

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 57
Judicial Proceedings

(Senator Brochin, *et al.*)

**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 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) revenues decrease in FY 2013 due to fewer citations generated by work zone speed control systems. District Court revenues also decrease negligibly beginning in FY 2013. State Highway Administration (SHA) 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: The bill is not anticipated to materially affect local operations or finances.

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: The Maryland Department of Transportation (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 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.

State Revenues: Automated Speed Enforcement Program revenues decrease due to fewer citations being issued under the bill’s restriction. Legislative Services is unable to develop a reliable estimate of this revenue decrease without additional data on the share of these citations issued while workers are present in the work zone.

Nevertheless, *for illustrative purposes only*, in fiscal 2013, TTF revenues may decrease by about \$4 million due to fewer work zone speed control system citations. TTF revenues may decrease by an additional \$307,000 in fiscal 2013 due to the collection of fewer vehicle registration flag removal fees by the Motor Vehicle Administration. Similarly, TTF and special fund revenues collected by the District Court as a result of contested cases may also decrease negligibly. This estimate accounts for the bill’s October 1, 2012 effective date and is based on the following information and assumptions:

- absent the bill’s restriction, about 437,000 work zone speed control system citations are generated in fiscal 2013;

- based on a preliminary analysis of worker presence data, it is assumed that 33% fewer citations are generated during the nine-month period under the bill's restriction in fiscal 2013 and annually thereafter;
- based on existing data, it is assumed that about 86% of work zone speed control system citations are prepaid by the violator;
- based on existing data, about 1% of work zone speed control system citations are contested in District Court, and about 13% of citations are neither prepaid nor contested but result in the placement by MVA of a flag on the registration of the vehicle; and
- it is assumed that 50% of vehicles subject to an MVA flag pay the \$30 flag removal fee and \$40 fine in the same year as the citation is issued, another 45% pay the fee and fine in the following two years, and 5% never pay the fee or fine.

Under these assumptions, total revenues are estimated to remain sufficient to cover the cost of implementing the State's Automated Speed Enforcement Program and to fund the \$3 million transfer to DSP for patrol car replacement scheduled for fiscal 2013 through 2015. Revenues are expected to exceed expenditures and transfers by at least \$1.3 million in each of the next five fiscal years under the bill. However, it is important to note that the 33% reduction in citations under the bill's restriction is an assumption based on limited data. The actual revenue decline may differ significantly – potentially to an extent that revenues do not cover expenditures or budgeted transfers of program revenue.

Legislative Services also advises that the 2012 Budget Reconciliation and Financing Act (SB 152) redirects the balance of the Automated Speed Enforcement Program revenues, beginning October 1, 2012, to DSP, instead of to TTF, thereby maintaining the current distribution of the balance of program revenues. Thus, if this provision is enacted, then the estimated revenue decrease of over \$5 million annually as a result of the bill's restriction will affect DSP rather than TTF.

Additional Information

Prior Introductions: SB 30 of 2011 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 904, received an unfavorable report from the House Environmental Matters Committee. 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: HB 326 (Delegate Frank, *et al.*) - Environmental Matters.

Information Source(s): Baltimore City; Caroline, Calvert, Howard, and Montgomery counties; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Federal Highway Administration; National Work Zone Safety Information Clearinghouse; Department of Legislative Services

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