

Department of Legislative Services
 Maryland General Assembly
 2006 Session

FISCAL AND POLICY NOTE

House Bill 83 (Delegate Smigiel)
 Environmental Matters

Vehicle Laws - Traffic Control Signal Monitoring Systems - Repeal

This bill repeals State and local authority to use traffic control monitoring systems (also known as “red light cameras”) and all provisions relating to enforcement of steady red traffic signals by automated traffic control monitoring systems, including related penalties, adjudication of civil liability, and inspection of recorded images. Enforcement of steady red traffic signals would continue to be accomplished by police officers who would personally give a citation to the driver at the time of the violation.

The bill has prospective application. Accordingly, violations of steady red traffic signals captured by recording devices on or before September 30, 2006 would be subject to the enforcement and civil penalties established for automated traffic enforcement.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) revenues would be reduced \$510,000 in FY 2007 from elimination of flag fees. Out-years include annualization. TTF expenditures would be reduced \$11,100 in FY 2007 for elimination of postage and supplies related to notification of flag fees. Out-years include annualization and inflation. Potential minimal decrease in special fund revenues from fewer contested cases in District Court. District Court expenditures would not be affected.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
SF Revenue	(\$510,000)	(\$680,000)	(\$680,000)	(\$680,000)	(\$680,000)
SF Expenditure	(11,100)	(14,900)	(14,900)	(14,900)	(14,900)
Net Effect	(\$498,900)	(\$665,100)	(\$665,100)	(\$665,100)	(\$665,100)

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

Local Effect: Significant decrease in net revenues from operation of traffic control signal monitoring systems. Potential additional expenditures from early termination of long-term contracts.

Small Business Effect: Meaningful. Under this bill's provisions, the services provided by automated traffic camera contractors would no longer be required by local governments.

Analysis

Current Law: The State and political subdivisions are authorized to operate traffic control signal monitoring systems on any roads or highways in the State. A "traffic control signal monitoring system" is a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to produce recorded images of motor vehicles entering an intersection against a red signal indication.

Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by the arrow. Vehicular traffic facing a steady red signal or a steady red arrow must stop at the near side of the intersection at a clearly marked stop line. If there is no stop line, traffic must stop before entering any crosswalk. If there is no crosswalk, traffic must stop before entering the intersection. Traffic must remain stopped until a signal to proceed is displayed.

A driver who enters an intersection on a steady red arrow or steady red signal and is recorded by a traffic control signal monitoring system is subject to a civil penalty not to exceed \$100, unless the driver receives a citation from a police officer at the time of the violation. A violation recorded only by a traffic control monitoring system is not a moving violation and may not be considered for purposes of motor vehicle insurance coverage. However, if the civil penalty is not paid and the violation is not contested, the Motor Vehicle Administration (MVA) may refuse to register or reregister the vehicle, or may suspend the registration of the motor vehicle.

Fines in uncontested cases are paid directly to the issuing political subdivision or, if the State issues the citation, to the District Court. If an individual wishes to challenge a citation, the case is referred to the District Court having venue. Any fines or penalties collected by the District Court are remitted to the Comptroller and dispersed to various transportation-related funds.

Background: Traffic control signal monitoring systems, or red light cameras, are automatic camera systems that photograph vehicles that run red lights. In September 2001, a San Diego Superior Court judge ruled that a red light camera system operated by

a private company on behalf of the city of San Diego was unreliable, that a conflict of interest arose because the company received payment based on the number of citations issued, and that the system may be in conflict with a California state law that forbids law enforcement activities from being contracted to private companies. However, the judge also ruled that red light cameras do not violate a person's constitutional right to privacy and that the city has the constitutional right to operate red light cameras. Lawsuits from other jurisdictions that have challenged the constitutionality of automated traffic systems have been unsuccessful.

Some states have limited or banned automated traffic enforcement, while some states have considered authorizing or expanding it. According to the Governors Highway Safety Association, 19 states and the District of Columbia provide for some form of photo enforcement of red light compliance. Only a few of those states, including Maryland, authorize automated traffic enforcement on a statewide basis. The state of New York set up a pilot program for cities with a population of 1 million or more. Traffic cameras were limited to 50 intersections. The pilot program expired in December 2004. Virginia had also authorized automated traffic enforcement of red lights by local governments; however, that authority expired in July 2005. Nevada prohibits photographic recording of traffic violations unless the equipment is in use by an officer or it is installed at a law enforcement agency. New Jersey and Wisconsin specifically prohibit any type of photo-radar enforcement. Twenty-five states have not enacted any provisions related to automated enforcement.

In Maryland, the first jurisdiction to install red light cameras was Howard County, which began using them in 1998. Since 1998 and through 2002, Howard County reported a 13% reduction in accidents at automated enforcement intersections. Other local jurisdictions that have installed red light cameras in Maryland include Baltimore City, Anne Arundel, Montgomery, and Prince George's counties.

State Fiscal Effect:

Maryland Department of Transportation: TTF revenues could be reduced \$510,012 in fiscal 2007 due to the elimination of flag fees that would no longer be attached to unpaid automatic traffic citations, accounting for the October 1 effective date of the bill. Assuming a constant number of automated red light flag violations, annual revenue loss would be \$680,016 in future years. Currently, the MVA attaches a \$30 flag fee to certain types of traffic citations that are not paid in a timely manner by vehicle owners. The MVA advises that about 22,667 automated traffic citations are currently flagged for nonpayment on an annual basis.

TTF expenditures could be reduced by \$11,078 in FY 2007, accounting for the October 1 effective date of the bill due to postage and supply savings since the requirement to notify

vehicle owners of flag fees would no longer be required under the bill. Annualized savings would be \$14,919 in fiscal 2008 and would increase in out-years with inflation.

Except for monitoring cameras located at toll facilities, the State does not currently operate red light cameras. The Maryland Department of Transportation reports that, other than the fiscal impact on the MVA, it would experience no fiscal impact from this bill. Requests from local jurisdictions to connect photo red light systems to the State Highway Administration (SHA) traffic control signals would stop under this bill. New camera installations are about 15 per year. SHA incurs costs for location review, monitoring installations, and providing power, but these costs are reimbursed by the local jurisdictions, which pay a fee of \$900 per installation.

Judiciary: To the extent that red light camera system use is eliminated, fewer citations would be issued overall, fewer cases would go to District Court, and fewer fines and penalties would be assessed and collected for transportation-related special funds. The amount of revenues collected by the District Court attributable to fines assessed for red light camera violations is not known. However, the decrease in State general fund revenues is expected to be minimal.

Local Effect: Several local jurisdictions, including Baltimore City, Montgomery, and Prince George's counties, currently operate red light camera systems. Baltimore City advises that red light cameras monitor 64 intersections. The projected revenue loss from repeal of automated enforcement authority would be \$6 million. Montgomery County estimates a net revenue loss of \$6 million for fiscal 2007 from eliminating its cameras. Prince George's County reports a projected revenue loss of \$1.4 million in fiscal 2007. Allegany and Talbot counties report that they currently do not operate red light cameras at any of their intersections.

In addition to the projected revenue loss, local jurisdictions that have established long-term contracts with automated traffic camera companies may be required to pay early termination fees to end the contracts, if the original termination dates occur after this bill's effective date.

All jurisdictions pay the vendors that operate the systems according to the number of billable citations issued.

Small Business Effect: For those businesses that monitor and provide equipment for automated traffic enforcement to local jurisdictions, this bill would have a meaningful impact. Under the bill's provisions, the services provided by these companies would no longer be required. To comply with the bill's effective date, local jurisdictions may terminate contracts with these companies before the original termination dates established through long-term contracts.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Wicomico County, Allegany County, Montgomery County, Prince George's County, Talbot County, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Baltimore City, Governors Highway Safety Association, National Conference of State Legislatures, Department of Legislative Services

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