

Chapter 474

(House Bill 1477)

AN ACT concerning

Prince George's County – Municipal Corporations – School Zones and Speed Monitoring Systems

PG 319–10

FOR the purpose of authorizing a municipal corporation in Prince George's county to establish school zones on certain highways; requiring a municipal corporation in the county to be responsible for certain costs related to certain traffic control devices for certain school zones; authorizing a municipal corporation in the county to implement and use a speed monitoring system on certain county highways under certain circumstances; prohibiting the county from unreasonably denying a request from a municipal corporation to implement and use a speed monitoring system on certain county highways; prohibiting the county from placing certain requirements on the implementation and use of a speed monitoring system; requiring the county to state in writing the reasons for any denial of a request made by a municipal corporation for permission to implement and use a speed monitoring system on certain county highways; authorizing a municipal corporation to contest in the circuit court a certain denial of permission by the county; prohibiting a municipal corporation in the county from implementing or using a speed monitoring system in certain school zones unless it has obtained certain approval; providing that, in Prince George's County, or a municipal corporation of the county, a violation of the law relating to the use of speed monitoring systems applies to a segment of a highway within the grounds of a certain institution of higher education or within a certain distance of the grounds of a building or property used by the institution under certain circumstances; requiring Prince George's County, or a municipal corporation in Prince George's County, as appropriate, to ensure that certain speed limit signs are in accordance with a certain manual and specifications and indicate that a speed monitoring system is in use; and generally relating to school zones and the use of speed monitoring systems in a municipal corporation in Prince George's County.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–803.1 and 21–809(b)(1)
Annotated Code of Maryland
(2009 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

21–803.1.

(a) (1) Subject to subsection (f) of this section, within a half–mile radius of any school, the State Highway Administration or a local authority:

(i) May establish a school zone and maximum speed limits applicable in the school zone; and

(ii) Subject to subsection (d) of this section, may provide that fines are to be doubled for speeding violations within the school zone.

(2) (i) The State Highway Administration may establish a school zone under paragraph (1) of this subsection on any State highway or, at the request of a local authority, on any highway under the jurisdiction of the local authority.

(ii) A local authority may establish a school zone under paragraph (1) of this subsection on any highway under its jurisdiction.

(III) IN PRINCE GEORGE’S COUNTY, A MUNICIPAL CORPORATION MAY ESTABLISH A SCHOOL ZONE UNDER PARAGRAPH (1) OF THIS SUBSECTION ON ANY HIGHWAY THAT:

1. IS NOT UNDER STATE JURISDICTION; AND

2. IS LOCATED WITHIN ~~OR ADJACENT TO~~ THE CORPORATE LIMITS OF THE MUNICIPAL CORPORATION.

(b) (1) On each highway where a school zone is established under this section, in accordance with specifications of the State Highway Administration, the State Highway Administration or local authority:

(i) Shall place signs designating the school zone; and

(ii) May place other traffic control devices, including timed flashing warning lights.

(2) The signs designating a school zone shall indicate the maximum speed limit applicable in the school zone.

(3) The local authority shall pay the State Highway Administration the cost of placing and maintaining signs and other traffic control devices on highways

under the jurisdiction of the local authority when the State Highway Administration establishes the school zone at the local authority's request.

(4) IN PRINCE GEORGE'S COUNTY, A MUNICIPAL CORPORATION SHALL BE RESPONSIBLE FOR THE COST OF PLACING AND MAINTAINING SIGNS AND OTHER TRAFFIC CONTROL DEVICES FOR A SCHOOL ZONE THAT THE MUNICIPAL CORPORATION ESTABLISHES ON A HIGHWAY WITHIN ~~OR ADJACENT TO~~ ITS CORPORATE LIMITS.

(c) A maximum speed limit in a school zone established under this section is in effect when posted on appropriate signs giving notice of the limit.

(d) The fines for speeding in a school zone are double the amount that would otherwise apply if, in accordance with specifications adopted by the State Highway Administration:

(1) (i) A sign designating a school zone under this section is equipped with timed flashing warning lights and indicates that fines for speeding are doubled when the lights are activated; and

(ii) The lights are activated at the time the violation occurs; or

(2) A sign designating a school zone under this section indicates that fines for speeding are doubled during school hours.

(e) A person may not drive a motor vehicle at a speed exceeding the posted speed limit within a school zone established in accordance with subsection (d) of this section.

(f) In any school zone where a school crossing guard is posted to assist students in crossing a highway, the maximum speed limit may not exceed 35 miles per hour in the school zone during the hours posted on signs designating the school zone.

21-809.

(b) (1) (i) A speed monitoring system may not be used in a local jurisdiction under this section unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.

(ii) Before a county may use a speed monitoring system on a State highway at a location within a municipal corporation, the county shall:

1. Obtain the approval of the State Highway Administration;

2. Notify the municipal corporation of the State Highway Administration's approval of the use of a speed monitoring system at that location; and

3. Grant the municipal corporation 60 days from the date of the county's notice to the municipal corporation to enact an ordinance authorizing the municipal corporation instead of the county to use a speed monitoring system at that location.

(III) 1. THIS SUBPARAGRAPH APPLIES ONLY IN PRINCE GEORGE'S COUNTY.

2. IN THE COUNTY, A MUNICIPAL CORPORATION MAY IMPLEMENT AND USE A SPEED MONITORING SYSTEM CONSISTENT WITH THE REQUIREMENTS OF THIS SUBSECTION ON A COUNTY HIGHWAY AT A LOCATION WITHIN ~~OR ADJACENT TO~~ ITS CORPORATE LIMITS IF THE MUNICIPAL CORPORATION:

A. SUBMITS TO THE COUNTY A PLAN DESCRIBING THE BOUNDARY OF THE APPLICABLE SCHOOL ZONE AND THE PROPOSED LOCATION OF THE SPEED MONITORING SYSTEM; AND

B. REQUESTS AND RECEIVES PERMISSION FROM THE COUNTY TO USE THE SPEED MONITORING SYSTEM AT THE PROPOSED LOCATION.

3. IF THE COUNTY FAILS TO RESPOND TO THE REQUEST WITHIN 60 DAYS, THE MUNICIPAL CORPORATION MAY IMPLEMENT AND USE THE SPEED MONITORING SYSTEM AS DESCRIBED IN THE PLAN SUBMISSION.

4. THE COUNTY MAY NOT:

A. UNREASONABLY DENY A REQUEST UNDER THIS SUBPARAGRAPH; OR

B. PLACE EXACTIONS, FEES, OR UNREASONABLE RESTRICTIONS ON THE IMPLEMENTATION AND USE OF A SPEED MONITORING SYSTEM UNDER THIS SUBPARAGRAPH.

5. THE COUNTY SHALL STATE IN WRITING THE REASONS FOR ANY DENIAL OF A REQUEST UNDER THIS SUBPARAGRAPH.

6. A MUNICIPAL CORPORATION MAY CONTEST IN THE CIRCUIT COURT A COUNTY DENIAL OF A REQUEST UNDER THIS SUBPARAGRAPH.

(IV) IN PRINCE GEORGE'S COUNTY, IF A MUNICIPAL CORPORATION HAS ESTABLISHED A SCHOOL ZONE THAT ~~OVERLAPS WITH~~ IS WITHIN ONE-QUARTER MILE OF A SCHOOL ZONE ESTABLISHED IN ANOTHER MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION MAY NOT IMPLEMENT OR USE A SPEED MONITORING SYSTEM IN THAT SCHOOL ZONE UNLESS IT HAS OBTAINED THE APPROVAL OF THE OTHER MUNICIPAL CORPORATION.

[(iii)] (V) An ordinance or resolution adopted by the governing body of a local jurisdiction under this paragraph shall provide that for a period of at least 30 days after the first speed monitoring system is placed in the local jurisdiction, a violation recorded by any speed monitoring system in the local jurisdiction may be enforced only by the issuance of a warning.

[(iv)] (VI) This section applies to a violation of this subtitle recorded by a speed monitoring system that meets the requirements of this subsection and has been placed:

1. In Montgomery County, on a highway in a residential district, as defined in § 21-101 of this title, with a maximum posted speed limit of 35 miles per hour, which speed limit was established using generally accepted traffic engineering practices; ~~or~~

2. In a school zone established under § 21-803.1 of this subtitle; OR

3. IN PRINCE GEORGE'S COUNTY, ON THAT PART OF A HIGHWAY LOCATED WITHIN THE GROUNDS OF AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10-101(F) OF THE EDUCATION ARTICLE, OR WITHIN ONE-HALF MILE OF THE GROUNDS OF A BUILDING OR PROPERTY USED BY THE INSTITUTION OF HIGHER EDUCATION WHERE GENERALLY ACCEPTED TRAFFIC AND ENGINEERING PRACTICES INDICATE THAT MOTOR VEHICLE, PEDESTRIAN, OR BICYCLE TRAFFIC IS SUBSTANTIALLY GENERATED OR INFLUENCED BY THE INSTITUTION OF HIGHER EDUCATION.

[(v)] (VII) Before activating an unmanned stationary speed monitoring system, the local jurisdiction shall:

1. Publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the jurisdiction; ~~and~~

2. Ensure that each sign that designates a school zone indicates that speed monitoring systems are in use in school zones; AND

3. WITH REGARD TO A SPEED MONITORING SYSTEM ESTABLISHED BASED ON PROXIMITY TO AN INSTITUTION OF HIGHER EDUCATION UNDER PARAGRAPH (1)(VI)3 OF THIS SUBSECTION, ENSURE THAT ALL SPEED LIMIT SIGNS APPROACHING AND WITHIN THE SEGMENT OF HIGHWAY ON WHICH THE SPEED MONITORING SYSTEM IS LOCATED INCLUDE SIGNS THAT:

A. ARE IN ACCORDANCE WITH THE MANUAL AND SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES ADOPTED BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25-104 OF THIS ARTICLE; AND

B. INDICATE THAT A SPEED MONITORING SYSTEM IS IN USE.

[(vi)] (VIII) A speed monitoring system in a school zone may operate only Monday through Friday between 6:00 a.m. and 8:00 p.m.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2010.

Approved by the Governor, May 4, 2010.