

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 769

(Senator Bates)

Judicial Proceedings

Vehicle Laws - Traffic Control Signal Monitoring Systems and Speed Monitoring
Systems - Continuous Audits

This bill requires local traffic control signal and speed monitoring systems to be subject to real-time audits on an ongoing basis.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: General fund expenditures increase minimally in FY 2017 for the Department of Public Safety and Correctional Services (DPSCS) to develop an updated curriculum related to oversight and administration of a speed monitoring program only. The District Court can handle any additional cases resulting from the bill with existing resources. Revenues are not likely affected.

Local Effect: Local government expenditures increase, potentially significantly, in order to update local traffic control signal and speed monitoring systems to comply with the bill's real-time auditing requirement. Revenues are not directly affected. **This bill may impose a mandate on a unit of local government**

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill defines "continuous auditing system" as a program that conducts real-time review and verification of traffic control and speed monitoring system functions on an ongoing basis.

The agency primarily responsible for the traffic control system at an intersection monitored by a traffic control signal monitoring system must implement a continuous auditing system to be administered and monitored by an independent contractor that is selected by the agency primarily responsible for the traffic control signal monitoring system. Likewise, a jurisdiction that authorizes speed monitoring systems must implement a continuous auditing system monitored by an independent contractor selected by the local jurisdiction. In both cases, the independent contractor must be unaffiliated with the manufacturer of the traffic control signal or speed monitoring system.

The records of a continuous auditing system or program are the property of the agency primarily responsible for the traffic control signal. The records of the continuous auditing system or program for speed monitoring systems are the property of the local jurisdiction that authorizes the program.

The records of continuous auditing systems or programs must be (1) kept on file and (2) admitted as evidence in any court proceeding for a specified violation of the Transportation Article.

Current Law/Background:

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.

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.

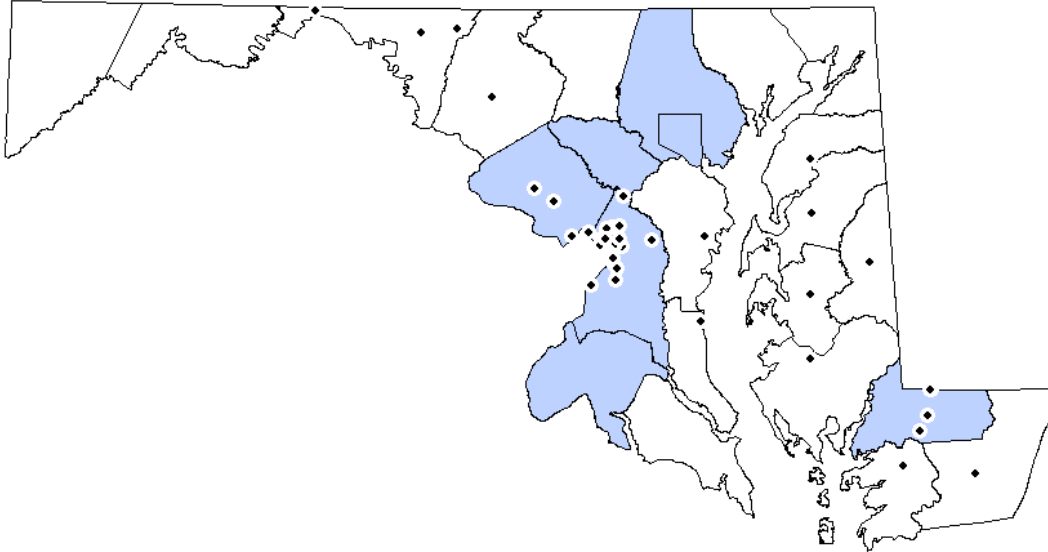
A speed monitoring system may be placed in a school zone for operation between 6:00 a.m. and 8:00 p.m., Monday through Friday. Before a speed monitoring system may be used in a local jurisdiction, its use must be authorized by the governing body by ordinance or resolution adopted after reasonable notice 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.

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.

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

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.

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 State Highway Administration (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.

State Expenditures: DPSCS advises that, because the Maryland Police Training Commission is required to work with SHA and other interested stakeholders to develop a training program related to oversight and administration of a speed monitoring program by a local jurisdiction, it must develop an updated curriculum. Thus, general fund expenditures increase by \$8,945 in fiscal 2017 for DPSCS to contract with a curriculum specialist for approximately 120 hours of work. The curriculum specialist will provide instruction for program trainers as well as provide feedback to ensure the bill's stated objectives are met.

The Judiciary (Administrative Office of the Courts) advises that, as a result of the new audit evidence and its admissibility in court proceedings, the District court may see an

increase in caseloads. However, the impact on caseloads is difficult to project because of the uncertainty to the number of additional contested citations that may be received under the bill. Nevertheless, the legislation is not expected to have a significant operational or fiscal impact on the District Court.

Local Expenditures: Local government expenditures increase beginning in fiscal 2017 to comply with the bill's requirement that both a traffic control signal and a speed monitoring system be subject to an automated, real-time audit. For example, Montgomery County advises costs increase by at least \$450,000 to procure technology that complies with the bill's requirements related to speed monitoring systems alone; the county advises that estimate does not incorporate other automated systems affected by the bill. Baltimore City advises it is currently in the process of procuring a new automated traffic violation enforcement system and would need to modify the procurement contract in order to comply with the bill; thus, Baltimore City anticipates additional costs totaling at least \$213,467 in fiscal 2017 and \$237,185 in subsequent years.

Small Business Effect: Small businesses that contract as vendors for local governments to provide, deploy, or operate traffic control signal or speed monitoring systems may receive additional contracts and revenues as a result of the bill. On the other hand, the same small businesses may lose contracts and revenues if they are unable to offer technology that complies with the bill. Thus, the overall impact to small businesses is likely minimal.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Kent, Montgomery, Washington, and Worcester counties; Maryland Association of Counties; Maryland Municipal League; Comptroller's Office; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Insurance Institute for Highway Safety; Cochrane Collaboration; Department of Legislative Services

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