

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**

House Bill 372 (Delegate Howard)  
Environmental Matters

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**Vehicle Laws - Speed Cameras - Relocation of Camera**

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This bill prohibits the relocation of a speed monitoring system or work zone speed control system for the purpose of increasing the revenue generated by the system.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State operations or finances.

**Local Effect:** The bill is not anticipated to materially affect local operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:**

*Speed Monitoring Systems*

Chapter 15 of 2006 authorized the first use of speed monitoring systems in the State, but it only applied to highways in school zones and residential districts in Montgomery County. Chapter 500 of 2009 expanded statewide the authorization for the use of speed monitoring systems in school zones. Chapter 474 of 2010 authorized the use of speed monitoring systems in Prince George's County on a highway located within the grounds of an institution of higher education or on nearby highways under certain circumstances.

Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded by a speed monitoring system in violation of specified speed restrictions in the Maryland Vehicle Law. However, a local law enforcement or other designated agency operating the speed monitoring system may mail a warning notice instead of a citation.

Before activating an unmanned stationary speed monitoring system, a local jurisdiction must:

- publish notice of the location on its website and in a newspaper of general circulation in the jurisdiction;
- ensure that each school zone sign indicates that speed monitoring systems are in use in school zones; and
- for a speed monitoring system near an institution of higher education, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that indicate that a speed monitoring system is in use and that are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration (SHA).

A speed monitoring system may be placed in a school zone for operation between 6:00 a.m. and 8:00 p.m., Monday through Friday. Before a speed monitoring system may be used in a local jurisdiction, its use must be authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing.

As shown in **Exhibit 1**, a number of counties and municipal corporations currently implement speed monitoring systems. Legislative Services advises that, as to municipal corporations, the exhibit only reflects municipal corporations that have reported revenues to the Comptroller in fiscal 2011, and therefore may not include all municipal corporations that *currently implement* speed monitoring systems. Further, additional jurisdictions may be *considering* the use of speed monitoring systems at this time.

From the fines generated by a speed monitoring system, the relevant jurisdiction may recover the costs of implementing the systems 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. According to data from the Comptroller, about \$2.2 million was remitted in fiscal 2011 from five municipal corporations. In addition, 12 municipal corporations and Baltimore City generated speed monitoring system fine revenues of about \$36.5 million, of which about \$20.6 million was retained by local jurisdictions for public safety programs after recovery

of the costs of implementing the systems and remitting the excess revenues to the Comptroller.

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**Exhibit 1**  
**Local Speed Monitoring System Enforcement**

<u>County</u>	<u>Municipal Corporation</u>
Baltimore	Berwyn Heights
Charles	Bowie
Howard	Brentwood
Montgomery	Cheverly
Prince George's	Chevy Chase Village
Wicomico	College Park
Baltimore City	Forest Heights
	Fruitland
	Laurel
	Mount Rainier
	Riverdale Park
	Takoma Park

Source: Comptroller's Office; Department of Legislative Services

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*Work Zone Speed Control Systems*

Chapter 500 of 2009 also authorized 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 "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. A conspicuous road sign warning of the use of speed monitoring systems must be placed at a reasonable distance from the work zone.

The Maryland Department of Transportation 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 according to the Federal Highway Administration.

According to the National Work Zone Safety Information Clearinghouse, there were 576 fatalities in highway work zones nationwide in 2010, including 6 in Maryland. This represents a reduction from 11 such fatalities in Maryland in 2008, but there were also six fatalities in Maryland work zones as 2009.

As of December 31, 2011, roughly 804,000 citations had been generated by work zone speed control systems, according to data from SHA. In fiscal 2011, the State's Automated Speed Enforcement Program generated about \$18.4 million in revenues, of which about \$13.9 million was transferred to the Department of State Police after recovering the cost of implementing the program.

SHA advises that its work zone speed monitoring systems are located based on construction requirements and not for revenue maximization. Additionally, Howard and Montgomery counties indicate that their current speed monitoring programs are not designed or implemented for the purpose of raising revenue, and the City of Frederick advises that its speed monitoring systems are used to detect those violating speed limits and questions how the bill will be interpreted or implemented.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Calvert, Howard, Montgomery, and Prince George's counties; the cities of Frederick, and Havre de Grace; Judiciary (Administrative Office of the Courts); Comptroller's Office; Department of State Police; Maryland Department of Transportation; Federal Highway Administration; National Work Zone Safety Information Clearinghouse; Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2012  
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Analysis by: Evan M. Isaacson

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510