HB 1492

Department of Legislative Services

Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader - Revised

House Bill 1492 (Delegate R. Lewis)
Environment and Transportation

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 a local jurisdiction to use a bus lane monitoring camera to record images of motor vehicles traveling in a bus lane. Local police departments 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. General fund expenditures increase by approximately $30,600 for reprogramming; any increase in District Court caseloads can likely be handled 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.

Local Effect: Local revenues increase, potentially significantly, in jurisdictions with bus lane monitoring cameras due to additional fine revenues. Local expenditures increase in order to install and maintain the cameras, with any remaining balances reserved for public safety expenditures.

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:

- a Maryland Transit Administration (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 visual medium, which clearly identifies the registration plate number.

A "bus lane monitoring camera" is a camera that is designed to capture a recorded image of a driver of a motor vehicle committing a violation.

Training and Recordkeeping Requirements

A bus lane monitoring camera may be used only when operated by a bus lane monitoring camera operator. 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, the Motor Vehicle Administration (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 police officer employed by the local police department. The citation must also be mailed within two weeks.

A certificate alleging that the violation occurred, that is sworn to or affirmed by a police officer employed by the local police department, 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 by 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.

Implementation

A local police department or a designated contractor must administer and process civil citations issued under the bill in coordination with the District Court.

If a contractor provides, deploys, or operates a bus lane monitoring camera for a local police department, the contractor's fee may not be contingent on the number of citations issued or paid.

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 – Automated Enforcement**.

State/Local Fiscal Effect: The Judiciary advises that reprogramming is necessary in order to implement the bill's requirements. In fiscal 2021 only, general fund expenditures increase by $30,595 in order to make the necessary changes.

Under the bill, the number of citations issued in local jurisdictions may increase due to the establishment of automated bus lane camera enforcement systems. As a result, the number of individuals opting for a trial in District Court may increase. Although the potential increase in cases cannot be reliably estimated, general fund revenues may increase minimally, as fine revenues paid by individuals convicted in District Court are paid into the general fund.

However, in an uncontested case, fine revenues are paid to a local jurisdiction. As a result, local revenues increase for any jurisdiction implementing bus lane monitoring cameras. Based on citation revenues from other automated enforcement systems, the Department of Legislative Services advises that revenues received under the bill may be significant.

The bill authorizes MVA to refuse to register or reregister a motor vehicle if a citation is not paid or contested pursuant to the bill's requirements. Assuming MVA receives additional flagging requests from local jurisdictions under the bill, TTF revenues may increase, as individuals must pay the administrative flag fee ($30) in order to register or reregister a vehicle. However, the overall effect on TTF revenues is not expected to be significant.

Finally, while the bill potentially applies to multiple local jurisdictions across the State, Baltimore City is the only jurisdiction expected to be affected in the short term, as the city currently maintains bus lanes that are utilized by MTA buses. Based on data from the city's red light camera enforcement system, Baltimore City advises that it expects revenues to increase by about $255,970 annually for each bus lane monitoring camera. However, the city advises that the estimated unit cost for each system is about $55,250. Additionally, due to the increase in the number of citations, existing personnel are expected to work overtime, resulting in additional personnel expenditures of about $40,743 annually. Assuming the city obtains one additional bus lane monitoring camera system per year and that personnel costs are constant, expenditures increase by about $95,993 annually under the bill.

Additional Information

Prior Introductions: SB 837 of 2019, a similar bill, received a hearing in the Senate Judicial Proceedings Committee and was subsequently withdrawn. Additionally, similar legislation was considered in the 2018 legislative session. HB 749 was amended in the House and referred to the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, SB 551, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): cities of Annapolis, Bowie, and Baltimore; Caroline and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2020
rh/ljm Revised - Correction - March 6, 2020

Analysis by: Eric F. Pierce

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

Appendix – Automated Enforcement

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. Since that time, the General Assembly has expanded the authorization several times.

- 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.

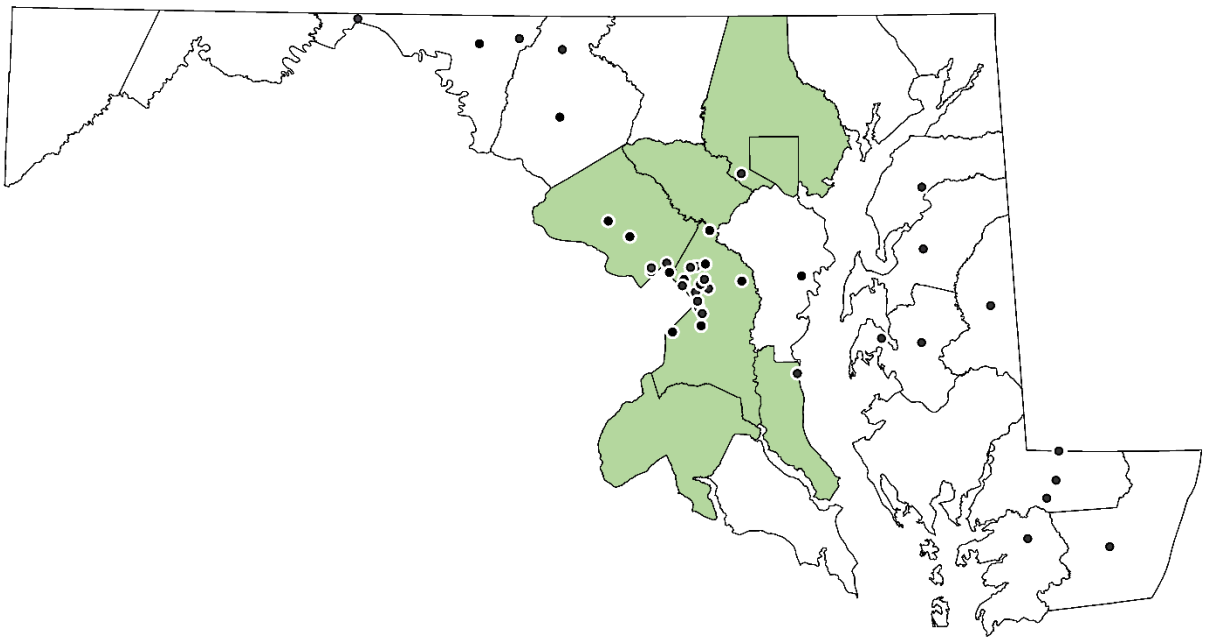
- Chapter 806 of 2018 authorized Prince George's County to place one speed camera at the intersection of Old Fort Road and Maryland Route 210 (Indian Head Highway), subject to specified requirements. Chapter 586 of 2019 repealed the limitation on the location of speed cameras that may be placed on Indian Head Highway and increased (to three) the number of speed cameras that the county (and local jurisdictions within the county) may use on the highway (presumably only until the existing authorization terminates September 30, 2023).

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), approximately 150 jurisdictions across the nation use speed cameras. In Maryland, speed cameras are used in six counties and Baltimore City, 40 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 2020.

Exhibit 1
Local Speed Monitoring System Enforcement in Maryland
January 2020



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

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. As shown in **Exhibit 2**, according to data from the Comptroller, as of January 2020, approximately $204,100 was remitted in fiscal 2019 (with data pending for the City of Seat Pleasant only), while $226,800 was remitted in fiscal 2018.

Exhibit 2
Local Speed Monitoring Systems Data (Aggregated)
Fiscal 2014-2019

Fiscal Year	Fine Revenues	System Costs	Net Revenues	Due to State
2019*	$60,258,673	$32,846,505	$27,412,488	$204,144
2018	63,749,052	31,395,278	32,376,854	226,822
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 2020; data pending for City of Seat Pleasant.

Source: Comptroller's Office; Department of Legislative Services

Also, in fiscal 2019, the Comptroller reports that 47 (excluding the City of Seat Pleasant) local jurisdictions generated speed monitoring system fine revenues of about $60.3 million, of which about $27.4 million (45.5%) was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems. Between fiscal 2018 and 2019, total fine revenues decreased by approximately $3.5 million while implementation expenditures increased by about $1.5 million. Net revenues retained by local jurisdictions for public safety decreased by approximately $5.0 million between fiscal 2018 and 2019.

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 754 fatalities in highway work zones nationwide in 2018, including 10 in Maryland. The number of work zone fatalities in Maryland in 2018 decreased by four compared to 2017. Nationally, the number of work zone fatalities decreased by about 55 compared to 2017.

Traffic Control Signal Monitoring Systems (Red Light Cameras)

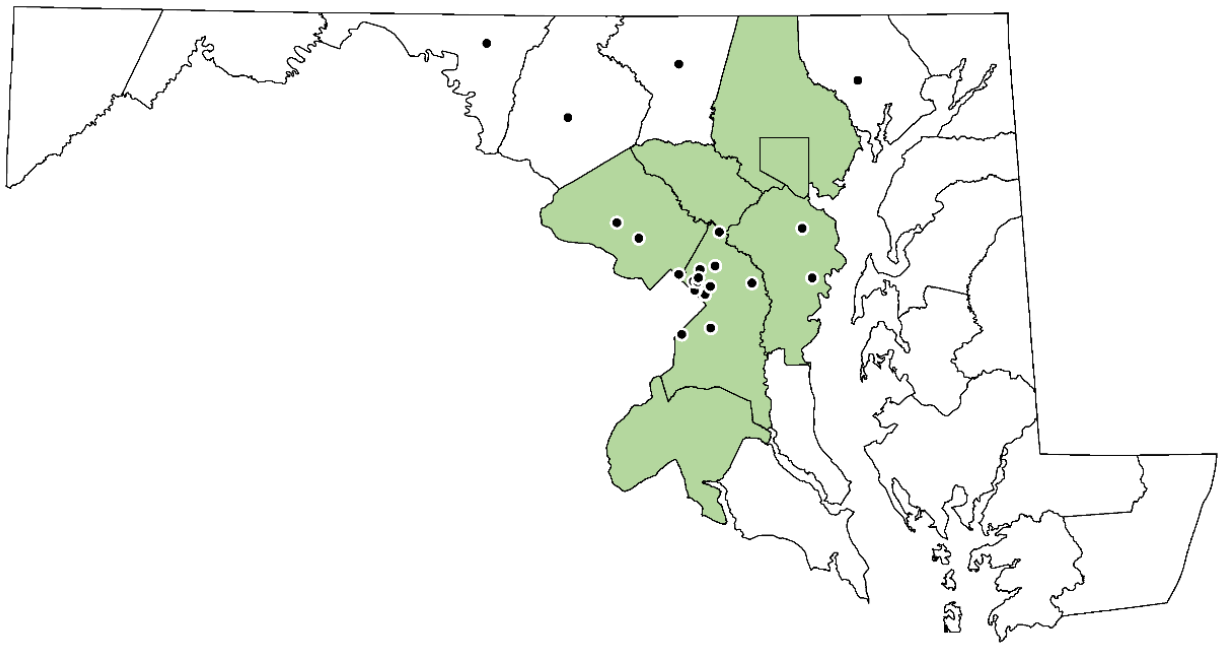
Unless the driver of a motor vehicle receives a citation from a police officer at the time of the violation, the owner or driver of a vehicle recorded by a red light monitoring system entering an intersection against a red signal in violation of the Maryland Vehicle Law is subject to a civil penalty 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, approximately 340 jurisdictions across the nation have red light camera programs as of January 2020. 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 2020.

Exhibit 3
Local Red Light Camera Enforcement in Maryland
January 2020



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