

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 486

(Senator Raskin, *et al.*)

Judicial Proceedings

Environmental Matters

Vehicle Laws - Speed Monitoring Systems - Enforcement

This bill alters the persons who may sign a statement in a citation alleging a speed monitoring system violation, and swear to or affirm for evidentiary reasons that a speed monitoring system violation occurred after inspection of a recorded image, to include persons trained in speed monitoring system enforcement. These persons may not receive any payment from a contractor that operates a speed monitoring system for a local jurisdiction or police department.

Fiscal Summary

State Effect: Potential minimal decrease in workloads or expenditures for the State Highway Administration (SHA), Maryland Transportation Authority, and the Department of State Police to the extent the bill allows State law enforcement resources to be allocated more efficiently. District Court workloads increase minimally to revise certain forms.

Local Effect: Potential minimal decrease in workloads or expenditures for any jurisdiction that operates a speed monitoring system program to the extent that the bill allows local police departments to more efficiently allocate resources or to contract with an outside vendor trained in speed monitoring enforcement, which is separate from any other contractor that operates speed monitoring systems.

Small Business Effect: Minimal.

Analysis

Current Law: For a speed monitoring system citation, *a duly authorized law enforcement officer* employed by or under contract with an authorized agency of a local political subdivision must provide a signed statement that, based on inspection of recorded images, a motor vehicle was being operated in violation of the speed monitoring system laws. A certificate alleging that a violation occurred must be to the satisfaction of, or sworn to or affirmed by, an agent or employee of an authorized agency of a local political subdivision.

For a *work zone* speed control system, *a police officer* employed by a local or State police department must provide a signed statement that, based on inspection of recorded images, a motor vehicle was being operated in violation of the speed zone monitoring system laws. A certificate alleging that a violation occurred must be to the satisfaction of, or sworn to or affirmed by, a police officer employed by a State or local police department.

If a contractor operates a speed monitoring system on behalf of a local jurisdiction or provides, deploys, or operates a work zone speed monitoring system for a police department, the contractor's fee may not be contingent on the number of citations issued or paid.

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 SHA.

A speed monitoring system may be placed in a school zone for operation between 6 a.m. and 8 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 the municipal corporations that 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.

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

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 6 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.

Local Expenditures: The bill authorizes a person trained in speed monitoring system enforcement who is either employed by or under contract with a law enforcement agency to sign a citation or swear to or affirm that a speed monitoring system violation occurred. Thus, in addition to shifting these duties from duly authorized police officers to other trained employees of the law enforcement agency, agencies are authorized to utilize private contractors for this service. This additional flexibility may result in greater savings than using existing staff or hiring additional personnel. However, if a jurisdiction opts to utilize an outside contractor under the bill’s authority, it must ensure that the contractor does not receive payment from any other contractor utilized for operation of speed monitoring systems. Any decrease in local government expenditures under the bill is likely to be minimal.

Additional Information

Prior Introductions: SB 671 of 2011 received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, HB 664 received an unfavorable report from the House Environmental Matters Committee.

Cross File: HB 944 (Delegate Frush, *et al.*) - Environmental Matters.

Information Source(s): Kent, Montgomery, and Worcester counties; Town of Berlin; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; National Work Zone Safety Information Clearinghouse; Federal Highway Administration; Comptroller's Office; Department of Legislative Services

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