

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 306

(Senator Ferguson)(By Request - Baltimore City
Administration)

Judicial Proceedings

Environmental Matters

Baltimore City - Vehicle Height Monitoring Systems

This bill authorizes Baltimore City to place vehicle height monitoring systems on highways in Baltimore City if authorized by the Baltimore City Council after notice and a public hearing. The Baltimore City Police Department (BCPD) or Baltimore City Department of Transportation (BCDOT) may issue warnings or citations to a vehicle owner for violating a State or local law restricting the presence of certain vehicles at certain times. BCPD or BCDOT must issue a warning for a vehicle's first violation. The maximum fine for a citation is \$250 for a second violation and \$500 for a third or subsequent violation.

Fiscal Summary

State Effect: General fund revenues increase minimally due to the collection of vehicle height monitoring system fines and court costs by the District Court following contested cases. Special fund revenues increase negligibly due to the distribution of court cost surcharges. District Court workloads are not assumed to be materially affected; however, to the extent that the number of citations issued, or the share of citations contested, significantly exceeds current expectations, District Court workloads in Baltimore City may increase significantly, potentially necessitating an increase in clerical personnel and associated costs.

Local Effect: Baltimore City revenues increase, potentially by more than \$500,000 annually, beginning in FY 2013, due to the collection of vehicle height monitoring system fines and court costs. Baltimore City expenditures increase by \$61,200 in FY 2013 only to procure vehicle height monitoring systems and related signs. Baltimore City workloads may increase minimally in FY 2013 to install the vehicle height monitoring systems and signs and to ensure that the systems function properly; however, any increase in initial workloads are fully offset by the decrease in BCPD workloads for

monitoring truck traffic, handling related complaints, and responding to property damaged by trucks.

Small Business Effect: Minimal adverse impact on small businesses that use trucks in Baltimore City as a result of enhanced enforcement of current laws.

Analysis

Bill Summary: A “recorded image” is an image recorded by a vehicle height monitoring system on a photograph, microphotograph, electronic image, a videotape, or any other medium, showing the front or side of a motor vehicle or combination of vehicles; at least two time-stamped images of a motor vehicle or combination of vehicles with a nearby stationary object; and a clear and legible identification of the registration plate number on at least one of the images.

Before a vehicle height monitoring system may be established, an analysis must be conducted to determine the appropriateness of the location, and the approval of the Baltimore City Police Commissioner must be obtained. Before a vehicle height monitoring system may be activated, notice of the location must be published in a newspaper and on the Baltimore City website. Baltimore City must also ensure that all signs stating restrictions on the presence of certain vehicles during certain times near the system are in accordance with State Highway Administration (SHA) specifications and must state that a vehicle height monitoring system is in use.

Unless a driver receives a citation from a police officer at the time of the violation, a person who receives a citation by mail may pay the civil penalty to Baltimore City or elect to stand trial in District Court, which is granted exclusive jurisdiction in proceedings for infractions under the bill. In addition to other specified information, the mailed citation must include a copy of the recorded image of the vehicle and a signed statement by a Baltimore City police officer. The citation must also be mailed within 30 days of the violation.

A recorded image of a motor vehicle produced by a vehicle height monitoring system is admissible in a contested case under the bill without authentication. A certificate alleging that the violation occurred, which is affirmed by a Baltimore City police officer, is evidence of the facts contained therein, and is also admissible. Adjudication of liability is to be based on a preponderance of the evidence standard. The District Court may consider certain defenses specified in the bill, including that the vehicle was stolen.

In a contested case, the penalty must be paid to the District Court. From the fines collected in uncontested cases, Baltimore City may recover the costs of implementing the vehicle height monitoring systems and must spend any remaining balance on roadway

improvements. If a contractor operates a vehicle height monitoring system on behalf of Baltimore City, the contractor's fee may not be contingent on the number of citations issued or paid.

A citation issued under the bill may not be considered in the provision of vehicle insurance, is not a moving violation for which points may be assessed, may not be placed on the driving record of the owner or driver of the vehicle, and may not be treated as a parking violation for purposes of enforcement.

Current Law/Background: Baltimore City has established numerous designated truck routes and restricted other streets from truck traffic during the hours between 7 a.m. and 7 p.m. However, Baltimore City advises that it receives many complaints about trucks violating these restrictions. Baltimore City has recently undertaken a commercial vehicle regulatory compliance study, which noted that it has established truck routes because trucks lead to congestion on city streets, large trucks can damage roadways without the proper pavement strength to support their weight, and noise and exhaust fumes can be a nuisance to residents living directly adjacent to city streets. The study suggested that using new technologies, the city could determine where violation "hot spots" are located and record violations.

State/Local Revenues: A reliable estimate of the increase in revenues for Baltimore City and the District Court cannot be made at this time due to uncertainty as to the number of violations that will be recorded by vehicle height monitoring systems. Although Baltimore City has studied the problem extensively, including identifying the volume of trucks in violation of travel restrictions and violation hot spots, it is unknown how significantly or quickly truck drivers will alter their behavior following the onset of enforcement. Additionally, because the bill establishes the first program of this type in the State, there is little enforcement history to rely upon in developing a fiscal estimate. However, *for illustrative purposes only*, Baltimore City revenues may increase by about \$460,400 in fiscal 2013, which reflects the bill's October 1, 2012 effective date, by about \$595,500 in fiscal 2014, and then decrease to about \$543,500 by fiscal 2017, under the following information and assumptions:

- Baltimore City advises that it anticipates generating 2,300 citations from six vehicle height monitoring systems on an annual basis;
- 25% of these citations are assumed to result in the issuance of a warning for a first offense;
- Legislative Services assumes that the number of violations decreases by 3% per year;
- it is assumed that 85% of citations will result in prepayment of the fine, and 1% of citations result in conviction following a contested case; and

- the fine will be set at the maximum of \$250 for a second violation and \$500 for a third or subsequent violation, and court costs in uncontested cases are \$2.

Under these assumptions, general fund revenues collected by the District Court from fines and court costs increase by about \$4,800 in fiscal 2013, which reflects the bill's effective date, \$6,200 in fiscal 2014, and by about \$5,700 in fiscal 2017. Additionally, special fund revenues associated with the distribution of court cost surcharges increase negligibly for several agencies. Under these assumptions, the District Court advises that it can handle any additional contested cases under the bill with existing budgeted resources.

Local Expenditures: Baltimore City expenditures increase by \$61,200 in fiscal 2013 only. This reflects the current plan by Baltimore City to monitor three locations, which require two vehicle height monitoring systems per location at a cost of \$10,000 per system. Additionally, two signs will be used for each vehicle height monitoring system, at a cost of \$100 per sign, for a total signage cost of \$1,200. Baltimore City advises that the installation of the vehicle height monitoring systems and signs, and the ongoing implementation and operation of the program, can be accomplished with existing resources.

Additional Information

Prior Introductions: None.

Cross File: HB 476 (Delegate Hammen, *et al.*) - Environmental Matters.

Information Source(s): Baltimore City, Maryland Insurance Administration, Judiciary (Administrative Office of the Courts), Maryland Automobile Insurance Fund, Department of State Police, Maryland Department of Transportation, Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2012
ncs/ljm Revised - Senate Third Reader - March 21, 2012

Analysis by: Evan M. Isaacson

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