

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 904 (Delegates Carter and Alston)
Environmental Matters

**Vehicle Laws - Use of Work Zone Speed Control Systems - Presence of Workers
Required**

This bill allows the use of a work zone speed control system only when at least one worker is present on the roadway, median divider, or shoulder within or adjacent to a work zone. The bill also alters the definition of a “work zone” by repealing “regardless of whether workers are present” in reference to the defined area.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) and special fund revenues decrease at the Maryland Department of Transportation (MDOT), the Department of State Police (DSP), and the District Court due to fewer citations generated by work zone speed control systems. MDOT and District Court expenditures and operations may be minimally affected to the extent that transportation workers or other officials are called to testify in additional cases on the issue of worker presence.

Local Effect: Work zone speed control system revenues are not distributed to local governments, except secondarily as highway user revenue from TTF; therefore, local government revenues decrease only minimally with the corresponding decrease in TTF revenue. Local government expenditures and operations are not affected, assuming work zone speed control system operators remain entirely State employees or contractors.

Small Business Effect: None.

Analysis

Current Law: Chapter 500 of 2009 authorizes State and local law enforcement agencies or their contractors to issue citations or warnings for speeding at least 12 miles per hour above the posted speed limit in highway work zones that are set up on expressways or controlled access highways where the speed limit is 45 miles per hour or greater. A conspicuous road sign warning of the use of speed monitoring systems must be placed at a reasonable distance from the work zone.

A “work zone” is a segment of a highway identified as a temporary traffic control zone by a traffic control device in conformance with State specifications, and where highway construction, repair, maintenance, utility work, or related activities are being performed, regardless of whether workers are present. A work zone speed control system may only be used while being operated by a work zone speed control system operator. The maximum fine for a ticket issued by a work zone speed control system operator is \$40.

Background: MDOT advises that work zones are inherently dangerous due to obstacles such as concrete barriers, narrowed lanes, and cones, all of which increase the risk of traffic accidents from speeding motorists. In these work zone accidents, about 85% of injuries are to the motorists, and about 15% of those injured are transportation workers. In 2009, there were 667 fatalities in highway work zones nationwide, including 6 in Maryland.

As of December 31, 2010, about 351,000 citations have been generated by work zone speed control systems, according to the State Highway Administration (SHA).

State Revenues: TTF and special fund revenues decrease due to fewer citations being issued under the bill’s restriction. Legislative Services advises that it is unable to develop a reliable estimate of this revenue decline without additional data on the number of work zone speed control system citations issued or the share of these citations issued while workers are present in the work zone.

Nevertheless, *for illustrative purposes only*, in fiscal 2012, special fund revenues for additional DSP roadside enforcement activities may decrease by about \$8.9 million; TTF revenues associated with the collection of vehicle registration flag removal fees at the Motor Vehicle Administration may decrease by about \$343,000; and TTF and special fund revenues collected by the District Court as a result of contested cases may decrease by about \$128,000. This estimate accounts for the bill’s October 1, 2011 effective date and is based on the following information and assumptions:

- absent the bill's restriction, about 435,000 work zone speed control system citations are generated in fiscal 2012;
- 70% fewer citations are generated during the nine-month period under the bill's restriction;
- 90% of work zone speed control system citations are prepaid by the violator;
- 5% of these citations are contested in District Court; and
- 5% of citations are neither prepaid nor contested, but result in eventual payment after the violator's vehicle registration is flagged for suspension due to nonpayment.

Under these assumptions, total revenues will remain sufficient to cover the cost of SHA and DSP expenditures related to the implementation of work zone speed control systems. However, it is important to note that the 70% reduction in citations under the bill's restriction is an assumption only, and the actual revenue decline may differ significantly.

Additional Information

Prior Introductions: SB 124 of 2010 received a hearing in the Senate Judicial Proceedings Committee but was subsequently withdrawn. Its cross file, HB 143, received an unfavorable report from the House Environmental Matters Committee.

Cross File: SB 30 (Senator Brochin, *et al.*) - Judicial Proceedings.

Information Source(s): Baltimore, Charles, Frederick, and Montgomery counties; Judiciary (Administrative Office of the Court); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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