted exclusive jurisdiction in proceedings for civil infractions under the bill. In a contested case, the penalty must be paid to the District Court.

A citation issued by a bus lane monitoring camera is not a moving violation for which points may be assessed and may not be placed on the driving record of the owner or driver of the vehicle. However, it may be treated as a parking violation for purposes of enforcement. In addition, the citation may not be considered in the provision of vehicle insurance. If the fine is not paid and the violation is not contested, MVA may refuse to register, reregister, or suspend the registration of the motor vehicle.

In addition to other required information, the mailed citation must include a copy of the recorded image of the vehicle and a signed statement by a technician employed by the issuing law enforcement agency. The citation must also be mailed within two weeks.

A certificate alleging that the violation occurred, that is sworn to or affirmed by an authorized agent of a law enforcement agency, is evidence of the facts contained therein and is also admissible in any proceeding. Adjudication of liability is to be based on a preponderance of evidence standard. The District Court may consider the defenses specified in the bill, including that the vehicle was stolen or that the owner was not operating the vehicle at the time of the violation. For violations involving certain trucks, tractors, trailers, and buses, the person named in the citation may satisfy the burden of proof that he or she was not operating the vehicle at the time of the violation by providing a sworn letter containing the name, address, and driver's license number of the person who was operating the vehicle at the time. Similarly, for violations involving rental vehicles, the bill establishes a process in which companies may demonstrate that the company is not liable for the violation.

From the fines collected by a local government, the jurisdiction may recover the costs of implementing the program and must spend any remaining balance for public safety, including pedestrian safety programs. However, if after recovering implementation costs the balance of revenues generated exceeds 10% of the local jurisdiction's total revenues for the fiscal year, then any remaining amount above 10% must be remitted to the Comptroller and deposited in the general fund.

Required Reporting

Local jurisdictions operating bus lane monitoring camera programs must report to the Governor and the General Assembly each year on specified information related to the program (*e.g.*, number of citations issued, revenue generated, payments to contractors, etc.).

Current Law/Background: Bus lane violations are addressed in State law through failure to obey a properly placed traffic control device (which includes bus lane markings), which is a violation of the Maryland Vehicle Law and subject to a maximum penalty of \$500. The prepayment penalty is \$90 and, upon conviction, one point assessed against the

driver's license. If the violation contributes to an accident, the prepayment penalty increases to \$130 and three points assessed against the license.

A complete discussion of related programs can be found in the **Appendix – Speed Monitoring Systems and Red Light Cameras**.

State/Local Fiscal Effect: The Maryland Department of Transportation (MDOT) advises that local jurisdictions are responsible for *installing*, operating, and maintaining any cameras deployed under the bill. Therefore, MDOT assumes TTF expenditures are not affected. However, the Department of Legislative Services (DLS) advises that the bill is silent on the entity responsible for placing the cameras on MTA buses; DLS assumes that MTA would do so. Moreover, the bill could be interpreted as only being able to be implemented if MTA has already placed cameras on its buses *or* chooses to do so.

Under the bill, local jurisdictions are clearly responsible for required notice and signage associated with any authorization for a bus lane monitoring camera system. Local jurisdictions also must designate and provide training for a local employee or official as a camera operator. Thus, to the extent that cameras capable of recording violations as specified under the bill are placed on MTA buses and any jurisdictions authorize a monitoring camera system, local expenditures increase. Because fine revenues are paid to the jurisdiction in an uncontested case, local revenues increase. Otherwise, revenues are paid to the District Court for contested cases.

Additional Comments: DLS notes that MTA buses regularly travel between jurisdictions. Given the bill's requirements associated with local authorization and designated camera operators, it is unclear whether MTA buses equipped with bus lane monitoring cameras would be allowed to continue to operate in multiple jurisdictions.

Additional Information

Prior Introductions: None.

Cross File: HB 749 (Delegate R. Lewis, *et al.*) - Environment and Transportation.

Information Source(s): Baltimore and Montgomery counties; Maryland Association of Counties; Maryland Municipal League; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Insurance Institute for Highway Safety; National Work Zone Safety Information Clearinghouse; Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2018
md/ljm

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Appendix – Speed Monitoring Systems And Red Light Cameras

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.

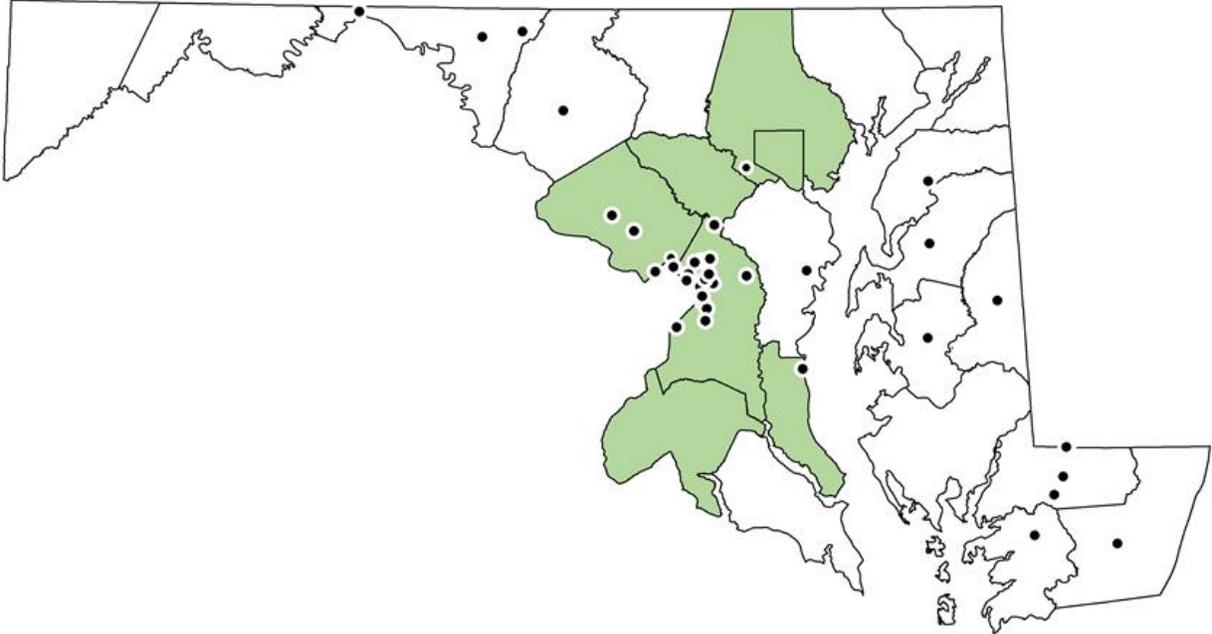
Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation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

Traffic Control Signal Monitoring Systems (Red Light Cameras)

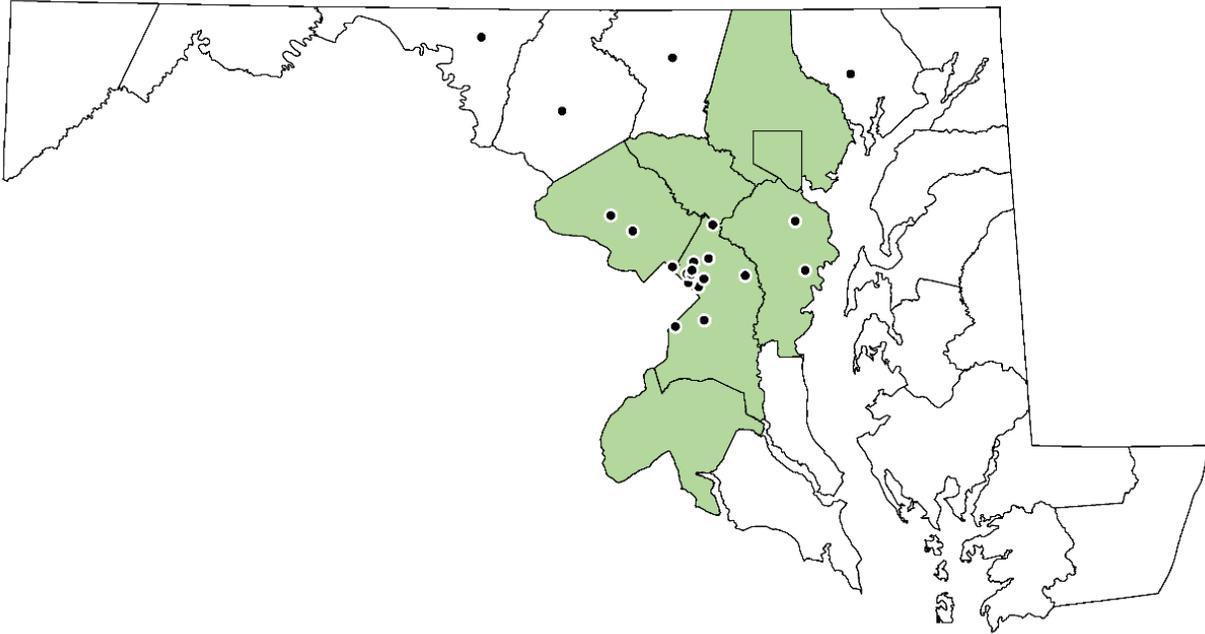
Unless the driver of a motor vehicle receives a citation from a police officer at the time of the violation, the owner or driver of a vehicle recorded by a red light monitoring system entering an intersection against a red signal in violation of the Maryland Vehicle Law is subject to a civil penalty of up to \$100. Red light camera enforcement applies to a violation of specified Maryland Vehicle Law requirements applicable to a vehicle approaching a steady circular red signal or arrow, including (1) stopping at a clearly marked stop line, or crosswalk if there is no stop line, or intersection if there is no crosswalk and (2) remaining stopped until a signal allows the vehicle to proceed.

A driver is specifically authorized under the Maryland Vehicle Law to cautiously enter an intersection to make a right turn (or left turn from a one-way street to another one-way street) after stopping at a steady red light, unless a sign otherwise prohibits the turn.

According to IIHS, 422 jurisdictions across the nation have red light camera programs as of January 2018. In Maryland, six counties, Baltimore City, and 22 other jurisdictions use

red light cameras. **Exhibit 3** shows red light camera usage across the State as of January 2018.

Exhibit 3
Local Red Light Camera Enforcement in Maryland
January 2018



Note: ● represents municipal corporations that operate red light camera systems; ■ represents counties that operate red light camera systems.

Source: Insurance Institute for Highway Safety; Department of Legislative Services
