

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

House Bill 469 (Delegate Davis, *et al.*)  
Environmental Matters

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Speed Monitoring Systems - School Zones - Days of Operation

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This bill limits the use of speed monitoring systems in school zones to days when the school for which the zone was established is scheduled to be in session.

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**Fiscal Summary**

**State Effect:** Transportation Trust Fund (TTF) revenues decrease, potentially significantly, beginning in FY 2015 assuming fewer speed monitoring system citations are issued and fewer administrative flag removal fees are collected following nonpayment of a citation. District Court caseloads decrease, potentially significantly, due to a reduction in the number of payments to process and trials to handle; however, clerical personnel are likely redirected to other tasks. General fund revenues decrease minimally due to fewer contested speed monitoring system citations.

**Local Effect:** Local government revenues decrease, potentially significantly, for jurisdictions that operate speed monitoring systems as the bill restricts the usage of such systems, resulting in fewer speed monitoring system fines collected by the jurisdictions. Expenditures may increase to the extent that contracts must be renegotiated to accommodate the bill's restriction. **This bill imposes a mandate on a unit of local government.**

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** A school zone speed monitoring system may operate *Monday through Friday* between 6:00 a.m. and 8:00 p.m.

## **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 speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation of specified speed restrictions in the Maryland Vehicle Law. The maximum fine for a citation issued by a speed monitoring system operator is \$40. 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:

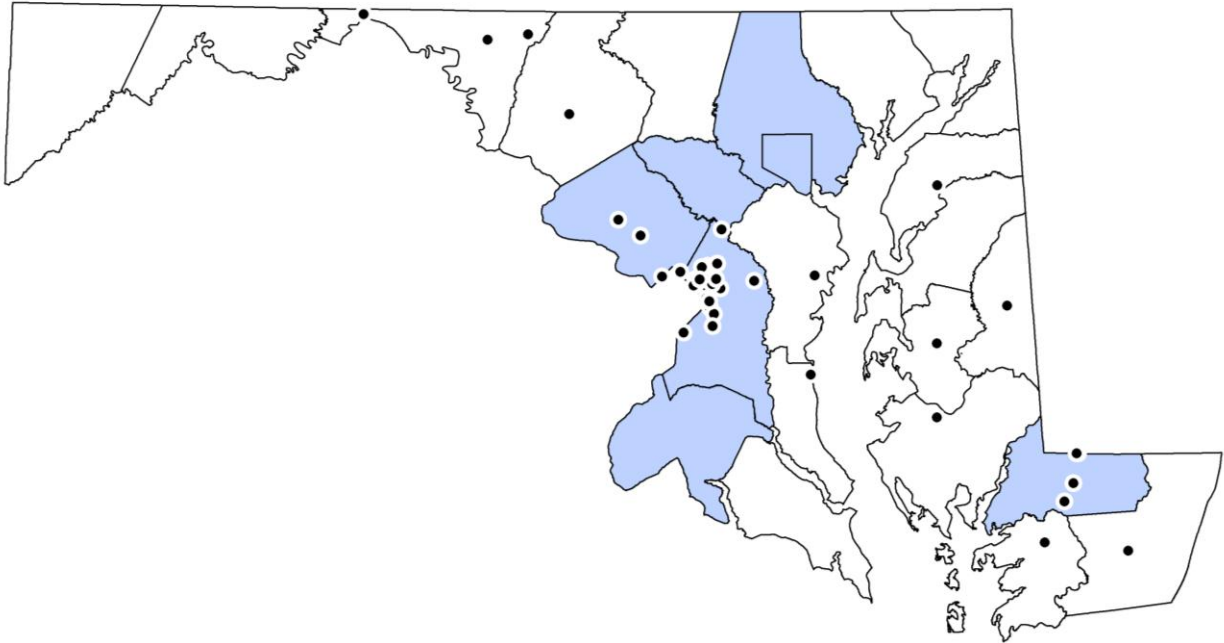
- publish notice of the location on its website and in a newspaper of general circulation in the jurisdiction;
- ensure that each school zone sign indicates that speed monitoring systems are in use in school zones; and
- for a speed monitoring system near an institution of higher education, ensure that 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).

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. The Department of Legislative Services advises that the map only reflects jurisdictions that have reported revenues to the Comptroller in fiscal 2013 and, therefore, may not include all jurisdictions that *currently* implement speed monitoring systems. Further, additional jurisdictions may be considering the use of speed monitoring systems at this time.

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



Note: ● Represents municipal corporations that operate speed monitoring systems.  
■ Represents counties that operate speed monitoring systems.

Source: Comptroller's Office; Department of Legislative Services

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From the fines generated by a speed monitoring system, the relevant jurisdiction may recover the costs of implementing the system 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, but no money was remitted in fiscal 2012 or 2013. In addition, 45 local jurisdictions generated speed monitoring system fine revenues of about \$69.8 million, of which about \$36.3 million (52%) was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems.

In comparison, through fiscal 2013, about 1.4 million citations had been generated by work zone speed control systems, according to data from SHA. In fiscal 2013, the State's Automated Speed Enforcement Program generated about \$16.4 million in revenues, less than the \$18.4 million in fiscal 2011, but greater than the approximately \$15.0 million in fiscal 2012.

### *Recent Media Scrutiny*

A number of bills were introduced in the 2013 legislative session, in part due to media scrutiny of speed cameras in Baltimore City and several other jurisdictions. This scrutiny has centered around two common criticisms of speed cameras: (1) that technical issues and insufficient review of recorded images result in erroneously generated citations; and (2) that the contracts with vendors are structured in such a manner as to establish an incentive to generate more citations and revenues, thereby casting doubt on the integrity or purpose of speed cameras.

### *Automated Speed Enforcement Efficacy*

National and international studies of automated speed enforcement, as well as local program evaluations, provide some insight into the level of effectiveness of such enforcement mechanisms. According to the Insurance Institute for Highway Safety, several studies have documented reductions in crashes in the vicinities of speed cameras, including crashes that result in an injury or fatality. The most recent of these studies was a meta-analysis by the Cochrane Collaboration in 2010, which reviewed 28 individual studies and found reductions of between 8% and 49% for crashes, between 8% and 50% for crashes resulting in injury, and between 11% and 44% for crashes involving fatalities and serious injuries.

Locally, Prince George's County recently evaluated its speed monitoring system implementation and found that compliance with speed limits increased during the study period, on average, from about 20% of vehicles in certain locations before speed cameras were installed to about 67% after installation. This was based on an assessment of only seven locations, however. In Montgomery County, a 2009 review of its Safe Speed Program revealed that, on average, the number of citations generated by a speed camera decreased 78% between the first and twelfth months of the system's usage, and that the average speed of passing vehicles declined by 6%. Finally, according to data presented by the Maryland Association of Counties in February 2013, there have been reductions in the number of violations reported and the incidence of speeding measured by Baltimore City and Baltimore, Howard, and Montgomery counties.

More information is available on safety in work zones. Data from the National Work Zone Safety Information Clearinghouse shows that there were 609 fatalities in highway work zones nationwide in 2012, including six in Maryland. While the number of work zone fatalities in Maryland in 2012 is greater than the number in 2011, there has been a significant drop in the average number of fatalities in the three full years since the work zone speed control program began, as compared with the three full years prior to the program's commencement. Between 2010 and 2012, there was an average of 5.3 work zone fatalities per year in Maryland, a reduction of about 53% from the three-year

average of 11.3 fatalities per year from 2006 through 2008. Nationally, there was also a similar, but much less significant, drop in work zone fatalities, with a 30% reduction in the three-year average between 2010 and 2012, as compared with the period from 2006 through 2008. Federal data also shows that work zone fatalities, *as a percentage of total traffic fatalities*, have dropped in Maryland, using three-year averages from 2006 through 2008 and 2010 through 2012. Again, the reduction in Maryland is greater than the similar, but less significant, reduction nationally in terms of the percentage of traffic fatalities occurring in work zones.

**State Revenues:** TTF revenues decrease beginning in fiscal 2015 as the issuance of fewer speed monitoring system citations result in the collection of fewer administrative flag removal fees (currently \$30) following nonpayment of a citation. For example, 164,909 administrative flags imposed on the driving records of vehicles that failed to pay a speed monitoring system fine were removed in fiscal 2013. *For illustrative purposes only*, if the number of speed monitoring citations issued and the number of administrative flags removed decreases by one-fifth on an annual basis, then, assuming a continuation in the number of citations issued and administrative flags removed at fiscal 2013 levels, TTF revenues decrease by nearly \$1.0 million on an annual basis. The actual revenue loss may vary significantly and depends on the reduction in the number of citations issued. Any such reduction in the number of administrative flags is assumed to result in redirection of staff.

District Court caseloads decrease, potentially significantly, due to an anticipated reduction in the number of payments to process and trials to handle under the bill's restriction on the usage of speed monitoring systems. However, the District Court advises that any reduction in the number of citations issued that result in a trial may be partially offset by a greater percentage of citations contested on the grounds that a citation was issued when the proximate school was not scheduled to be in session. General fund expenditures may decrease to the extent that fewer clerical personnel are needed for the District Court; however, expenditures are not likely affected if personnel are merely redirected to other tasks. Finally, general fund revenues decrease minimally as fewer speed monitoring system citations are contested.

**Local Revenues:** Local government revenues decrease, potentially significantly, for jurisdictions that operate speed monitoring systems as the bill restricts the usage of such systems. For example, Wicomico County advises that 972 speed monitoring system citations were issued between the third week in June and the third week of August 2013. If the same number of citations are issued during this same time period each year in the absence of the bill and each citation results in the issuance of a \$40 fine, then Wicomico County revenues may decrease by about \$38,900 annually. This estimate does not account for any other time periods that the schools are not scheduled to be in session; thus, any actual revenue loss may be greater than estimated.

Additionally, many other jurisdictions operate speed monitoring systems and may incur similar revenue losses. As noted, 45 local jurisdictions generated speed monitoring system fine revenues of about \$69.8 million, of which about \$36.3 million was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems. *For illustrative purposes only*, statewide speed monitoring system citation revenues decrease by about \$14.0 million annually if local citation revenues decrease by 20% under the bill, assuming revenues otherwise remain constant at fiscal 2013 levels.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Harford, Montgomery, Prince George's, Talbot, and Wicomico counties; Baltimore City; Town of Berlin; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Comptroller's Office; National Work Zone Safety Information Clearinghouse; Maryland Association of Counties; Insurance Institute for Highway Safety; Cochrane Collaboration; Department of Legislative Services

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