

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

Senate Bill 1067

(Senator West, *et al.*)

Judicial Proceedings

Environment and Transportation

Baltimore County - Speed Monitoring Systems - Interstate 695

This bill authorizes the State Highway Administration (SHA) to place up to 16 speed monitoring systems (speed cameras) on Interstate 695 in Baltimore County, subject to certain requirements. However, only 4 cameras may be operated at any given time. The bill also requires a real-time display of a driver’s traveling speed. Fines collected as a result of violations enforced by speed cameras on Interstate 695 must be remitted to the Comptroller for distribution to SHA to then be used solely to assist in covering the cost of roadway and safety improvements on Interstate 695 in Baltimore County. Fines remitted pursuant to the bill’s authorization are supplemental to (and not intended to take the place of) funding that would otherwise be appropriated for the same purposes. During the first 90 days of operation, the Department of State Police (DSP) *must* mail a warning notice (rather than a citation) for any recorded violations. **The bill takes effect June 1, 2024, and terminates June 30, 2029.**

Fiscal Summary

State Effect: Likely no effect in FY 2024. To the extent the additional speed cameras are placed as authorized, Transportation Trust Fund (TTF) revenues increase, potentially significantly, from FY 2025 through 2029. TTF expenditures are assumed to increase correspondingly, as discussed below. Special fund revenues likely increase further over the same period due to additional contested cases in the District Court, which are also remitted to TTF. General fund expenditures for DSP increase by approximately \$1.1 million in FY 2025; future years reflect elimination of one-time costs and inflation. General fund expenditures also increase by approximately \$9,200 in FY 2025 only for reprogramming.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
SF Revenue	-	-	-	-	-
GF Expenditure	\$1,114,600	\$650,700	\$678,700	\$707,600	\$737,700
SF Expenditure	-	-	-	-	-
Net Effect	(\$1,114,600)	(\$650,700)	(\$678,700)	(\$707,600)	(\$737,700)

Note:(-) = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Although Baltimore County may benefit from the roadway and safety improvements on Interstate 695, local finances are not directly affected.

Small Business Effect: Potential minimal.

Analysis

Bill Summary:

Definitions

“Speed monitoring system” means a device with one or more motor vehicle sensors connected to a camera system capable of producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit.

“Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of six months or more. “Owner” does not include a motor vehicle leasing company or a specified holder of a special registration plate.

“Recorded image” means an image recorded by a speed monitoring system on (1) a photograph, microphotograph, electronic image, videotape, or any other medium and (2) showing the rear of a motor vehicle, at least two time-stamped images of the motor vehicle that include the same stationary object near the vehicle, and (on at least one image or portion of tape) a clear and legible identification of the entire registration plate number of the vehicle.

Required Notice, Signage, and Prohibited Usage

A speed monitoring system on Interstate 695 may only be used if all speed limit signs approaching (and within) the segment of interstate highway on which the speed monitoring system is located includes signage that (1) conforms with specifications adopted by SHA and (2) indicates that a speed monitoring system is in use.

Requirements for Speed Monitoring System Operators

The bill establishes training requirements for system operators, including the completion of daily logs and the performance of calibration checks as specified by an independent laboratory.

Civil Penalty

Unless the driver of the motor vehicle received a citation from a police officer at the time of a specified violation, the owner or driver of a motor vehicle is subject to a civil penalty of up to \$40 if the motor vehicle is recorded by a speed monitoring system during the commission of the violation.

In consultation with DSP, the Chief Judge of the District Court must adopt procedures for the issuance of citations, trials for violations, and the collection of civil penalties imposed under the bill.

The District Court must prescribe a uniform citation form, as specified, and a civil penalty, which must be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court. If the citation is not paid and the violation is not contested, the Motor Vehicle Administration may refuse to register or reregister the motor vehicle. A violation for which a civil penalty is imposed is not a moving violation for the purpose of points assessment, may not be recorded on the driving record of the owner or driver of the vehicle, may be treated as a parking violation for enforcement purposes, and may not be considered in the provision of motor vehicle insurance.

Requirements Related to Agency Issuance and Processing of Citations

DSP (or a designated contractor) must administer and process civil citations issued under the bill in coordination with the District Court. A contractor's fee may not be contingent on the number of citations issued or paid if a contractor provides, deploys, or operates a speed monitoring system on Interstate 695 in Baltimore County for DSP or SHA.

DSP (or a designated contractor) generally must mail to the owner liable for a violation recorded by a speed monitoring system a citation that includes specified information in accordance with the bill.

Generally, a citation must be issued within two weeks of the alleged violation (or 30 days after the alleged violation for vehicles registered in another state). A person who receives a citation may pay the civil penalty in accordance with the instructions on the citation or elect to stand trial.

Certifications Alleging a Violation

A certification alleging that a violation occurred, sworn to or affirmed by an officer of DSP, based on the inspection of a recorded image, is evidence of the facts contained in the certificate and is admissible in any proceeding concerning the alleged violation. Adjudication of liability must be based on a preponderance of the evidence standard.

Defense of Violations

The District Court may consider in defense of a violation (1) that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation; (2) evidence that the person named in the citation was not operating the vehicle at the time of the violation; and (3) any other issues and evidence that the District Court considers pertinent, as specified. If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives specified evidence identifying the person driving the vehicle at the time of the violation, the clerk of the court must provide DSP a copy of any evidence substantiating who was operating the vehicle at the time of the violation. DSP may, within two weeks of receipt of such evidence, issue a citation to the person whom the evidence indicates was operating the vehicle at the time of the violation.

Current Law: State law authorizes the use of various automated monitoring systems, including traffic control system monitoring systems, speed monitoring systems, school bus monitoring systems, vehicle height monitoring systems, and work zone speed control 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.

An authorizing ordinance or resolution adopted by the governing body of a local jurisdiction must establish certain procedures related to the movement or placement of speed monitoring systems. Specifically, if a jurisdiction moves (or places) a mobile (or stationary) speed monitoring system to (or at) a new location, the jurisdiction may not issue a citation for a violation recorded by that speed monitoring system (1) until signage is installed, as specified and (2) for at least the first 15 calendar days after the signage is installed.

Generally, 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.

State Expenditures: Assuming SHA uses the authorization to place the additional speed cameras on Interstate 695 in Baltimore County, TTF expenditures increase, potentially as early as fiscal 2024. However, this analysis assumes that State finances are not affected until fiscal 2025.

The exact cost to place the speed cameras and related signage depends on a number of factors (*e.g.*, the total number of cameras placed and how many are routinely active, how often the cameras are moved, etc.). For comparison purposes, administrative costs (including equipment and personnel) for SHA and DSP to operate the State’s work zone speed control system totaled about \$6.7 million and \$1.2 million, respectively, in fiscal 2023. Expenditures under the bill are likely significantly less than those amounts, as the speed monitoring systems authorized by the bill are limited to 16 (with only 4 operating at one time). Even so, additional expenditures under the bill are still likely to total several million dollars annually when factoring in both new equipment purchases and personnel. SHA is unable to determine the exact number of additional personnel that may be needed to implement the speed monitoring systems; however, the Department of Legislative Services (DLS) advises the costs may be significant.

General fund expenditures for DSP increase by \$1.1 million in fiscal 2025, which accounts for a 30-day start-up delay from the bill’s June 1, 2024 effective date. This estimate reflects the cost of hiring one sergeant and four troopers to manage the new speed monitoring system program on Interstate 695. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses. The estimate also includes standard equipment purchases for new DSP personnel (*e.g.*, standard marked police vehicles).

Positions	5.0
Salaries and Fringe Benefits	\$665,270
Operating Expenses (including significant one-time costs)	<u>440,113</u>
Total FY 2025 DSP General Fund Expenditures	\$1,105,383

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

DLS advises that any new personnel hired as a result of the bill must undergo training at the State Police Training Academy. Thus, depending on how soon SHA is able to install the new speed monitoring systems, the responsibilities for DSP under the bill may need to

be covered by existing staff; these positions would later be backfilled once the new personnel complete training. Further, even though the bill terminates June 30, 2029, DLS advises that contractual staffing is not feasible for such positions.

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

The increase in District Court caseloads can likely be handled with existing resources until the bill terminates. In fiscal 2025 only, general fund expenditures increase by \$9,172 for reprogramming for the Judiciary.

State Revenues: The amount of citation revenues that may be received as a result of the new speed monitoring systems cannot be determined without actual experience under the bill and depends on factors such as the exact locations where the cameras may be placed, the traffic volume at such locations, the extent to which driver behavior changes, etc. In fiscal 2023, citation revenues for the State's work zone speed control systems totaled \$9.7 million. While those systems allow SHA and DSP to use citation revenues to recoup their costs, the bill does not include similar provisions. Thus, administrative expenditures and equipment purchases under the bill are *not* offset by the increased citation revenues.

Based on revenues received under the State's work zone monitoring system program, TTF revenues may increase significantly from fiscal 2025 through 2029 assuming cameras are installed pursuant to the bill's authorization. (Although the bill takes effect in fiscal 2024, no impact on revenues is expected until fiscal 2025 due to the bill's requirement that *only* warning notices be issued for the first 90 days of operations.)

Additional Comments: Although not specified in the bill, due to other provisions in the bill, uncontested citation revenues are assumed to be collected by DSP and remitted to TTF. In addition, fine revenues collected for contested citations in the District Court accrue to the general fund under other automated enforcement systems; under the bill, the District Court must remit them to the Comptroller for subsequent distribution to SHA. Also, that distribution requirement does not account for cost recovery.

The above estimate for DSP reflects permanent employees as DSP indicates that its responsibilities related to processing civil citations under the bill are not activities that would be performed by a contractor. When the bill terminates at the end of fiscal 2029, the sergeant and troopers are assumed to be absorbed into ongoing departmental functions. Even so, if DSP were to hire a contractor, DLS advises that general fund expenditures would likely increase less significantly in the first year of implementation. However, costs could still total more than \$500,000 annually.

Additional Information

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

Designated Cross File: HB 1502 (Delegate Stein) - Rules and Executive Nominations.

Information Source(s): Baltimore County; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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