

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1041 (Delegate Shoemaker, *et al.*)  
Environment and Transportation

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

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This bill repeals the authority to operate work zone speed control systems.

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Fiscal Summary

**State Effect:** Transportation Trust Fund (TTF) and special fund revenues decrease significantly beginning in FY 2020 from the elimination of civil fines and the reduction in collection of administrative fees. TTF expenditures also decrease, but to a lesser extent, beginning in FY 2020 from the elimination of the work zone speed control system program. General fund expenditures increase significantly to replace the revenues provided by work zone speed control system fines. However, general fund expenditures also decrease minimally from a reduction in District Court caseloads. General fund revenues decrease from a reduction in the collection of fines and court costs.

**Local Effect:** The bill is not anticipated to materially affect local operations or finances as no local jurisdiction operates a work zone speed control system.

**Small Business Effect:** Minimal.

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Analysis

**Current Law/Background:** 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.

In fiscal 2018, the State’s Automated Speed Enforcement Program generated about \$14.1 million in revenues. This was a considerable increase over recent years, as shown in **Exhibit 1**.

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**Exhibit 1**  
**Revenues from Work Zone Speed Control System Citations**  
**Fiscal 2013-2018**  
**(\$ in Millions)**

<u>Fiscal Year</u>	<u>Revenues</u>
2013	\$16.4
2014	14.9
2015	13.3
2016	9.1
2017	7.6
2018	14.1

Source: Maryland Department of Transportation; Department of Legislative Services

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A complete discussion of speed monitoring systems in the State can be found in the **Appendix - Automated Enforcement**.

**State Fiscal Effect:** A reliable estimate of the decrease in TTF and special fund revenues cannot be made due to uncertainty regarding the number of paid future work zone speed control system citations generated in fiscal 2020. As noted above, about \$14.1 million was collected in fiscal 2018 from the payment of citations generated by a work zone speed control system, and about \$7.6 million was collected in fiscal 2017.

Additionally, a reliable estimate of the net revenues that are distributed to the Department of State Police (DSP) for roadside enforcement after the recovery of costs cannot be made due to uncertainty regarding future costs of operating and administering the State’s work

zone speed control system program. However, work zone speed control systems generated average annual net revenues of about \$4.3 million between fiscal 2016 and 2018, after average annual program cost recovery of about \$5.9 million. *Thus, for illustrative purposes only*, net revenues of about \$4.3 million, which might be distributed to DSP in the absence of the bill, are eliminated under the bill, assuming that program revenues and expenditures would otherwise remain constant at the average of fiscal 2016 through 2018 levels. (However, as noted above, the amount of revenues received in fiscal 2018 was a relative anomaly given the general downward trend of work zone speed control system revenues.)

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 failure to pay a work zone speed control system fine. For example, 22,794 administrative flags imposed on the driving records of vehicles that failed to pay a work zone speed control system fine were removed in fiscal 2018. Assuming payment of \$30 per flag, about \$512,865 in administrative flag removal fees distributed to TTF may be eliminated in fiscal 2020, assuming the number of removals remains at fiscal 2018 levels and accounting for the bill's October 1, 2019 effective date. Any such reduction in the number of administrative flags is assumed to result in redirection of staff.

General fund expenditures likely increase significantly to replace the special funds from work zone speed control enforcement in order to maintain current levels of DSP roadside enforcement resources.

District Court caseloads and associated administrative and personnel expenditures decrease due to the elimination of work zone speed control system trials. Additionally, general fund revenues decrease as fewer fines and court costs are paid following work zone speed control system trials.

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### **Additional Information**

**Prior Introductions:** HB 1038 of 2015 received an unfavorable report by the House Environment and Transportation Committee.

**Cross File:** None.

**Information Source(s):** Baltimore, Charles, Frederick, and Montgomery counties; Maryland Association of Counties; 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; Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2019  
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## Appendix – Automated Enforcement

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### *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. Chapter 806 of 2018 authorized Prince George’s County to place one speed camera at the intersection of Old Fort Road and Maryland Route 210 (Indian Head Highway), subject to specified requirements.

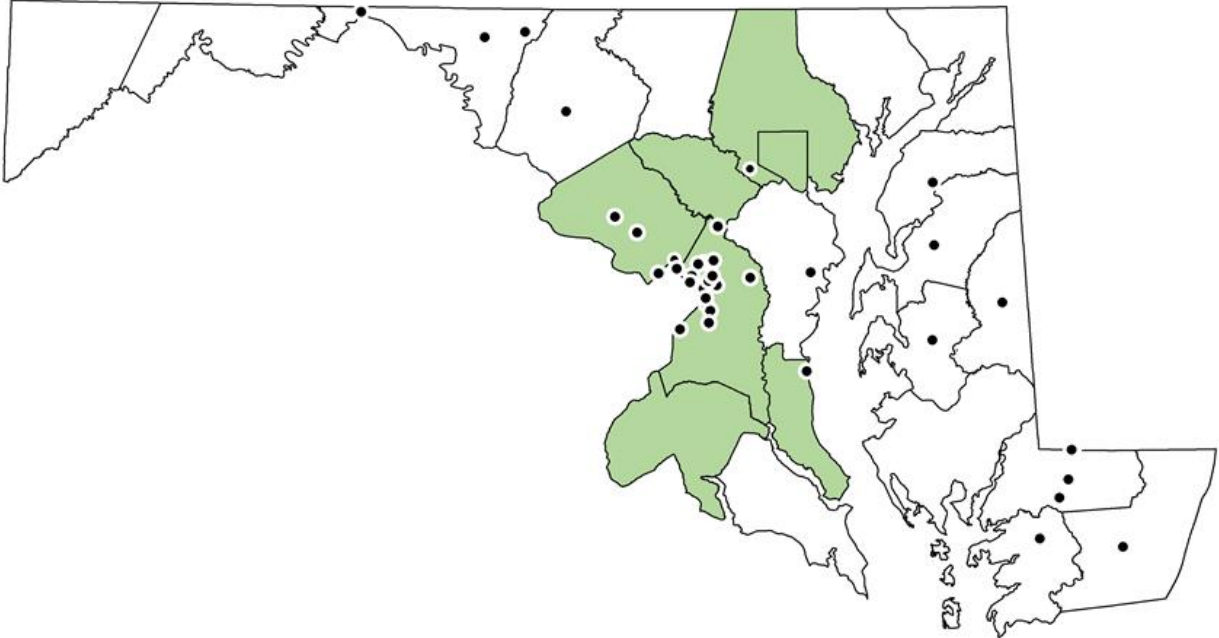
Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation 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), 137 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 2019.

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**Exhibit 1**  
**Local Speed Monitoring System Enforcement in Maryland**  
**January 2019**



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

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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. As shown in **Exhibit 2**, according to data from the Comptroller, as of January 2019, approximately \$226,800 was remitted in fiscal 2018, while no money was remitted in fiscal 2017 (with data pending for fiscal 2018 from Prince George's County only).

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**Exhibit 2**  
**Local Speed Monitoring Systems Data (Aggregated)**  
**Fiscal 2014-2018**

<u>Fiscal Year</u>	<u>Fine Revenues</u>	<u>System Costs</u>	<u>Net Revenues</u>	<u>Due to State</u>
2018*	\$56,855,016	\$27,262,388	\$29,615,707	\$226,822
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 2019; data pending for Prince George's County.

Source: Comptroller's Office; Department of Legislative Services

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Also, in fiscal 2018, the Comptroller reports that 46 (excluding Prince George's County) local jurisdictions generated speed monitoring system fine revenues of about \$56.9 million, of which about \$30.0 million (52.7%) was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems. Between fiscal 2017 and 2018, total fine revenues increased by approximately \$2.1 million while implementation expenditures decreased by \$2.9 million. Net revenues retained by local jurisdictions for public safety increased by approximately \$4.6 million between fiscal 2017 and 2018.

*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 Highway Traffic Safety Administration shows that there were 799 fatalities in highway work zones nationwide in 2017, including 14 in Maryland. The number of work zone fatalities in Maryland in 2017 was the highest number of fatalities since 2005. (Nationally, the number of work zone fatalities was the highest number since 2007). Nevertheless, on average, the number of work zone fatalities has declined significantly since the program's commencement. Between 2010 and 2017, work zone fatalities averaged 7.5 per year in Maryland, a reduction of about 39% from the eight-year average of 12.4 fatalities per year from 2002 through 2009.

Nationally, there was also a similar, but less significant, drop in work zone fatalities, with an approximately 30% reduction in the eight-year average between 2010 and 2017, as compared with the period from 2002 through 2009. Federal data also shows that work zone fatalities, *as a percentage of total traffic fatalities*, have dropped in Maryland, comparing averages from 2002 through 2009 to those from 2010 through 2017. 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.

### *Traffic Control Signal Monitoring Systems (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



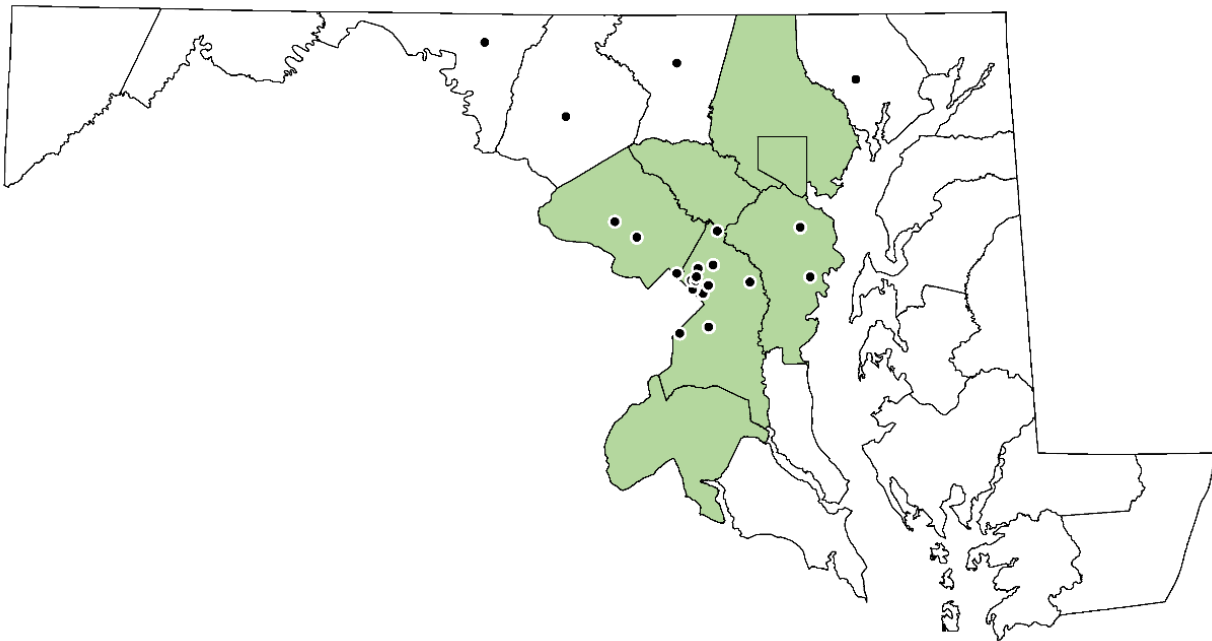
of specified Maryland Vehicle Law requirements applicable to a vehicle approaching a steady circular red signal or arrow, including (1) stopping at a clearly marked stop line, or crosswalk if there is no stop line, or intersection if there is no crosswalk and (2) remaining stopped until a signal allows 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, 390 jurisdictions across the nation have red light camera programs as of January 2019. In Maryland, six counties, Baltimore City, and 22 other jurisdictions use red light cameras. **Exhibit 3** shows red light camera usage across the State as of January 2019.

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**Exhibit 3**  
**Local Red Light Camera Enforcement in Maryland**  
**January 2019**



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

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