



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 943

DATE: April 2, 2024

SPONSOR: Senators Kelly and Lam

ASSIGNED TO: Environment and Transportation

CONTACT PERSON: Melanie Wenger (melanie.wenger@montgomerycountymd.gov)

POSITION: Support with Amendment (MC Department of Transportation)

Vehicle Laws – Bus Obstruction Monitoring Systems (Better Bus Service Act of 2024)

The Montgomery County Department of Transportation (MCDOT) strongly supports Senate Bill 943, as it provides a critical and powerful tool to keep bus lanes clear of private vehicles. With the use of bus obstruction monitoring systems, buses in Montgomery County can increase reliability and travel speeds, as well as increase accessibility for bus passengers. Clear bus lanes and reliable bus service improves access to opportunity for thousands of bus passengers and encourages mode shift from private vehicles.

However, the addition of § 21-1133 (b) (6), which would allow private vehicles to load or unload passengers in a bus lane, presents a significant risk to the efficacy of the Better Bus Act and should be stricken from Senate Bill 943. Fundamentally, bus lanes should be reserved for bus travel and bus passenger loading; any other activity, however brief, stands to delay buses and compromise bus service. For the functional implementation of the Better Bus Act, the allowance of passenger loading threatens to undermine jurisdiction's ability to issue valid violations.

Automated camera-based enforcement technology cannot accurately and consistently capture people entering or exiting a vehicle. The provision would make it easier for drivers to contest violations, given that the photos would not clearly demonstrate whether the vehicle is accompanied by a driver and/or actively unloading a passenger. There are numerous circumstances in which the camera would not have a clear view as to the presence of passengers inside or outside the vehicle, such as low light, tinted windows, and obstruction from other pedestrian traffic. Even a secondary review of the photos by a reviewing officer or judge could not provide 100% certainty as to whether loading is occurring.

With the addition of private vehicle passenger loading, any driver that receives a violation (whether or not they were actually loading passengers) could appear in court in Montgomery County and testify to a judge that they were briefly stopped to pick up a passenger. The judge would not have sufficient photographic proof to disprove their claim, and therefore would almost certainly dismiss the violation. The risk is that drivers would use this provision to successfully

contest most or all tickets, therefore threatening the efficient and reliable operations of the bus lanes (not to mention increase the administrative cost for the operating entity).

MCDOT reiterates its support for the Better Bus Act, which stands to ensure the County's investment in bus lanes and Bus Rapid Transit can truly improve the quality and reliability of transit. The Department encourages the Committee to approve the Better Bus Bill, without the provision for passenger loading in bus lanes.