

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 434

(Delegate Wells)

Environment and Transportation

Judicial Proceedings

Motor Vehicles - Speed Limits - Establishment and Enforcement

This bill authorizes Baltimore City to decrease, or increase to a previously established level, the maximum speed limit on a highway under its jurisdiction without performing an engineering and traffic investigation. The bill also prohibits a local jurisdiction from *using* a speed monitoring system (*i.e.*, speed camera) to enforce speed limits on any portion of a highway for which the speed limit has been decreased without performing an engineering and traffic investigation.

Fiscal Summary

State Effect: The bill does not directly affect State finances or operations.

Local Effect: Local government expenditures may be minimally affected, as discussed below. Revenues are not directly affected.

Small Business Effect: None.

Analysis

Current Law: Unless there is a special danger that requires a lower speed, the maximum lawful speeds on a State highway are (1) 15 miles per hour (MPH) in alleys in Baltimore County; (2) 30 MPH on all highways in a business district and on undivided highways in a residential district; (3) 35 MPH on divided highways in a residential district; (4) 50 MPH on undivided highways in other locations; and (5) 55 MPH on divided highways in other locations. A maximum speed limit of more than 70 MPH may not be established on any highway in the State.

If, *on the basis of an engineering and traffic investigation*, a local authority determines that a maximum speed is greater or less than is reasonable or safe under existing conditions on any part of a highway in its jurisdiction, the local authority may establish a reasonable and safe maximum speed limit for that part of the highway, which may:

- decrease the limit at an intersection;
- increase the limit in an urban district to no more than 50 MPH;
- decrease the speed limit in an urban district; or
- decrease the limit outside an urban district to no less than 25 MPH.

An engineering and traffic investigation is not required to conform a speed limit in effect on December 31, 1974, to one of the specified speed limits established by statute.

Calvert County is authorized to decrease the maximum speed limit to no less than 15 MPH on Lore Road and, except for Solomons Island Road, each highway south of Lore Road without performing an engineering and traffic investigation (regardless of whether the highway is inside an urban district).

Further, Montgomery County and municipalities within the county may decrease the maximum speed limit to no less than 15 MPH on a highway after performing an engineering and traffic investigation. However, a local authority may not *implement a new* speed monitoring system to enforce speed limits on any portion of a highway for which the speed limit has been decreased pursuant to this authorization.

In school zones as designated and posted by the local authorities of any county, the county (or any municipality within the county) may decrease the maximum speed limit to 15 MPH during school hours, if the county (or municipality) pays the cost of placing and maintaining the signage.

Altered speed limits are effective when posted on appropriate signs giving notice of the limit. Any alteration by a local authority (except in Baltimore City) of a maximum speed limit on a part (or extension) of a State highway is not effective until approved by the State Highway Administration (SHA).

A local authority may establish a reasonable and safe maximum speed limit for an alley if it determines that the maximum speed limit under State law is greater than is reasonable or safe. However, the local authority must post a speed limit on appropriate signs giving notice of the speed limit.

Speed Monitoring Systems

Speed monitoring systems must be authorized in a local jurisdiction by the governing body of the jurisdiction (but only after reasonable notice and a public hearing). Before activating a speed monitoring system, a local jurisdiction must publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the jurisdiction. In addition, the jurisdiction must ensure that each sign that designates a school zone is proximate to a sign that (1) indicates that speed monitoring systems are in use in the school zone and (2) conforms with specified traffic control device standards adopted by SHA. Additional restrictions apply in Prince George's County.

An authorizing ordinance or resolution adopted by the governing body of a local jurisdiction must establish certain procedures related to the movement or placement of speed monitoring systems. Specifically, if a jurisdiction moves (or places) a mobile (or stationary) speed monitoring system to (or at) a new location, the jurisdiction may not issue a citation for a violation recorded by that speed monitoring system (1) until signage is installed, as specified, and (2) for at least the first 15 calendar days after the signage is installed.

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.

Local Expenditures: Although Baltimore City expenditures may decrease minimally if fewer engineering and traffic investigations are conducted as a result of the bill's authorization to modify speed limits as specified, the requirement related to use of speed cameras may necessitate studies to the extent that Baltimore City (and certain other jurisdictions) anticipates using (or continuing to use) speed cameras on such affected highways.

As noted above, in general, a local authority must conduct a traffic and engineering investigation in order to modify a speed limit on specified roadways. Under the bill, a local jurisdiction is prohibited from using a speed camera on a portion of a highway where speed limits have been reduced *without* performing such an investigation. Therefore, because most jurisdictions are generally *already* required to conduct an investigation in order to lower a speed limit, this provision definitively affects Baltimore City and does not likely affect most other jurisdictions (although Calvert County has limited authority to decrease speed limits without performing an engineering and traffic investigation *and* operates speed monitoring systems).

Additional Information

Prior Introductions: HB 941, a similar bill as amended, passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: SB 520 (Senator Washington) - Judicial Proceedings.

Information Source(s): Harford County; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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