

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Enrolled

House Bill 175 (Prince George's County Delegation)
Environment and Transportation

Judicial Proceedings

Prince George's County – Speed Monitoring Systems – Intersection of Old Fort Road and Maryland Route 210 (Indian Head Highway) PG 302–18

This bill authorizes Prince George's County to place one speed monitoring system (speed camera) at the intersection of Old Fort Road and Maryland Route 210 (Indian Head Highway), subject to current requirements that all nearby speed limit signs (1) comply with State Highway Administration (SHA) specifications and (2) indicate that a speed monitoring system is in use. The camera may only record vehicles traveling in the southbound lane of the roadway. In addition, each sign indicating the use of a speed camera must be near a device that displays a real-time posting of the driver's speed. After cost recovery, fine revenues must be deposited into the Criminal Injuries Compensation Fund (CICF). Prince George's County must report to the Governor and the General Assembly on specified information related to the use of the speed camera by January 1, 2023. **The bill terminates September 30, 2023.**

Fiscal Summary

State Effect: Special fund revenues increase for up to five years, potentially significantly, beginning in FY 2019. Special fund expenditures increase correspondingly for grants to crime victims. General fund revenues may increase minimally for up to five years beginning as early as FY 2019 due to additional contested cases in District Court.

Local Effect: Revenues for Prince George's County increase for up to five years – beginning as early as FY 2019 – to cover expenditures associated with installing and maintaining the additional camera, with the balance remitted to the Comptroller for CICF. Prince George's County can complete the required report with existing resources.

Small Business Effect: None.

Analysis

Current Law/Background: Before a county may use a speed monitoring system on a State highway at a location within a municipal corporation, the county must:

- obtain the approval of SHA;
- notify the municipal corporation of SHA's approval of the use of a speed monitoring system at that location; and
- grant the municipal corporation 60 days from the date of notice to enact an ordinance authorizing the municipal corporation to use a speed monitoring system at that location.

In Prince George's County only, a municipal corporation may implement and use a speed monitoring system on a county highway at a location within its corporate limits if the municipal corporation:

- submits to the county a plan describing the boundary of the applicable school zone and the proposed location of the speed monitoring system; and
- requests and receives permission from the county to use the speed monitoring system at the proposed location.

If the county fails to respond to the request within 60 days, the municipal corporation may implement and use the speed monitoring system as described in the plan submission. The county may not (1) unreasonably deny a request or (2) place exactions, fees, or unreasonable restrictions on the implementation and use of the system.

The county must state in writing the reasons for any denial of a request for authorization. In addition, a municipal corporation may contest a county denial in circuit court.

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.

A complete discussion of speed monitoring systems in the State can be found in the **Appendix – Speed Monitoring Systems**.

Criminal Injuries Compensation Board and Fund

The Criminal Injuries Compensation Board, within the Department of Public Safety and Correctional Services, awards grants to innocent victims of crime who incur financial hardship as a result of crime. Awards may be made for lost wages, medical expenses, counseling, crime scene clean-up, and funeral expenses for victims of homicide. Grants may not exceed \$45,000, including any subsequent and supplemental awards, with the exception of victims suffering permanent total disability. If a disability-related claim of \$25,000 has been awarded to the victim, and the injury to the victim resulted in permanent total disability, the victim may request an additional award of up to \$25,000. Funding for these grants is generated by CICF from fees assessed by circuit and District courts. CICF is also supplemented by federal funds.

State Fiscal Effect: The number of citations issued in Prince George's County due to the additional speed camera is expected to increase. As a result, CICF revenues increase for up to five years, potentially significantly, beginning as early as fiscal 2019. Although the increase in revenues cannot be projected, *for illustrative purposes only*, if the additional camera were placed along the highway as authorized and captured 30 violations per day, CICF revenues could increase by as much as \$438,000 annually (assuming all violations were prepaid at \$40 each). CICF expenditures are assumed to increase correspondingly for grants to crime victims.

In addition, the number of individuals opting for a trial in District Court is also likely to increase. Accordingly, general fund revenues may increase minimally, as fine revenues paid by individuals convicted in District Court are paid into the general fund. The increase in District Court caseloads is likely negligible and can be handled with existing resources.

Local Fiscal Effect: Assuming the authorization is used, revenues retained by Prince George's County may increase minimally in order to procure, install, and maintain the additional speed camera. Because the county already operates speed monitoring systems, the marginal cost of one additional camera is not expected to be significant.

According to data from the Comptroller's Office, revenues generated from speed camera fines in Prince George's County have generally decreased as compliance has increased. As shown in **Exhibit 1**, in fiscal 2017, the county generated about \$7.2 million in total fine revenues, compared to \$13.1 million in fiscal 2013. (These amounts are exclusive of local municipalities within Prince George's County that operate their own speed monitoring systems.) In each year, the county has recovered its costs of implementation and had additional monies available to spend on public safety. Under the bill, the additional revenue generated by the one additional authorized speed camera after recovery of costs is instead remitted to CICF.

Exhibit 1
Revenues from Speed Monitoring Systems in Prince George's County
Fiscal 2013-2017

	<u>Fine Revenues</u>	<u>Implementation Costs</u>	<u>Net Revenues</u>
Fiscal 2013	\$13,112,169	\$5,348,612	\$7,763,557
Fiscal 2014	10,254,966	4,681,911	5,573,055
Fiscal 2015	8,515,818	3,915,888	4,599,930
Fiscal 2016	8,759,276	4,274,963	4,484,313
Fiscal 2017	7,173,439	4,054,274	3,119,165

Source: Comptroller's Office

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Comptroller's Office; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2018
md/ljm Third Reader - April 2, 2018
Revised - Amendment(s) - April 2, 2018
Enrolled - May 14, 2018

Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

Appendix – Speed Monitoring Systems

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.

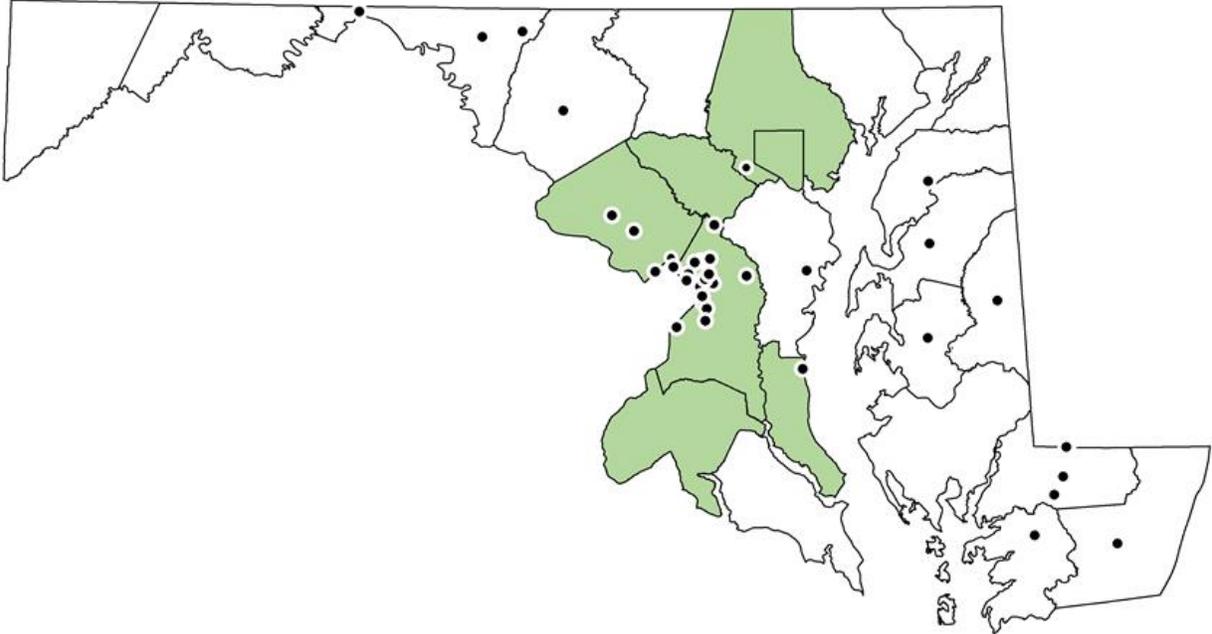
Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation 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), 143 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 six counties and Baltimore City, 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 2018.

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, as of January 2018, no money was remitted in either fiscal 2017 or 2016 (with data pending from Prince George’s County only).

Exhibit 1
Local Speed Monitoring System Enforcement in Maryland
January 2018



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 2017, the Comptroller reports that 45 local jurisdictions generated speed monitoring system fine revenues of about \$54.8 million, of which about \$24.8 million (45.2%) was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems (see **Exhibit 2**). Between fiscal 2016 and 2017, total fine revenues decreased by approximately \$2.4 million while implementation expenditures decreased by \$1.5 million. Net revenues retained for public safety decreased by approximately \$451,000 between fiscal 2016 and 2017.

Exhibit 2
Local Speed Monitoring Systems Data (Aggregated)
Fiscal 2014-2017

<u>Fiscal Year</u>	<u>Fine Revenues</u>	<u>System Costs</u>	<u>Net Revenues</u>	<u>Due to State</u>
2017*	\$54,802,197	\$30,145,731	\$24,757,588	-
2016	57,198,345	31,637,019	25,208,963	-
2015	56,966,652	28,794,043	28,175,109	\$456,006
2014	53,842,875	32,978,310	20,864,564	-

* As of January 2018; data pending for Prince George's County.

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 resulted in erroneously generated citations; and (2) that the contracts with vendors were 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 764 fatalities in highway work zones nationwide in 2016, including 5 in Maryland. The number of work zone fatalities in Maryland in 2016 was unchanged from 2015; both years had 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 2016, work zone fatalities averaged 6.6 per year in Maryland, a reduction of about 45% from the seven-year average of 11.9 fatalities per year from 2003 through 2009.

Nationally, there was also a similar, but less significant, drop in work zone fatalities, with a 30% reduction in the average between 2010 and 2016, as compared with the period from 2003 through 2009. Federal data also shows that work zone fatalities, *as a percentage of total traffic fatalities*, have dropped in Maryland, comparing averages from 2003 through 2009 to those from 2010 through 2016. 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.