

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 468

(Senator Hough, *et al.*)

Judicial Proceedings

**Vehicle Laws - Speed Monitoring, Work Zone Speed Control, and Traffic
Control Signal Monitoring Systems - Repeal**

This bill repeals the authorization for the use of speed monitoring, work zone speed control, and traffic control signal monitoring systems.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) and special fund revenues decrease significantly beginning in FY 2017 from the elimination of civil fines distributed to the State Highway Administration (SHA) for the recovery of costs of operating work zone speed monitoring systems and to the Department of State Police (DSP) for replacement vehicles and roadside enforcement. TTF expenditures decrease significantly, but to a lesser extent, beginning in FY 2017 from the elimination of the work zone speed control system program administered by SHA. General fund expenditures for DSP increase significantly, by at least \$7 million in FY 2017 and 2018, to replace the revenues provided by work zone speed control system fines that are required to be used for replacement vehicles. General fund revenues decrease from a reduction in the collection of court costs. District Court caseloads decrease significantly.

Local Effect: Local government revenues decrease significantly beginning in FY 2017 from the elimination of speed monitoring and traffic control signal monitoring fines for any jurisdiction that operates such systems. Expenditures decrease for any jurisdiction that operates speed monitoring or traffic control signal monitoring systems, which may be partially or fully offset by an increase in expenditures to increase roadside enforcement activities in lieu of automated enforcement. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

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 only. 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.

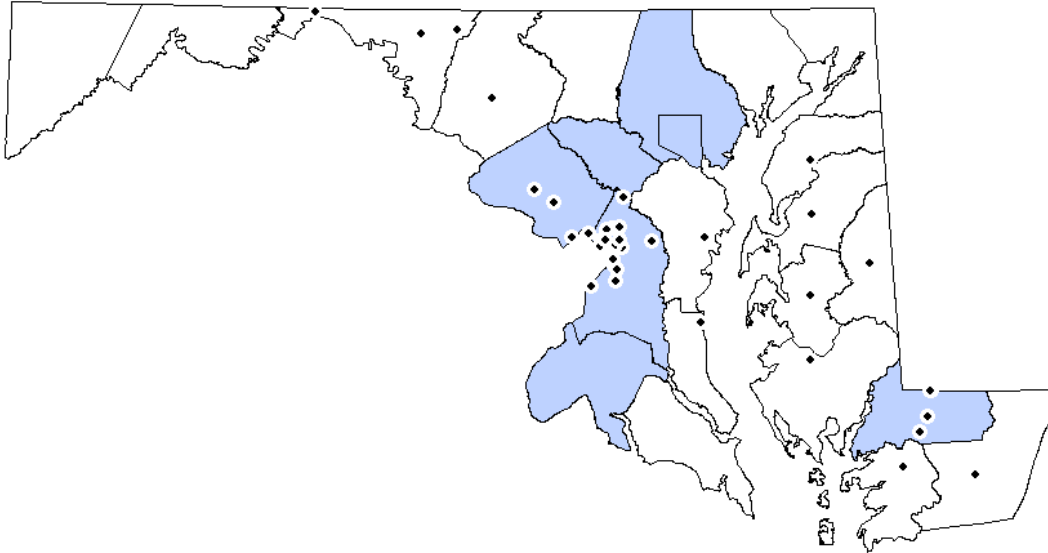
Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation 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.

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 and its location must be published on the jurisdiction's website and in a newspaper of general circulation in the jurisdiction.

As shown in **Exhibit 1**, a number of counties and municipal corporations 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 2014 and, therefore, may not include all jurisdictions that *currently* implement speed monitoring systems. Further, additional jurisdictions may be considering the use of (or discontinuance of 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 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, no money was remitted in fiscal 2014 or 2015.

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

In fiscal 2014, the Comptroller reports that 46 local jurisdictions generated speed monitoring system fine revenues of about \$51.5 million, of which about \$19.7 million (38%) was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems. The total revenues, expenditures, and net revenues retained for public safety declined significantly between fiscal 2013 and 2014, although most of the decrease in total and net revenues was due to the temporary cessation of speed monitoring in Baltimore City. Nevertheless, nearly two-thirds of the jurisdictions that reported revenues to the Comptroller in both fiscal 2013 and 2014 reported a decrease in revenues for fiscal 2014.

Speed Monitoring System Reform – Chapter 491 of 2014

The General Assembly passed House Bill 929 of 2014 (enacted as Chapter 491) in response to significant concerns from the public and media scrutiny of speed cameras in Baltimore City and several other jurisdictions. These concerns 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 monitoring programs. Thus, Chapter 491 required jurisdictions to impose new restrictions and requirements on their contracts with speed monitoring vendors and established numerous additional requirements and restrictions pertaining to the issuance of citations, the calibration and self-testing of systems, the review of erroneous citations, and the use and placement of systems in school zones.

Work Zone Speed Control Systems

Chapter 500 of 2009 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. Work zone accidents injure both motorists and workers.

Through fiscal 2014, about 1.9 million citations had been generated by work zone speed control systems, according to data from SHA. In fiscal 2014, the State’s Automated Speed Enforcement Program generated about \$14.9 million in revenues, less than the \$18.4 million in fiscal 2011, \$15.0 million in fiscal 2012, and \$16.4 million in fiscal 2013.

Under current law, the Comptroller must distribute revenue from the civil fines collected through use of a work zone speed control system. Money in the special fund must be distributed first to DSP and SHA to cover the costs of implementing and administering work zone speed control systems. After the initial distribution, in fiscal 2016 through 2018 only, at least \$7 million must be distributed to DSP to be used only for the purchase of replacement vehicles and related motor vehicle equipment to outfit police vehicles. The balance of the money in the special fund must be distributed to DSP to fund roadside

enforcement activities. DSP advises that monies have never been appropriated for roadside enforcement activities. The Governor's proposed fiscal 2017 budget for DSP includes \$9.6 million from the Speed Monitoring Systems Fund for the other purposes.

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.

Data from the National Work Zone Safety Information Clearinghouse shows that there were 579 fatalities in highway work zones nationwide in 2013, including 10 in Maryland. While the number of work zone fatalities in Maryland in 2013 is greater than the number in the preceding three years, it is lower than the average number of fatalities in the three full years prior to the program's commencement. Between 2010 and 2013, there was an average of 6.5 work zone fatalities per year in Maryland, a reduction of about 46% from the three-year average of 11.3 fatalities per year from 2006 through 2008. Nationally, there was also a similar, but less significant, drop in work zone fatalities, with a 31% reduction in the average between 2010 and 2013, 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, comparing averages from the periods 2006 through 2008 and 2010 through 2013. 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. Finally, as to the number of injury crashes and total crashes, according to SHA data, there has been a reduction of 31.4% in the average number of injury crashes in work zones in Maryland, comparing the period between 2006 and 2008 with the period between 2010 and 2014, as well as a 25.9% reduction in the average number of total crashes between these two periods.

Traffic Control Signal Monitoring System (Red Light Cameras)

Unless the driver of a motor vehicle receives a citation from a police officer at the time of the violation, the owner or driver of a vehicle recorded by a red light monitoring system entering an intersection against a red signal in violation of the Maryland Vehicle Law is subject to a civil penalty of up to \$100. Red light camera enforcement applies to a violation of specified Maryland Vehicle Law requirements applicable to a vehicle approaching a steady circular red signal or arrow, including (1) stopping at a clearly marked stop line, or

crosswalk if there is no stop line, or intersection if there is no crosswalk and (2) remaining stopped until a signal allows the vehicle to proceed.

A driver is specifically authorized under the Maryland Vehicle Law to cautiously enter an intersection to make a right turn (or left turn from a one-way street to another one-way street) after stopping at a steady red light, unless a sign otherwise prohibits the turn.

State Fiscal Effect: A reliable estimate of the decrease in TTF and special fund revenues and related enforcement costs cannot be made due to uncertainty regarding the number of paid future work zone speed control system citations. As noted above, about \$16.4 million was collected in fiscal 2013 from the payment of citations generated by work zone speed control systems, and about \$14.9 million was collected in fiscal 2014. As anticipated, revenues have generally decreased as compliance has increased. However, the rate of the decrease in revenues in the future is uncertain without additional enforcement history of automated work zone speed control systems.

From fiscal 2016 through 2018 only, at least \$7 million from automated work zone speed control systems is required to be distributed to DSP – for the purchase of replacement vehicles and related motor vehicle equipment to outfit police vehicles. It is unclear how much, if any, of this required distribution DSP would receive in fiscal 2017 due to the bill's October 1, 2016 effective date and because the \$7 million is funded after cost recovery for both DSP and SHA. Any balance remaining after cost recovery and equipment purchases has to be distributed to DSP to fund roadside enforcement activities. Even so, this analysis assumes that general fund expenditures of \$7 million are necessary in both fiscal 2017 and 2018 to replace the special funds that would have been directed to replacement vehicles. In future years, any monies remaining after cost recovery are to be appropriated for roadside enforcement activities. Additional general funds may be required for that purpose as well.

TTF revenues also decrease significantly, but to a lesser extent, from the reduction in fees collected from individuals seeking to remove an administrative flag placed on their vehicle's registration for refusal to pay speed monitoring or work zone speed control system fines.

District Court caseloads decrease significantly due to the elimination of speed monitoring, work zone speed control, and red light camera citations trials. District Court advises that this reduction is likely to have a positive impact on its operations, though not necessarily a significant impact on expenditures. General fund revenues decrease from fewer court costs paid following speed monitoring, work zone speed control system, and red light camera trials. District Court further advises that there were 7,473 speed monitoring or work zone speed control system trials and 5,348 red light camera citation trials in fiscal 2015.

Local Fiscal Effect: Local government revenues and expenditures decrease significantly beginning in fiscal 2017, with the decrease in revenues generally exceeding the decrease in expenditures for most jurisdictions that operate speed monitoring and red light camera systems. As noted above, 46 local jurisdictions generated speed monitoring system fine revenues of about \$51.5 million, of which about \$19.7 million (38%) was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems.

This does not include revenues or expenditures from several counties that also implement speed monitoring and red light camera programs. For example, Baltimore City estimates that net revenues may decrease by roughly \$3 million in fiscal 2017 under the bill, and Montgomery County estimates net revenues of about \$11.3 million in fiscal 2017, declining in future years.

Thus, statewide, net revenues for local roadside enforcement activities from the operation of speed monitoring and red light camera systems may decrease by more than \$30 million in fiscal 2017, although this decrease is likely smaller in future years as ongoing revenues from such systems tend to decline over time.

Local government expenditures may increase for any jurisdiction that increases the level of resources for roadside enforcement activities following elimination of automated speed enforcement and red light cameras.

Additional Information

Prior Introductions: A similar bill, HB 251 of 2013, received an unfavorable report from the House Environmental Matters Committee. Its cross file, SB 785, received an unfavorable report from the Senate Judiciary Proceedings Committee.

Cross File: HB 436 (Delegate W. Miller, *et al.*) - Environment and Transportation.

Information Source(s): Baltimore City, Montgomery County, Prince George's County, Maryland Association of Counties, City of Frederick, City of Havre de Grace, Maryland Municipal League, Comptroller's Office, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Insurance Institute for Highway Safety, National Work Zone Safety Information Clearinghouse, Cochrane Collaboration, Department of Legislative Services

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