

HB_367_Sponsor_Charkoudian_FAV

Uploaded by: Lorig Charkoudian

Position: FAV



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB 367- VEHICLE LAWS- STOP SIGN MONITORING SYSTEMS– AUTHORIZATION

TESTIMONY OF DELEGATE LORIG CHARKOUDIAN

FEBRUARY 16, 2023

Chair Barve, Vice Chair Stein, and Members of the Environment and Transportation Committee,

Unsignalized intersections are the most common type of intersection in the United States- and Maryland. Nationally, over 6,500 fatalities, almost 1,000 pedestrian fatalities, and nearly 200 bicyclist fatalities occur at unsignalized intersections each year.¹ Even more injury crashes occur at these intersections. In order to make roads safer for all users- preeminently pedestrians and bicyclists- and move closer to Maryland’s Vision Zero goal, we must make these intersections safer.

This bill authorizes local jurisdictions to install stop sign monitoring systems if authorized by local laws and when accompanied with certain provisions. These provisions include:

- establishing that fines for stop sign camera violations shall be income-based with the maximum fines based on the income of the person to whom the car is registered- while also prohibiting additional fees on top of the maximum fines established,
- establishing a process for determining where the cameras will be installed that uses safety related data to determine placement and involves community engagement to determine placement,
- requiring clearly visible signs to notify drivers of the presence of the cameras,
- creating due process protections for stop sign violations, including an effective appeals process,
- requiring local jurisdictions to demonstrate that the implementation of a stop sign camera program will decrease the use of law enforcement officers used for stop sign enforcement,
- prohibiting sharing of traffic camera data with immigration officials, and
- requiring revenues beyond those that cover the cost to administer the program to be invested in pedestrian safety.

¹ *About Intersection Safety*. U.S. Department of Transportation- Federal Highway Administration.
<https://safety.fhwa.dot.gov/intersection/about/>

Currently in Maryland, flat fines are imposed for traffic violations. One of the hallmarks of this legislation is the implementation of income-based fines. Income-based fines, also called day fines or sliding scale fines, vary based on the person's financial means and have many benefits for communities and individuals. Sliding scale fines have been used in many countries for over 100 years. When compared to sliding scale fines, data shows that flat fines are criminogenic and trap low-income offenders in a cycle of debt and jail while allowing wealthier offenders to break the law without meaningful financial consequence.² Use of day fines also increases fine collection.³

The use of stop-sign automated enforcement accompanied by income-based fines will make Maryland's roads safer.

Therefore, I respectfully request a favorable report on HB 367.

² Schierenbeck, A. "The Constitutionality of Income-Based Fines." University of Chicago Law Review. <https://lawreview.uchicago.edu/publication/constitutionality-income-based-fines>

³ *Day Fines in Four U.S. Jurisdictions*. U.S. Department of Justice Office of Justice Programs. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/day-fines-four-us-jurisdictions>

HB 367 Economic Action Maryland Letterhead Templat

Uploaded by: Marceline White

Position: FAV



Testimony to the House Environment & Transportation Committee
HB367: Vehicle Laws-Stop Sign Monitoring Systems-Authorization
Position: Favorable

February 26, 2023

The Honorable Kumar P. Barve, Chair
Environment and Transportation Committee
Room 251, HOB
Annapolis, MD 21401
cc: Members, Environment and Transportation Committee

Honorable Chair Barve and Members of the Committee:

Economic Action Maryland (formerly the Maryland Consumer Rights Coalition) is a people-centered movement to expand economic rights, housing justice, and community reinvestment for working families, low-income communities, and communities of color. Economic Action Maryland provides direct assistance today while passing legislation and regulations to create systemic change in the future.

We are writing today in support of HB367.

In 2018, MCRC released a research report, [*No Exit: How Maryland's Debt Collection Practices Deepen Poverty & Widen the Racial Wealth Gap*](#), which details the fines and fees that derail the efforts of low-income Marylanders to gain a stronger economic foothold and achieve financial stability. Our report looks at the current debt collection processes in Maryland and provides a series of recommendations to ensure that financially fragile households have the opportunity to repay their debts in a sustainable and affordable manner.

Our report documents numerous instances when an individual falls into a vicious cycle of debt due to fines or fees that are unaffordable for low-income households. The majority of the clients that MCRC sees in our financial coaching and counseling program earn less than \$20,000 a year. For these clients, a \$1000 fine is 5% of their annual income.

As poverty increases across Maryland, the United Way's ALICE (Asset Limited, Income Constrained, Employed) report found that poverty increased 22% between 2005-2016. A 2020 report from the Urban Institute found that as the cost-of-living has skyrocketed and consumer debt has soared, one in three

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ID 52-2266235

Economic Action Maryland is a 501(c)(3) nonprofit organization and your contributions are tax deductible to the extent allowed by law.

Maryland residents have a debt in collection, with 40% of those debts found in communities of color.

One of the recommendations in our report, *No Exit*, was to establish a day fines, or proportional fine, pilot program. HB367 establishes a proportional, income-based, fee schedule for violations. Wealthier individuals will pay a higher fine while low-income individuals will pay a smaller fine.

Income-based fines provide a relative equal burden of punishment on all offenders, regardless of their wealth (or lack thereof). If a fine is supposed to be a deterrent, to prevent future violations, then it must be consequential. For wealthy violators, a fine may be inconsequential and may do little to prevent future transgressions, while conversely, the same fee may lead to a financial catastrophe for a low-income person. Income-based fines create 'fine equity' and by establishing fairer fines, may prevent the wealthy from 'buying' the right to transgress.

Earlier experiments of income-based fines in the United States (Staten Island; Polk County, IA; Maricopa county, AZ; and Milwaukee, WI) saw both the average amount of fines collected and rate of payment increase. In HB 367, revenue beyond the cost of administering the program will be invested in pedestrian safety, likely leading to greater pedestrian safety.

For all these reasons, we support HB367 and urge a favorable report.

Best,

Marceline White
Executive Director

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HB 367 - MoCo_Morningstar_FAV (GA 23).pdf

Uploaded by: Sara Morningstar

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

HB 367

DATE: February 16, 2023

SPONSOR: Delegate Charkoudian

ASSIGNED TO: Environment and Transportation

CONTACT PERSON: Sara Morningstar (Sara.Morningstar@montgomerycountymd.gov)

POSITION: SUPPORT

Vehicle Laws – Stop Sign Monitoring Systems – Authorization

House Bill 367 would authorize a local jurisdiction to use a stop sign monitoring system (after completing certain public engagement) that would detect an approaching vehicle at an intersection and trigger a flashing system within the sign. Failure to abide by the stop sign could result in a citation being issued by the local jurisdiction (like the process used for speed cameras). The bill would create a graduated fine schedule based on the income of the vehicle's registered owner, except for a commercial vehicle where the fine would be set at \$110.00. Montgomery County supports the bill.

Expanding automated traffic enforcement (ATE) through new technology, like that proposed in HB 367, is a good practice and could not only help decrease the number of traffic-related crashes and fatalities, but also reduce the number of unnecessary police encounters with motorists that can begin with stops over common traffic violations like broken taillights or failing to stop at a stop sign. In reviewing HB 367, Montgomery County's ATE division noted potential logistical challenges with the bill's proposed new graduated fine schedule for an ATE stop sign violation that may need to be worked through before this proposed program could be made operational.

Montgomery County supports efforts to reduce the number of unnecessary police encounters, and this legislative proposal could advance that cause. As such, Montgomery County urges the Committee to adopt a favorable report on HB 367.

HB0367-Stop Sign Monitoring Systems-WABA-FAV.pdf

Uploaded by: Seth Grimes

Position: FAV



WABA
WASHINGTON AREA
BICYCLIST ASSOCIATION

HB0367

HB0367: Vehicle Laws - Stop Sign Monitoring Systems - Authorization
Environment and Transportation Committee
Washington Area Bicyclist Association – FAVORABLE

February 14, 2023

Chair Barve and members of the Environment and Transportation Committee,

The Washington Area Bicyclist Association (WABA) is an advocacy organization with 1,300 Maryland members and many other Maryland supporters and partners. My name is Seth Grimes, WABA's Maryland organizer, testifying on behalf of the organization.

WABA supports HB0367, which would authorize a local jurisdiction to install a Stop sign monitoring system. Net penalty revenues would be directed to complete-streets or pedestrian-safety programs. The bill directs that penalties be instituted in proportion to the offending vehicle owner's or driver's income.

Stop sign monitoring systems would boost compliance with traffic-safety laws and signage. Installation of a camera at an intersection would improve pedestrian, bicyclist, and traffic safety at the intersection.

Jurisdictions would benefit from an additional revenue source for much-needed complete streets and pedestrian safety programs, which aim to improve transportation infrastructure and conditions. These programs are designated to receive net penalty revenue.

And current, fixed penalties have a disparate financial impact on offenders. They more significantly penalize lower-income community members and are therefore inequitable. Income-conditioned penalties would be more equitable than current, fixed penalties.

For these reasons, the Washington Area Bicyclist Association supports HB0367. We urge a Favorable committee report and House of Delegates floor vote.

Seth Grimes, Maryland organizer
Washington Area Bicyclist Association
seth.grimes@waba.org

HB0367-ET_MACo_SWA.pdf

Uploaded by: Sarah Sample

Position: FWA



House Bill 367

Vehicle Laws – Stop Sign Monitoring Systems - Authorization

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Environment and Transportation
Committee

Date: February 16, 2023

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS HB 367 WITH AMENDMENTS**. This bill would allow counties to install stop sign monitoring systems on county roadways. This is enabling legislation that authorizes counties to apply an additional tool in maintaining motor vehicle compliance and safety in neighborhoods and communities.

In addition to the enhanced security and order these programs help local governments maintain, they also help to support other public safety measures that keep these communities thriving. With an automated option for enforcing motor vehicle laws and violations, there is great potential to divert costs associated with law enforcement personnel who would typically be tasked with motor vehicle monitoring. These savings can be reinvested in other areas, while maintaining compliance and calming neighborhoods via the automated monitoring system.

One amendment would benefit the flexible authority afforded under HB 367. *Counties support an amendment to authorize the balance of collected fines to be used for public safety purposes (a term used and defined in current law) rather than only pedestrian safety (newly added by HB 367 as drafted)*. This would grant each local jurisdiction the ability to apply any new resources in accordance with specific needs, in line with the current law governing other automated safety systems.

Counties welcome this additional means to provide the accommodations necessary to maintain safe streets for all and doing so in a way that is sensitive to the constant demands on taxpayer dollars and county budgets. For these reasons, MACo urges a report of **FAVORABLE WITH AMENDMENTS** for HB 367.

230214-HB0367-stop-sign-monitoring-illegals.pdf

Uploaded by: Christine Hunt

Position: UNF

Christine Hunt and Jay Crouthers
1014 Dockser Drive
Crownsville, MD 21032

February 14, 2023

Maryland General Assembly
Members of the Environment and Transportation Committee
Annapolis, MD

RE: HB0367-Vehicle Laws – Stop Sign Monitoring Systems – Authorization

Dear Delegates,

We oppose HB0367 and respectfully request that you vote against it.

We are in opposition to the prohibition of a local jurisdiction from using or sharing stop sign monitoring system data for certain immigration purposes.

We believe that immigrants that are here illegally should be identified and deported. If using a stop sign monitoring system will help immigration officials to identify them and take action, then we are in full support of that.

An amendment to remove or make the information favorable to what we have cited above would make the other aspects of the bill acceptable.

Sincerely,

Christine Hunt and Jay Crouthers

hb367.pdf

Uploaded by: Matthew Pipkin

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 367
Vehicle Laws – Stop Sign Monitoring Systems – Authorization
DATE: February 1, 2023
(2/16)
POSITION: Oppose, as drafted

The Maryland Judiciary opposes House Bill 367, as drafted. This bill establishes a Stop Sign Monitoring System. A Stop Sign Monitoring System means a device with one or more motor vehicle sensors that produce recorded images of motor vehicles that fail to come to a complete stop before entering an intersection.

The Judiciary is concerned with the provision at Transportation Article § 21-707.1(g)(5). This provision requires court clerks' offices to send to local law enforcement agencies "evidence substantiating who was operating" vehicles when the alleged offender is shown not to have been the operator when the traffic violations were committed. This inappropriately puts courts in the position of assisting a prosecuting agency.

In addition, the Judiciary believes that the different monetary penalty caps based on a defendant's income, as prescribed in this bill, would be unwieldly to apply appropriately and uniformly, and also act to remove judicial discretion to fashion appropriate penalties based on the individual circumstances of each case.

cc. Hon. Lorig Charkoudian
Judicial Council
Legislative Committee
Kelley O'Connor

AAA Opposition Testimony to HB 367 - Stop Sign Mon

Uploaded by: Ragina Ali

Position: UNF



**AAA Mid-Atlantic's Testimony in OPPOSITION to HB 367
Vehicle Laws - Stop Sign Monitoring Systems – Authorization**

Sponsor: Delegate Charkoudian

- AAA Mid-Atlantic **opposes House Bill 367**, which would authorize “*a local jurisdiction to use a stop sign monitoring system if authorized by local law...*”
- First and foremost, we, at AAA, want every driver to come to a full and complete stop at every stop sign, every time, but for a number of reasons, we cannot support HB 367.
- **Here in Maryland**, the use of automated speed enforcement (ASE) technology became effective in October 2009, authorizing the State Highway Administration (SHA), Maryland Transportation Authority (MdTA) and Maryland State Police (MSP) to use speed cameras in work zones.
- At the same time, Maryland passed a law authorizing local jurisdictions and municipalities to use automated speed enforcement (ASE) systems in school zones.
- AAA Mid-Atlantic was at the table then and was a strong advocate for the technology to save the lives of highway workers, students and drivers in work zones and school zones.
- With that advocacy, the auto club offered recommendations that the technology be fair with a focus on traffic safety and not revenue generation, which has not been the case just down the road in Washington, D.C.
- The use of stop sign cameras is very limited in this country. Washington, D.C. was the first (and only) major city to deploy stop sign cameras in 2013.
- **One such camera in the District, brought in \$1.3 million in tickets in just two years** and has been criticized for issuing automated citations, even when motorists have stopped, according to an investigation and article published by the **Washington Post**.
- We recognize the important role that automated enforcement, coupled with police involvement, can play in traffic safety for motorists, pedestrians, and other road users by improving compliance with red lights, speed limits, and other traffic control devices.
- However, HB 367 goes beyond Maryland's existing law by proposing to determine the citation amount based on the annual household income of the owner or driver of the vehicle, making it difficult to believe that revenue generation isn't at the forefront.
- Why else would fines be on a sliding scale, based upon the household income of the driver?

- AAA supports the use of automated enforcement systems that are fair and reasonable, don't undermine or violate the public trust and are safety-based, not revenue-based.
- AAA supports automated enforcement that is part of a comprehensive traffic safety strategy that involves engineering, education, and officer enforcement.
- HB 367 would undermine Maryland's existing automated enforcement program, and erode the public trust.
- As written, it appears to focus more on revenue generation than traffic safety.
- For these reasons, AAA urges the Committee to give **HB 367** an **unfavorable** report.

Contacts:

*Ragina C. Ali, AAA Mid-Atlantic
Public and Government Affairs Manager
443.465.5020*

*Sherrie Sims, GS Proctor & Associates
Senior Associate*

HB0367 - SHA - Stop Sign Monitoring Systems - LOI_

Uploaded by: Patricia Westervelt

Position: INFO

February 16, 2023

The Honorable Kumar P. Barve
Chair, Environment and Transportation Committee
251 House Office Building
Annapolis MD 21401

***RE: Letter of Information – House Bill 367 – Vehicle Laws – Stop Sign Monitoring System
- Authorization***

Dear Chair Barve and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 367 but offers the following information for the Committee's consideration.

House Bill 367 would authorize local jurisdictions to use stop sign monitoring systems. Additionally, House Bill 367 would establish an income based fining structure for the civil penalties for stop sign monitoring system violations; the revenue collected from stop sign monitoring systems would be used for the Complete Streets and other pedestrian safety programs.

Like the permitting process for speed monitoring systems along State highways, local jurisdictions would need to apply for a permit from MDOT State Highway Administration (SHA) prior to installing stop sign monitoring systems within SHA right-of-way. To facilitate that permit review process, SHA would need to develop criteria and guidance to establish best practices for the placement of speed monitoring systems along State highways. Currently, no such guidance or criteria exists.

The SHA looks forward to working with local partners to promote safety for all users of our roadways, including pedestrians and bicyclists. When planning for new monitoring systems along the roadways, it is important to identify locations that are the most effective at improving safety, while also considering right-of-way needs.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 367.

Respectfully submitted,

Mitch Baldwin
Acting Deputy Director
Office of Policy and Legislative Services
Maryland State Highway Administration
410-310-1056

Pilar Helm
Director
Office of Government Affairs
Maryland Department of Transportation
410-841-1090