HB 536

Department of Legislative Services

Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 536 (Delegate W. Miller, *et al.*)
Environment and Transportation

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 (red light camera) systems.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) and special fund revenues decrease significantly beginning in FY 2018 from 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 revenues decrease further due to fewer administrative flag fees paid. TTF expenditures decrease significantly, but to a lesser extent, beginning in FY 2018, from the elimination of the work zone speed control system program administered by SHA. General fund expenditures for DSP increase significantly, by at least $7.0 million in FY 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 2018 from the elimination of speed monitoring and red light camera fines for any jurisdiction that operates such systems. Expenditures decrease for any jurisdiction that operates speed monitoring or red light camera 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: A complete discussion of the affected programs can be found in the **Appendix – Speed Monitoring Systems and Red Light Cameras.**

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. In fiscal 2016, about $9.1 million was collected from the payment of citations generated by work zone speed control systems. Revenues have generally decreased as compliance has increased. For instance, in fiscal 2015, about $13.3 million was collected from citations generated by work zone speed control systems, compared to $14.9 million in fiscal 2014 and $16.4 million in fiscal 2013.

In fiscal 2018 only, at least $7.0 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 2018 due to the bill's October 1, 2017 effective date and because the $7.0 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 $7.0 million are necessary in fiscal 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 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, work zone speed control system, or red light camera fines. MVA advises that, in fiscal 2016, revenue collected for removing such administrative flags (at $30 each) totaled approximately $6.0 million. Taking into account the bill's October 1, 2017 effective date, the revenue loss in fiscal 2018 is approximately $4.5 million.

District Court caseloads decrease significantly due to the elimination of speed monitoring, work zone speed control, and red light camera citation trials. The District Court advises that the 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. The District Court also advises that there were 6,543 speed monitoring or work zone speed control system trials and 5,760 red light camera citation trials in fiscal 2016.

Local Fiscal Effect: Local government revenues and expenditures decrease significantly beginning in fiscal 2018, with the decrease in revenues generally exceeding the decrease in expenditures for most jurisdictions that operate speed monitoring and red light camera systems.

In fiscal 2015 (the most recent year for which complete data is available), 46 local jurisdictions generated speed monitoring system fine revenues of about $57.0 million, of which just under half ($28.2 million) 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 for several counties that operate *both* speed monitoring and red light camera programs. For example, Montgomery County estimates that red light citation revenues decline by $4.1 million in fiscal 2018, in addition to a $17.2 million decline in speed camera citation payments.

Statewide, net revenues for local roadside enforcement activities from the operation of speed monitoring and red light camera systems may decrease by more than $30.0 million in fiscal 2018, 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: HB 436 of 2016 received an unfavorable report from the House Environment and Transportation Committee. Its cross file, SB 468, received an unfavorable report from the Senate Judicial Proceedings Committee. 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 Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Baltimore, Charles, Frederick, and Montgomery counties; Maryland Association of Counties; cities of Frederick and 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

Fiscal Note History: First Reader - February 28, 2017
md/ljm

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Appendix – Speed Monitoring Systems and Red Light Cameras

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 and also authorized the use of work zone speed control systems. 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.

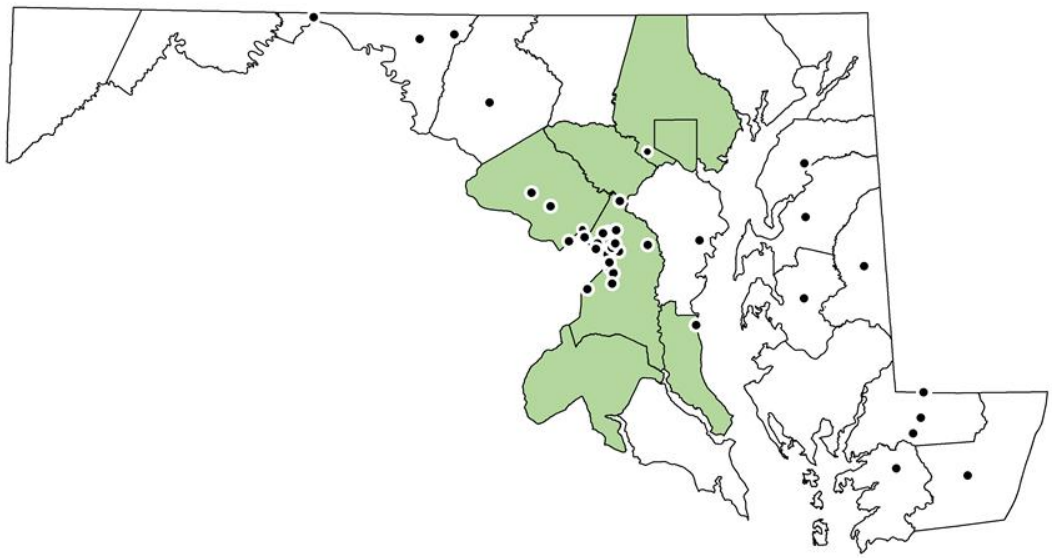
Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation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

According to the Insurance Institute for Highway Safety (IIHS), 142 jurisdictions across the nation use speed cameras. In addition, Illinois, Maryland, and Oregon use speed cameras statewide in work zones. In Maryland, speed cameras are used in seven counties (including Baltimore City), in 38 other jurisdictions, and by the State Highway Administration (SHA) on a statewide basis for work zones. **Exhibit 1** shows local speed camera usage across the State as of January 2017.

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, and approximately $456,000 was remitted in fiscal 2015.

Exhibit 1
Local Speed Monitoring System Enforcement in Maryland
January 2017



Note: ● represents municipal corporations that operate speed monitoring systems; ▭ represents counties that operate speed monitoring systems. Speed cameras are also operated in highway work zones statewide.

Source: Insurance Institute for Highway Safety; Comptroller's Office; Department of Legislative Services

In fiscal 2015, the Comptroller reports that 46 local jurisdictions generated speed monitoring system fine revenues of about $57.0 million, of which about $28.2 million (49.5%) was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems. Between fiscal 2014 and 2015, total fine revenues increased by approximately $3.1 million even as implementation expenditures decreased by $4.2 million. Thus, net revenues retained for public safety increased by approximately $7.3 million between fiscal 2014 and 2015.

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 IIHS, several studies have documented reductions in crashes in the vicinities of speed cameras, including crashes that result in an injury or fatality. A 2015 study by IIHS of speed camera usage in Montgomery County, Maryland, showed long-term changes in driver behavior as well as reductions in injuries and deaths. Montgomery County introduced speed cameras in 2007, and an initial review of the program by IIHS six months into the program found that the percentage of vehicles going more than 10 miles per hour over the speed limit (which, at that time, was the enforcement threshold) declined by 70% on roads with speed cameras. The 2015 study showed a 59% reduction in the likelihood of a driver exceeding the speed limit by more than 10 miles per hour, compared with similar roads in Virginia without speed cameras. The same comparison showed a 19% reduction in the likelihood that a crash would involve a fatality or an incapacitating injury.

Data from the National Work Zone Safety Information Clearinghouse shows that there were 700 fatalities in highway work zones nationwide in 2015, including 5 in Maryland. The number of work zone fatalities in Maryland in 2015 was the lowest number of fatalities since 2011. On average, the number of work zone fatalities has declined significantly since the program's commencement. Between 2010 and 2015, work zone fatalities averaged 6.8 per year in Maryland, a reduction of about 47% from the six-year average of 12.8 fatalities per year from 2003 through 2008. Nationally, there was also a similar, but less significant, drop in work zone fatalities, with a 35% reduction in the average between 2010 and 2015, as compared with the period from 2003 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 2003 through 2008 and 2010 through 2015. 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.

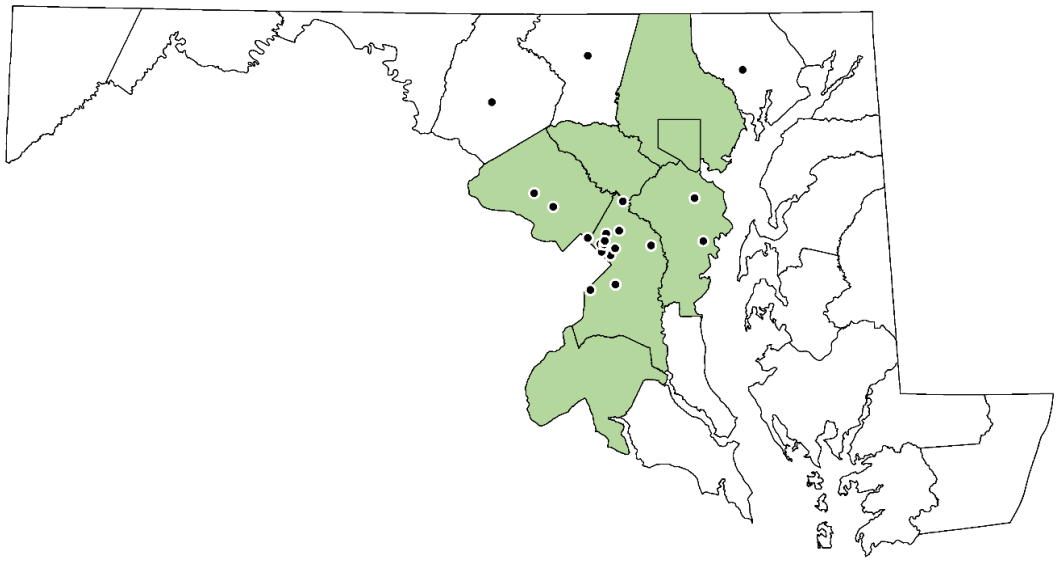
Traffic Control Signal Monitoring System (Red Light Cameras)

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.

According to IIHS, 425 jurisdictions across the nation have red light camera programs as of January 2017. In Maryland, seven counties (including Baltimore City) and 21 other jurisdictions use red light cameras. **Exhibit 2** shows red light camera usage across the State as of January 2017.

Exhibit 2
Local Red Light Camera Enforcement in Maryland
January 2017



Note: ● represents municipal corporations that operate red light camera systems; ▭ represents counties that operate red light camera systems.

Source: Insurance Institute for Highway Safety; Department of Legislative Services