



**AAA Mid-Atlantic Testimony**  
**HB 565:**  
**Montgomery County – Automated Traffic Enforcement – Implementing Agency MC 04-21**  
**Montgomery County Delegation**  
**Maryland House Committee on Environment and Transportation**  
**Thursday, February 11, 2021 1:30 P.M.**

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Good afternoon. AAA represents nearly one million members across the state of Maryland, and 60 million members nationwide. On behalf of the motoring public and AAA members, we express grave concerns about the language in the measure and what we would deem as the short-term and long-term negative impacts of House Bill 565 on the Montgomery County-Speed Monitoring Systems.

In fact, **AAA opposes House Bill 565** for a host of reasons, as we will articulate. As drafted, House Bill 565 seeks to empower the Montgomery County Government to transfer the administration of its countywide Safe Speed Program, which was established in 2007, from the Montgomery County Police Department (MCPD) to the Montgomery County Department of Transportation (MCDOT).

We are alarmed that HB 565 would, if adopted, allow civilian employees, as opposed to sworn police or law enforcement officers, to sign speed camera violation tickets in the county. That is to say, employees of the Montgomery County Department of Transportation (MCDOT). This is contrary to statewide law in Maryland, which requires all such citations to be reviewed and certified by a police officer.

Transferring the Montgomery County Police Department's Safe Speed Program to the Montgomery County Department of Transportation (MCDOT) raises several major concerns, legally, procedurally, and in terms of traffic safety. It will not strengthen traffic safety protocols in Montgomery County. It would weaken such protocols and programs. The Montgomery County Police Department's Safe Speed Program is a national model, as appraised by leading traffic safety organizations, such as the Insurance Institute for Highway Safety (IIHS). Indubitably, it is the finest such program in the nation, as attested to by law enforcement agencies across the country, and by AAA Mid-Atlantic.

Moreover, by virtue of its implementation in 2007, as the first automated speed enforcement monitoring system in the state of Maryland, it is the gold standard statewide. Just shy of 50 agencies across Maryland operated speed monitoring systems during Fiscal Year 2019, according to the latest annual report by the Maryland Police Training and Standards Commission.

Today, like other jurisdictions in Maryland, many of Montgomery County's automated speed camera units are located in school zones. Unlike other jurisdictions in the state, Montgomery County is also authorized to deploy speed cameras along residential roads with a posted speed limit of 35 miles per hour or less.

In its 2008 "*Evaluation of automated speed enforcement in Montgomery County, Maryland*," the Insurance Institute for Highway Safety (IIHS) found: "The camera program was effective at reducing speeding on targeted streets. The finding of speed reductions beyond targeted locations is evidence that highly visible automated enforcement can promote community-wide changes in driver behavior."

Remarkably, even in the early stages of the Montgomery County Police Department's Safe Speed Program, the IIHS found the program enjoyed widespread support among the residents of Montgomery County. As the IIHS put it then: "a majority of drivers supported automated speed enforcement, about one third opposed it."

In 2015, researchers at the Insurance Institute for Highway Safety (IIHS) found Montgomery County's countywide speed camera program was "slowing down drivers and saving lives," the two overarching goals of any successful automated traffic enforcement program. In other words, as the researchers noted, the countywide Safe Speed Program "has led to long-term changes in driver behavior and substantial reductions in deaths and injuries."

What is more, for the sake of comparison, the IIHS study also found "Montgomery County's 92 speed cameras have reduced by 59 percent the likelihood of a driver exceeding the speed limit by more than 10 mph, compared with similar roads in Arlington and Fairfax Counties."

But here is the main thing, as the IIHS concluded: "If all U.S. communities had speed-camera programs like the one IIHS studied in Maryland's Montgomery County, more than 21,000 fatal or incapacitating injuries would have been prevented in 2013."

As of December 2020, 154 cities, counties, communities, jurisdictions, and localities across the United States operate or deploy automated speed cameras. All of them would year for an accolades like the ones bestowed upon the Montgomery County program.

Under the leadership of Assistant Chief Thomas Didone, the Montgomery County Police Department has provided superb oversight and stewardship to the countywide Safe Speed Program. Amid the outbreak of the coronavirus pandemic, roadways became racetracks. Montgomery County speed cameras captured drivers speeding in emptied school zones and on roads in excess of 80 mph and even 100 mph. To combat this, the Montgomery County Police Department is now seeking to double the number of automated traffic enforcement cameras in its footprint.

In 2020, approximately, 243,413 speed camera tickets were issued to errant motorists from January to September by the Montgomery County Police Department. That tally includes 147,987 speed camera tickets issued from April to September, a period upended by the coronavirus pandemic.

So the question that looms before us is "who dares undermine a program as effective and efficient as this?" In terms of saving human lives and slowing down wayward motorists, there is absolutely nothing to be gained by transferring the program from the Montgomery County Police department (MCPD) to the Montgomery County Department of Transportation (MCDOT). It is an imprudent notion.

Who dares trifle with this finding? "Overall, the county's camera program in its current form — including the use of corridors and a minor enforcement change that took effect in 2009 — reduces fatal or incapacitating injuries by 39 percent on residential roads with speed limits of 25-35 mph, the researchers found. The estimate of 21,000 fatal or incapacitating injuries that cameras could prevent nationwide is based on that reduction."

Notice the operative phrase "the county's camera program in its current form." That is telling. It is a nationwide model and a national standard. Why tamper with success? Yet supporters contend this is "a new approach to automated traffic enforcement." But is it the best approach to automated traffic enforcement?

The notion that bringing the program under the aegis of the Montgomery County Vision Zero program, and the Montgomery County Department of Transportation (MCDOT) would improve the responsiveness and

efficiency of the program is dubious. It is a flimsy premise, a will-o'-the-wisp, as it were, and that is putting it mildly. Will the transfer lead to further safety gains in Montgomery County? There is no empirical evidence or data that substantiates this. It is not accurate. It is not true. It would enhance traffic safety in the County. It would undermine, and cast suspicions on the program and destroy its integrity and its widespread public support. This is dangerous and a slippery slope toward mediocracy. This is the last thing that any of us would wish to see or promulgate or engender.

We need look no farther than a neighboring jurisdiction, the District of Columbia, for evidence of how the best intentions can go so wrong.

In late 2019, Washington, D.C. Mayor Muriel Bowser signed an executive order transferring the District's automated traffic enforcement program from the Metropolitan Police Department to the District Department of Transportation (DDOT). Vision Zero proponents claimed the transfer would "fix problem areas detected by traffic cameras as a part of their management of the cameras program."

Proponents argued, "Without putting DDOT in charge, we are greatly concerned that developing new applications for photo enforcement, such as bus lane compliance, bike lane compliance, and other new uses, will be slow and ineffective. We need to put DDOT in charge in order to more effectively use this tool. DDOT is the agency that is most focused on and responsible for achieving our city's transportation system's efficient use and safety."

Did it work out that way? However, since the transfer of the program into civilian hands, the number of complaints from motorists, and even residents who support such programs, have skyrocketed in the District. In short order, under the civilian management of the program, the District issued \$27 million in speed camera tickets in a work zone, where there was no work being done, according to an investigative news report by [WJLA 7 On Your Side](#). The reporter, Lisa Fletcher, noted that DC residents were "questioning its legitimacy" of the speed camera program, that is, after 180 people got tickets, some as high as \$800.

After a huge increase in the overall number of automated stop sign camera tickets, a District neighborhood took the District Department of Transportation (DDOT) to task, as [WRC, NBC 4](#), reported November 15, 2020. They suspected DDOT had recalibrated the stop sign camera to generate more citations. Neighbors want to know why. The camera is now more sensitive.

The neighbors took the unusual step of filing a FOIA to ascertain ticket totals. In June 2020, the stop sign camera issued 82 tickets. DDOT reportedly fine-tuned this stop sign camera in July, and it then issued 590 tickets. It issued 4,123 citations in August, 4,138 citations in September, 3,872 tickets in October, and 5,083 such tickets in November.

Under DDOT's oversight the ticket totals skyrocketed a mind boggling 700 percent from June to November. Even more striking, ticket revenue increased from \$8,200 in June from a single stop sign camera unit to more than a half a million dollars, or \$508,300 to be exact, in ticket revenue in November, for a gain of \$500,100 in the city's coffers.

This should serve as an object lesson for Montgomery County officials of what could go wrong with the program in the wrong hands. The Montgomery County Safe Speed is a well-managed program. Ultimately, this transfer will break the "automated traffic enforcement chain," a key component of the success of ATE programs. This is wrongheaded on so many levels. This, in our estimation, the program's transfer, is not about traffic safety or saving vulnerable lives and limbs, as stated by the sponsors of the measure. It is about scoring political points.

As the advocate for motorists, AAA is deeply troubled that the measure, “Requires a MCDOT employee to sign the required statement of a speed camera violation citation, not an MCPD officer.”

However, under the statewide speed camera law, as promulgated in the Transportation Article of the Maryland Annotated Code, citations issued by speed cameras issued in work zones and in school zones in Maryland are required to have a “signed statement by a police officer employed by the local police department or State police department that, based on inspection of recorded images, the motor vehicle was being operated in violation of this subtitle.”

In our view, transferring the program into civilian hands is tantamount to removing the patina of traffic safety from the County’s longstanding automated traffic enforcement program, which has a sterling reputation both statewide and nationally. As such, this legislation would, if enacted, would undermine the integrity of the countywide program, which is combatting violations of traffic laws, saving lives and limbs, and making roadways in Montgomery County safer.

The danger is that moving the management and oversight of the county’s automated speed camera enforcement program into civilian hands will further erode the public’s confidence and trust in the program, and it would, in and of itself, compromise “stated safety objectives,” in all likelihood.

Major questions loom, if the program is transferred to the Montgomery County Department of Transportation (MCDOT). For example:

- Will MCDOT have three levels of ticket review in place in its ticket approval process?
- Who will oversee the integrity of the program?
- Who will make sure that the agency deploys the automated traffic enforcement equipment correctly, so that it accurately captures violations?
- Who will determine the operating efficiency of the speed cameras and red light cameras?
- Who will track all occurrences where the vendor submits inaccurate based on a technical variable that is under the vendor’s control?

Traffic enforcement, including stopping, ticketing and fining red-light runners, speeders, drunken and drugged drivers, and motorists who fail to comply with seat belt laws, falls under the rubric of public safety, law enforcement, and police powers. Like traffic stops, automated traffic enforcement is a police role and function.

Because it is a police function, as it has been since day one in Montgomery County, the motoring public is not only accustomed to the deployment of speed cameras, the motoring public also approves of the use of the technology, because automated traffic enforcement saves lives and improves the County’s traffic safety culture.

It is the mission of the Montgomery County Department. As such, the enforcement of traffic laws is inherently a police function. It is not a function of MCDOT. Therefore, it is the role of sworn police officers, not bureaucrats and civilians or traffic engineers.

In more than 75 countries around the world, law enforcement agencies run, implement, operate, and supervise automated traffic enforcement programs, not civilian or quasi-government entities, to increase traffic safety and reduce traffic-related violations, deaths and injuries. This has been the case for nearly 50 years across the globe and around the nation. Automated traffic enforcement is a proven deterrent to red-light running, stop-sign running, and speeding when the program is in the right hands.

As of 2017, “142 jurisdictions in 14 states, including Maryland and the District of Columbia used speed cameras,” which, according to [Governing.com](#), “is only a third of the number that used red-light cameras.” The [Transportation Research Board](#) reviewed automated enforcement programs for speeding and red light running across the country. In its 2011 report, the TRB’s National Cooperative Highway Research Program (NCHRP Report 729) reviewed the leading agencies overseeing automated enforcement programs.

- In the vast majority of jurisdictions surveyed, the leading enforcement agency was the police department (including designated traffic units). That was the case in seven out of ten, or 67.1 percent, of the localities and jurisdictions surveyed.
- The second most common leading agency for automated enforcement programs around the country were Departments of Public Works, as opposed to local or state departments of transportation, as is proposed in Montgomery County.
- Interestingly, departments of Public Works were the leading agency for automated traffic enforcement programs in only 15.7 percent of the jurisdictions across the United States that were surveyed by the Transportation Research Board’s National Cooperative Highway Research Program.
- Either the city or county government was the leading agency for ten red light camera programs and one speed camera program across the nation. Yet this aggregate comprised 14.4 percent of the total.
- “Other agencies” were the leading agency for two red light camera programs across the nation.

Supporters of the transfer of the program to MCDOT from the MCPD cite the examples of New York City and Chicago under the aegis of Vision Zero. This is an oversimplification. The transfer in New York City, which has the largest police force in the United States, was borne of the need to empower the New York Police Department (NYPD) to focus on counterterrorism and to guard the city against “the threat of international and domestic terrorism in New York City.”

Chicago has “the second-largest municipal police department in the United States.” But the city’s speed camera program has always been under the purview and oversight of the city’s transportation department. So this is a false analogy.

The Montgomery County automated traffic enforcement program, under the oversight of Assistant Chief Thomas Didone, is universally lauded for its effectiveness in curbing speeding and red-light running. “

In 2006, Montgomery County became the first Maryland jurisdiction “authorized to deploy speed cameras.” The program is operated by the Montgomery County Police Department, and the program is praised for its integrity by entities such as the Insurance Institute of Highway Safety, as aforementioned. It is a stellar program. It is the gold standard. Traffic officers are in charge of the program.

The MCPD Traffic Division Director has the final approval over the program and potential enforcement site locations. In effect, the transfer of the Safe Speed Program from MCPD to MCDOT would raise questions and concerns about the accuracy and reliability of Montgomery County’s entire automated traffic enforcement programs and systems.

Ultimately, the move could merely serve to “jeopardize the public safety benefit of automated enforcement.” The TRB’s NCHRP Report 729, included “guidelines designed to help transportation agencies start-up and operated automated enforcement programs to improve highway safety by reducing speeding and red-light running.”

“In 1998, the International Association of Chiefs of Police passed a resolution supporting red light cameras,” for example, “for more effective and efficient traffic law enforcement, in conjunction with

normal enforcement efforts.” This has increased public support and public buy-in for speed cameras and red-light cameras.

Automated traffic enforcement systems are effective countermeasures that work, especially when such systems are based on the “Three E’s: education, engineering and enforcement.” So the transfer reduces the level of accountability within the automated traffic enforcement program, compromises the credibility and integrity of the program, and erodes the high degree of community confidence and trust in the program.

As such, it is a police function, it is the role of sworn police officers, not bureaucrats, pen or pencil pushers, administrators, and civilians or traffic engineers. Of all agencies, it is the police department that has the highest degree of trust with the public. The Montgomery County Police Department should continue to lead the County’s automated traffic enforcement (ATE) program, and especially its automated speed enforcement (ASE) system. It must be the lead agency in the speed camera program, the red-light camera program and all other ATE programs.

This is the primary function of law enforcement agencies, as recommended in program guidelines promulgated by the Federal Highway Administration (FHWA); the National Highway Traffic Safety Administration (NHTSA); the National Transportation Safety Board (NTSB), and the Transportation Research Board, a division of the National Academy of Sciences, and police departments, and law enforcement agencies across the globe and the nation.

This transfer is destined to be ill-fated. It is a grave mistake fraught with unforeseen and unintended consequences that will not only make our roadways less safe, but it will also serve to erode the public’s trust and confidence in the system, to the detriment of the motoring public, vulnerable users including children, the elderly, pedestrians, motorcyclists, cyclists and everyone else.

To safeguard the public and the “automated traffic enforcement chain,” we must leave the program in the hands of sworn law enforcement officers, that is to say “qualified, professionally trained, ethical and competent peace officers.” Upon taking an oath, law enforcement officers are vested by the law with the authority to enforce the criminal and traffic laws through the power of arrest, and to preserve law and order and the public peace, to protect life and property through the enforcement of laws and regulations, to perform traffic stops when the situation warrants, issue traffic citations, and investigate traffic crashes.

This is why automated traffic enforcement must remain the province of the top law enforcement agency in Montgomery County and its corps of fully qualified law enforcement officers. We urge you to keep the Montgomery County Safe Speed Program in the hands of those professionals who are rightly called “the custodians of the law.”

In summary, for the reason articulated above, AAA opposes legislation authorizing the delegation to transfer the countywide automated traffic enforcement program from the Montgomery County Police department (MCPD) to the Montgomery County Department of Transportation (MCDOT). The delegation has not provided, in our estimation, any empirical evidence or data, showing such a transfer would enhance or improve a vaunted program that is the national standard. We respectfully urge the Committee to render an **unfavorable report**. Thank you.

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