

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 612

(Montgomery County Delegation)

Environment and Transportation

Judicial Proceedings

Montgomery County - Highways - Maximum Speed Limits
MC 10-24

This bill repeals the requirement that Montgomery County, or a municipality located in Montgomery County, perform an engineering and traffic investigation before decreasing a maximum speed limit on a highway. As a result of the change, Montgomery County, or a municipality in Montgomery County, may decrease a maximum speed limit on a highway to no less than 15 miles per hour (MPH) without first performing an engineering traffic investigation. Additionally, the bill authorizes Montgomery County or a municipality in Montgomery County to implement a *new* speed monitoring system to enforce speed limits on a portion of a highway where the speed has been reduced in this manner; however, the system may not be established until one year after the speed limit has been decreased.

Fiscal Summary

State Effect: General fund revenues may increase minimally due to more citations for speeding, assuming Montgomery County uses the authorization granted by the bill to decrease speed limits when it would not have done so absent the bill. The District Court can handle any additional caseload with existing resources.

Local Effect: Within Montgomery County, county and municipal expenditures decrease minimally to the extent that fewer engineering and traffic investigations are performed under the bill; county and municipal revenues may increase to the extent that speed limits are reduced when they would not have been absent the bill, as discussed below.

Small Business Effect: None.

Analysis

Current Law:

Speed Limits – Generally

Unless there is a special danger that requires a lower speed, the maximum lawful speeds on a State highway are (1) 15 MPH in alleys in Baltimore County; (2) 30 MPH on all highways in a business district and on undivided highways in a residential district; (3) 35 MPH on divided highways in a residential district; (4) 50 MPH on undivided highways in other locations; and (5) 55 MPH on divided highways in other locations. A maximum speed limit of more than 70 MPH may not be established on any highway in the State.

If, on the basis of an engineering and traffic investigation, a local authority determines that a maximum speed is greater or less than is reasonable or safe under existing conditions on any part of a highway in its jurisdiction, the local authority may establish a reasonable and safe maximum speed limit for that part of the highway, which may:

- decrease the limit at an intersection;
- increase the limit in an urban district to no more than 50 MPH
- decrease the speed limit in an urban district; or
- decrease the limit outside an urban district to no less than 25 MPH.

An engineering and traffic investigation is not required to conform a speed limit in effect on December 31, 1974, to one of the specified speed limits established by statute.

Altered Speed Limits

Montgomery County and municipalities within the county may decrease the maximum speed limit to no less than 15 MPH on a highway but only after performing an engineering and traffic investigation. However, a local authority may not implement a *new* speed monitoring system to enforce speed limits on any portion of a highway for which the speed limit has been decreased pursuant to this authorization.

Calvert County is authorized to decrease the maximum speed limit to no less than 15 MPH on Lore Road and, except for Solomons Island Road, each highway south of Lore Road without performing an engineering and traffic investigation, regardless of whether the highway is inside an urban district.

Altered speed limits are effective when posted on appropriate signs giving notice of the

limit. Any alteration by a local authority (except in Baltimore City) of a maximum speed limit on a part (or extension) of a State highway is not effective until approved by the State Highway Administration (SHA).

A local authority may establish a reasonable and safe maximum speed limit for an alley if it determines that the maximum speed limit under State law is greater than is reasonable or safe. However, the local authority must post a speed limit on appropriate signs giving notice of the speed limit.

Speed Monitoring Systems

Speed monitoring systems must be authorized in a local jurisdiction by the governing body of the jurisdiction (but only after reasonable notice and a public hearing). Before activating a speed monitoring system, a local jurisdiction must publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the jurisdiction. In addition, the jurisdiction must also ensure that each sign that designates a school zone is proximate to a sign that (1) indicates that speed monitoring systems are in use in the school zone and (2) conforms with specified traffic control device standards adopted by SHA. Similar requirements apply to speed cameras established on Maryland Route 210 (Indian Head Highway), grounds of institutions of higher education in Prince George's County, Interstate 83 in Baltimore City, Maryland Route 175 in Anne Arundel County (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County-Howard County line, and at the intersection of Maryland Route 333 (Oxford Road) and Bonfield Avenue in Talbot County.

From the fines generated by a speed monitoring system, the relevant jurisdiction may recover the costs of implementing the system and generally 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.

Local Fiscal Effect: Within Montgomery County, county and municipal expenditures decrease to the extent that fewer traffic engineering studies are conducted to lower speed limits, pursuant to the bill's authorization.

The bill expressly authorizes local authorities in Montgomery County to implement new speed monitoring systems on a portion of a highway for which the speed limit has been decreased one year after the implementation of the decrease. Additionally, both current law and the bill appear to allow any cameras that are already in operation to continue operation on such highways, even if the speed limits are reduced. Thus, to the extent that local authorities in Montgomery County choose to lower speed limits and subsequently establish new speed monitoring systems when they would not have done so absent the bill and/or

lower speed limits on highways with existing speed camera systems in place when they would not have done so absent the bill, local revenues increase to the extent more automated enforcement citations are issued.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Montgomery County; Maryland Department of Transportation; Department of Legislative Services

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