

**HB849\_Moon\_FAV.pdf**

Uploaded by: Delegate David Moon

Position: FAV

# Financial Management Practices Audit Report

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## Montgomery County Public Schools

September 2022

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### **Public Notice:**

**In compliance with the requirements of the State Government Article Section 2-1224(i), of the Annotated Code of Maryland, the Office of Legislative Audits has redacted cybersecurity findings and related auditee responses from this report.**



**OFFICE OF LEGISLATIVE AUDITS**  
DEPARTMENT OF LEGISLATIVE SERVICES  
MARYLAND GENERAL ASSEMBLY

result of COVID-19.<sup>5</sup> These students were transported using 1,375 system-owned buses. According to MCPS' financial records, fiscal year 2020 transportation costs totaled \$109.4 million.

### **Electric Bus Lease Agreement Was Properly Procured**

Our review of a February 2021 lease agreement for \$168.7 million for the use of 326 electric buses, to be phased into service over a 4-year period, found that the lease was competitively bid and approved by the Board. In its award recommendation, MCPS stated the lease would enable them to increase sustainable practices, be good stewards of our natural resources, and operate in a way that was healthy.

We were advised that the total cost of the electric buses is projected to be recovered through funds that would have otherwise been spent on diesel school bus purchases and operations. MCPS believes that the lease provides a turnkey solution that includes lease costs, charging infrastructure and management, electricity, and reimbursement for maintenance costs. Implementation includes delivery of 25 electric buses in fall 2021, 61 in fall 2022, and approximately 120 electric buses each year thereafter.

### **School Bus Safety Cameras**

As allowed by State and County law, MCPS contracted for the use of school bus safety cameras to monitor drivers who illegally pass a stopped school bus. In May 2016, the Board approved a five-year contract (with five one-year renewal options) with a vendor to install and operate cameras that would be owned and maintained by the vendor on MCPS' school buses. The contract also provided for cameras to monitor the conduct of drivers and students inside the bus along with global positioning units to track the buses. Prior to this contract, MCPS was purchasing buses with cameras inside the bus and global positioning units, which were replaced with the vendor's equipment. In June 2016, MCPS entered into a memorandum of understanding (MOU) with Montgomery County since the Montgomery County Police Department (MCPD) was responsible for the issuance of citations processed by the camera system.

The vendor is responsible for operating the system and processing citation payments. The vendor's cameras take images of vehicles (including a specific image of the vehicle license plate) passing a bus that is operating its alternating

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<sup>5</sup> Due to the COVID-19 pandemic, student transportation stopped on March 13, 2020 and did not resume until March 1, 2021. During this time, MCPS continued to pay its employee bus drivers and advised us that its drivers performed other duties including delivering food and laptops to schools, and delivering materials to students' homes. Additionally, MPCPS advised us that some drivers assisted the Department of Maintenance with certain tasks, including carpentry, air filter installations, and data entry.

flashing red lights. The registered owner(s) of the vehicles are identified by vendor employees using access provided to Maryland Motor Vehicle Administration (MVA) databases, through the MCPD MOU. After MCPD verifies the image of the event constitutes a violation, a vendor employee prints and mails the citation to the registered owner.

Citations can be paid in-person at the Montgomery County Finance Office, online by credit card, electronically through the internet, by phone through an interactive voice response system, or by mailing a check. The County Finance Office processes citation payments paid in-person through the vendor's system. The vendor's system stores the images of each check payment, remittance stub, associated correspondence, envelope and certified mail receipt. All forms of citation payments are deposited into a County bank account and the County transfers all revenue to a MCPS bank account. MCPS is responsible for distributing revenue to the vendor. The vendor is also required to operate a customer service center with a toll-free number and respond to inquiries from the public.

In July 2019, the Montgomery County Office of the Inspector General (OIG) issued a report regarding the County's MOU with MCPS for the School Bus Safety Camera program. According to the report, the OIG initiated the review in August 2018 after the County was made aware of concerns regarding the vendor's history of prior convictions involving fraud and bribery in another state where it operated a similar program. Although the report disclosed that employees of the County or MCPS did not violate a rule, law, or procedure, or had any inappropriate relationship with the vendor, the report identified the following two findings related to the County:

1. The business case for this program was built around the desired use of a predetermined vendor rather than an objective analysis to design an effective and economical method to achieve an identified outcome.
2. County officials relied, at least in part, on information provided by a criminal conspirator in vetting the vendor and they continued to rely on vendor supplied information when considering the future of the program.

Additionally, the report disclosed there was no revenue sharing agreement with the vendor and it was unclear as to when, or even if, the County would recover its investment in the program. Furthermore, the report disclosed the contract terms appeared to be ambiguously, and generously, tilted toward profitability for the vendor. Finally, as of the date of the OIG report, the County had paid more than \$750,000 for administrative and personnel expenses related to this program and over \$10 million in ticket revenue had been transferred to the vendor.

In addition to the concerns addressed by the aforementioned OIG report related to the County, we received an allegation on our fraud, waste, and abuse hotline that MCPS had entered into a contract to place monitoring cameras on school buses that diverts fines to a private entity when they should be paid to the County. Based on our review, we were able to substantiate the allegation as the contract provided that all funds were to go to the vendor until the vendor recovered its cost of investment. As noted below, as of August 31, 2019 MCPS had paid the vendor \$20.9 million, which exceeded the vendor's initial \$19 million estimated cost of investment by \$1.9 million. We also found certain deficiencies with the procurement of the agreement, its terms, and how it was monitored; although, we did not identify any issues that warranted a referral to the Office of the Attorney General – Criminal Division.

#### **Finding 10**

**MCPS contracted with a vendor for a school bus camera system without a competitive procurement process or a fixed total cost to be paid. In addition, the contract lacked sufficient details to enable effective monitoring of the amounts invoiced and paid to the vendor.**

#### **Analysis**

MCPS entered into a contract for the use of a vendor's school bus camera system without a competitive process or a fixed total cost to be paid. In addition, the contract lacked sufficient details to enable effective monitoring of the amounts invoiced and paid to the vendor.

#### Lack of a Competitive Procurement

MCPS did not conduct a competitive procurement for the camera system contract. Rather, a vendor approached the County and MCPS to install and operate a school bus camera system, including interior cameras and global positioning units that MCPS was already purchasing for each bus. Although MCPS prepared a schedule comparing four companies based on various factors (such as number of interior cameras, but not including a financial or cost consideration), it did not have supporting documentation or an indication of how the information was obtained. MCPS management advised us that the contract with the vendor was awarded under an Intergovernmental Cooperative Purchasing Agreement (ICPA) from another state's school system. However, our review of the ICPA noted the following conditions (several of which were previously noted in finding 1 in this audit report):

- Only a single bidder was evaluated by the other school system in awarding the ICPA.

- The ICPA awarded by the other school system was for a 30 bus fleet, while MCPS had a fleet of approximately 1,300 buses.
- MCPS did not prepare a written assessment of the benefits for using the ICPA as required by State law and it did not research or compare other available ICPAs.
- MCPS did not use any of the key terms and conditions of the existing ICPA. Instead, it negotiated its own terms and conditions with the contractor (see comments below).

As a result, we concluded that with the exception of the general service provided, MCPA procured its own unique contract with the vendor without a competitive procurement process and assurance that it obtained the best value for the school bus cameras program. MCPS ultimately awarded the contract to the company that approached them after visiting another state using the vendor's camera system and conducting a limited pilot program. A similar condition regarding documentation of best value when procuring contracts was noted in our preceding audit report.

#### Lack of Sufficient Financial Terms

The school bus camera contract did not specify the total amount to be paid to the vendor. The contract provided that the vendor would receive all funds collected from citations issued from the cameras (initially \$125 per violation and subsequently increased to \$250 per violation) until the vendor recovered its initial and on-going cost of investment which included the equipment, system installation and operational expenses. At the time of the contract, these costs were estimated by the vendor to be approximately \$19 million. In addition, there was no provision for the independent verification of the vendor's cost of investment. Further, the contract did not specify the payment terms once the vendor's cost of investment was recovered. Instead, the parties agreed to negotiate, at a later date, a revenue sharing plan that would become effective upon the recovery of investment costs (see below).

#### Monitoring of Vendor's Recovery of Investment Costs

Although MCPS was monitoring the amount of citation payments made to the vendor, MCPS was not monitoring the vendor's investment costs. MCPS advised us that the vendor did not periodically report its total actual investment costs (including changes), and MCPS did not ask for documentation supporting the investment costs since the contract did not specifically require the vendor to provide this documentation. As a result, MCPS was unaware if the vendor had been fully reimbursed for its cost of investment. As of August 31, 2019 MCPS had paid the vendor \$20.9 million, which exceeded the vendor's initial \$19 million estimated cost of investment by \$1.9 million.

Due to the lack of specific financial terms and the lack of documentation for the vendor's investment costs, in June 2019, Montgomery County engaged a consulting firm to conduct a financial compliance review of the bus camera vendor for transactions occurring from July 1, 2016 to August 31, 2019. The consultant was able to verify that citation revenue totaling \$20.9 million was paid to the vendor, but it was unable to definitively determine the amount of the vendor's investment. The consultant offered four options for determining the investment amount which ranged from \$13 million to \$20 million. In response to the consultant's report, the vendor offered an alternative calculation that increased its investment cost from its initial estimate of \$19 million to \$26 million.

Effective October 2019, MCPS executed a contract amendment to address the vendor's compensation and resolve all disputes concerning the vendor's cost of investment. The amendment acknowledged the vendor had recovered its cost of investment without specifying an amount, and stipulated that going forward the vendor would not be required to provide any records concerning the cost to install, operate, or maintain the bus camera system. The amendment also provided that the County would receive an invoice credit of \$1.6 million for certain costs incurred for processing citations.

Finally, the amendment established citation revenue sharing whereby the vendor would receive 60 percent of the citation revenue going forward for additional future vendor costs. The remaining 40 percent was to be received by the County for its citation processing costs. MCPS could not provide us with documentation to support how the revenue sharing percentage was determined or its justification. As of June 30, 2021, MCPS had paid the vendor citation revenue totaling \$21.9 million and the County had received \$4.8 million since the inception of the contract.

#### **Recommendation 10**

**We recommend that, in the future, MCPS**

- a. adhere to statutory requirements for competitive bidding, where appropriate (repeat);**
- b. ensure contracts include adequate and properly defined financial terms, such as total amounts to be paid, and how costs are to be independently verified; and**
- c. document the basis and reasoning for revenue sharing percentages.**

# FY2022 School Bus Monitoring System and Stop Safety Review

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Pursuant to State Government Transportation  
Article § 8-664 and HB0813 / CH0216, 2022  
MSAR #s 14213 and 14214

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MONTGOMERY COUNTY GOVERNMENT  
Final Version  
Released December 30, 2022

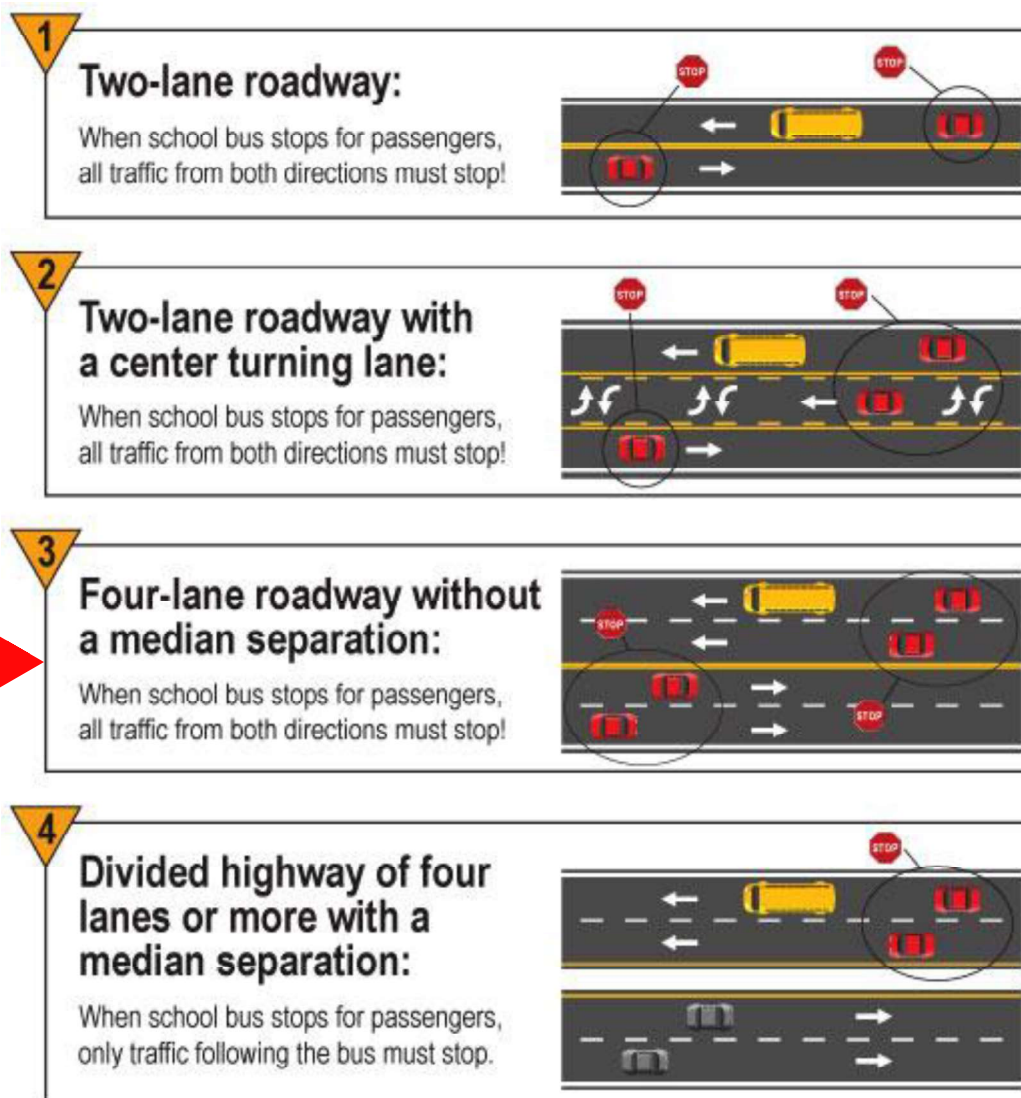




# About the school bus monitoring system

## Law for stopping for stopped school buses

When approaching a stopped school bus with activated flashing red lights, Maryland law (MD Code, Transportation, § 21-706) requires that motorists traveling in the same direction as the bus must stop and remain stopped until the stop sign and lights are deactivated. The law also requires that motorists approaching the bus from the opposite direction must stop if there is no physical barrier, such as a grass or raised concrete median.



# Citations issued

For fiscal year 2022 (FY22), 59,151 citations were issued under the school bus monitoring program resulting in \$14.8 million in fines. Based on the direction of the passing vehicle, 41,799 (71%) of drivers passed in the opposite direction and 17,352 (29%) were traveling the same direction as the stopped bus.

FY22 represented the most citations issued since the program began in 2016. The increase in violations from the prior two years was the result of all Montgomery County School buses having monitoring systems installed during the 2019-2020 school year and a restart of school bus and commuting patterns coming out of the COVID-19 pandemic. Based on the low level of repeat offenders for the school bus monitoring program and experience from the red-light and speed automated enforcement program, the County expects the number of citations issued to decrease over the next five years.

	FY17	FY18	FY19	FY20*	FY21*	FY22
<b>Citations</b>	16,388	34,033	54,492	50,106	6,910	59,151
<i>Citations per active camera</i>	73.5	67.4	55.2	36.0	4.7	36.7
<i>Citations from opposite direction</i>	0	20,626	34,184	31,217	4,741	41,799
<i>Citations from same direction</i>	0	12,858	20,299	18,889	2,169	17,352
<i>Citations with direction not captured</i>	16,388	549	9	0	0	0
<b>Total fines</b>	\$2,048,500	\$8,508,250	\$13,621,875	\$12,526,500	\$1,727,500	\$14,787,750

\*School closures during COVID-19 pandemic resulting in fewer bus trips.

For FY22, the following blocks had the highest number of recorded violations. Eight of the top 10 blocks were along multi-lane State roads with the remaining two belonging to the County. These ten blocks accounted for 18% of all citations issued.

Comparing FY22 top violation blocks to the blocks under review by MCDOT, seven out of the ten blocks were the same. Three stops in the FY22 top ten were not in the prior top ten:

- 800 block of University Blvd E
- 7100 block of Arlington Rd
- 5400 block of Tuckerman Ln

Block	Roadway Owner	Violations Same Direction	Violations from Opposite Direction	Total Violations
5100 River Rd	State	185	1,798	1,983
8800 Colesville Rd	State	203	1,388	1,591
1400 East West Hwy	State	299	1,195	1,494
800 University Blvd E	State	138	1,022	1,160
400 N Frederick Ave	State	85	894	979
7100 Arlington Rd	County	48	798	846
5400 Tuckerman Ln	County	50	642	692
1000 Clopper Rd	State	129	553	682
8900 Piney Branch Rd	State	145	399	544
8800 Piney Branch Rd	State	99	418	517

To see data on citations issued under the school bus monitoring program for all school bus stops, use the link below or visit the Montgomery County Vision Zero website. The reporting unit for school bus stops is the block level.

Link: [https://www.montgomerycountymd.gov/visionzero/Resources/Files/FY17-22\\_Bus\\_Camera\\_Tickets\\_by\\_Stop\\_and\\_Fiscal\\_Year\\_PUBLISHED.csv](https://www.montgomerycountymd.gov/visionzero/Resources/Files/FY17-22_Bus_Camera_Tickets_by_Stop_and_Fiscal_Year_PUBLISHED.csv)

**NOTE ON BLOCK ADDRESSES:** When the school bus monitoring system captures a violation, the bus’s latitude and longitude are captured. The latitude and longitude are then matched to the nearest address. When the bus stop is near an intersection, the matched address may be along the intersecting road. Therefore, some of the block information presented in the block summary may reflect a violation that occurred on an intersecting road.

# Satellite Image Examples of School Bus Violations on State Highways

1. Photo #1: The 8800 block of Piney Branch Road in Long Branch, with 1,661 citations



2. Photo #2: The 1400 block of East West Highway in Silver Spring, with 2,345 citations



3. Photo #3: The 8800 block of Colesville Road in Silver Spring, with 3,900 citations



**Judicial Proceedings Committee**  
 Voting Record - 2022 Regular Session

Bill/Resolution Number:

HB 813

Vote Date:

4/6/2022

Final Action:

FAV

**Motion:**

- Favorable     
  Favorable with Amendment     
  Unfavorable     
  Withdrawn by Sponsor  
 No Motion     
  Referred to Interim - Summer Study     
  Re-referred to: \_\_\_\_\_

Name	Yea	Nay	Abstain	Excused	Absent
Waldstreicher, J., Vice Chair	✓				
Lee, S.	✓				
Cassilly, R.	✓				
Hettleman, S.	✓				
West, C.	✓				
Sydnor, C.	✓				
Watson, R.	✓				
Bailey, J.	✓				
Carter, J.	✓				
Hough, M.	✓				
Smith, W., Chair	✓				
<b>Totals</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Amendment Numbers,  
 Consent Bill Lists,  
 Other

Committee Reporter: Danora B. Papp

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 813

(Montgomery County Delegation)

Environment and Transportation

Judicial Proceedings

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Montgomery County – Speed and School Bus Monitoring Systems MC 03–22

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This bill requires Montgomery County to annually submit reports related to school bus monitoring cameras. Additionally, the bill requires Montgomery County, in coordination with the Maryland Department of Transportation (MDOT), to examine data relating to school bus stop violations and implement certain measures in response. **The bill takes effect June 1, 2022; the requirement to coordinate with MDOT, examine specified data, and implement certain measures terminates May 31, 2024.**

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**Fiscal Summary**

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

**Local Effect:** Montgomery County expenditures and revenues are likely affected, as discussed below.

**Small Business Effect:** Potential minimal.

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**Analysis**

**Bill Summary:** By December 31 each year in perpetuity, Montgomery County must:

- compile and make publicly available a report for the previous fiscal year on each school bus monitoring system operated by a local jurisdiction; and
- submit the report to Montgomery County Public Schools (MCPS), MDOT, the Montgomery County Department of Transportation (MCDOT), the Montgomery County VisionZero Coordinator, and the Montgomery County Delegation to the General Assembly.



The report must include:

- the number of violations that occurred at each school bus stop in each of the previous six fiscal years;
- a breakdown of the violations by the direction in which each vehicle involved in a violation was traveling in relation to the stopped school bus; and
- the total amount of fines issued for violations at each school bus stop in each of the previous six fiscal years.

Additionally, Montgomery County, in coordination with MDOT, must examine school bus stop violation data to determine the 10 school bus stop locations at which the highest number of citations for passing a stopped school bus are issued and implement operational alternatives for those stops, including:

- ensuring that all public outreach and information about the school bus camera program and citations issued for related violations are provided in multiple languages;
- producing and implementing public hyperlocal education campaigns about school bus stop laws, in coordination with MDOT;
- improving signage and markings at school bus stops;
- identifying and implementing strategies that will improve driver expectancy and pedestrian safety;
- examining alternative penalties for a driver's first offense for the purpose of not financially penalizing a driver for failure to know the law or the area;
- relocating school bus stops at which the most violations occur to safer locations, if warranted; and
- convening regular meetings between MCPS, the Montgomery County Police Department, and other stakeholders to examine data trends and explore other plans to reduce violations and improve safety at school bus stops.

This requirement terminates May 31, 2024. However, before then, Montgomery County must report to the General Assembly on its findings and the actions taken to implement improvements. Reports are due December 31, 2022, and December 31, 2023.

### **Current Law:**

#### *School Bus Monitoring Cameras*

Local jurisdictions may use school bus monitoring camera systems if expressly authorized by the governing body. If authorized, a law enforcement agency, in consultation with the local board of education, may place school bus monitoring cameras on school buses in the

county. A recorded image indicating a violation must include (1) an image of the motor vehicle; (2) an image of at least one of the motor vehicle's registration plates; (3) the time and date of the violation; and (4) to the extent possible, the location of the violation.

Unless the driver receives a citation from a police officer at the time of the violation, the owner of the vehicle is subject to a civil penalty if the vehicle is recorded by a school bus monitoring camera. (If the District Court finds that the person named in the citation – the owner – was not operating the vehicle at the time of the violation or receives evidence identifying the driver, the law enforcement agency may issue a citation to the operator of the vehicle instead.) The civil penalty may not exceed \$500. The District Court must prescribe a uniform citation form and a civil penalty that may be paid if the person chooses to prepay the civil penalty without appearing in District Court.

From the fines collected, a political subdivision may recover the costs of implementing and administering the school bus monitoring cameras and may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.

**Local Fiscal Effect:** Although Montgomery County can meet the bill's reporting requirements with existing resources, the bill also requires the county to implement operational alternatives for school bus stop locations that have high numbers of violations. The exact alternatives that may be selected by the county under the bill cannot be determined at this time, as the county must first examine the affected school bus stops prior to developing and implementing operational alternatives. However, MCDOT advises the bill has an impact on local finances. For example, new printing costs under the bill (*e.g.*, printing citations in multiple languages) and additional outreach costs could total between \$60,000 and \$300,000 annually. Additional costs may be incurred for signage changes. Most such costs are assumed to be incurred in fiscal 2023 and 2024.

The requirement to examine and implement alternative penalties so as to not financially penalize a driver for a first violation (which could be interpreted as requiring that warnings be issued) may have a significant impact on county revenues. *For illustrative purposes*, MCDOT advises that issuing only warnings for a first violation could reduce net revenues by about \$3.8 million annually based on fiscal 2020 data. While the bill requires the county to examine alternative penalties for a first offense, it does not specifically *require* issuing only a warning. Furthermore, the many specified measures to be examined and possibly implemented are intended to improve safety and reduce the number of violations. Accordingly, revenues from fines are likely significantly reduced regardless of whether warnings are issued. Any such revenue impact is likely ongoing.

## Additional Information

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Montgomery County; Maryland Department of Transportation;  
Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2022  
fnu2/ljm Third Reader - March 30, 2022  
Revised - Amendment(s) - March 30, 2022

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Analysis by: Eric F. Pierce

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

# **MD Letter to State Senate.pdf**

Uploaded by: Anita Stubenrauch

Position: UNF

Chairman Smith and Members of the Maryland Senate Judicial Proceedings Committee:

I am writing to request your opposition to HB0849. If enacted, this legislation would threaten student safety, jeopardize pedestrian safety, and endanger students across the State of Maryland.

Efforts should be focused on improving motorist education by addressing driver training programs and MVA testing procedures. We should not be weakening our laws to accommodate ignorance of them.

Whenever a motorist chooses to illegally pass a stopped school bus, a child's life is put at risk. School bus stop arm camera safety enforcement is a critical tool in Carroll County for changing reckless, aggressive, and distracted driving behavior around school buses. **Please do not weaken this crucial Maryland traffic safety law.**

HB0849 would grant drivers a free pass for endangering students during the most vulnerable moments of their travel to and from school. It would weaken student traffic safety programs and inject confusion into the application of the law. We are on a path of improved student safety in Carroll County and this legislation would reverse our progress.

As a longtime resident and parent of three students that have graduated from Carroll County Schools, I have personally experienced the frustration of watching drivers pass by school buses as I held my children back on the sidewalk. Please do not make this law more confusing and hand out warnings for violations. Drivers ought to be accountable for the great responsibility that comes along with operating a vehicle and their driver's license is a commitment to abide by traffic laws. When they get it wrong, there should be a consequence, not a pass. The lesson of a fine may be painful, but not nearly so painful as injuries to pedestrians or the loss of a young life.

In Carroll County, we have 4 lane roads in communities with speed limits of 25mph. At least one of these communities has hundreds of students riding the school buses. Passage of HB0849 will send the message that it is OK to pass a bus in this community and that is the wrong message to send to motorists, students, and community members.

I respectfully ask that you oppose HB0849 and demonstrate that the safety of our children is more important than the desires of people who seek to break our laws.

Sincerely,

Anita Stubenrauch

# **BPA Written Testimony .pdf**

Uploaded by: Barbara Zektick

Position: UNF

**Judicial Proceedings Committee**

Sen. William C. Smith Jr., Chair

Sen. Jeff Waldstreicher, Vice Chair

Wednesday, March 29, 2023

1:00 p.m.

**Opposition HB849 - School Bus Stops - Violations - Enforcement and Safety Measures**

Chair Smith, Vice-Chair Waldstreicher, and Members of the Maryland Senate Judicial Proceedings Committee:

I am writing to request your opposition to House Bill 849. If enacted, this legislation would threaten school bus safety, jeopardize pedestrian safety, and endanger students across the State of Maryland.

Whenever a motorist chooses to illegally drive around a stopped school bus, a child's life is put at risk. It's commonly known that distracted driving is on the rise. Motorists are texting while driving, speeding, and flaunting our traffic laws more than ever. School bus stop arm camera safety enforcement is a critical tool for changing reckless driving behavior around school buses. Now is not the time to weaken this crucial Maryland traffic safety law.

This legislation will have far-reaching negative impacts that are contrary to Maryland's Vision Zero initiative. It wrongly grants numerous reckless drivers a free pass for endangering students during the most vulnerable moments on the ride to and from school. It wrongly weakens student traffic safety programs by imposing a confusing unfunded mandate on Maryland communities. And most importantly, it wrongly reverses the progress Maryland communities have made in reducing illegal passings around stopped school buses.

This program already couples robust public education and enforcement. As a standard, community school bus safety programs feature ongoing multi-lingual public safety awareness campaigns. Still, equitable and comprehensive enforcement deters dangerous driving behavior. Without the ability to enforce school bus violations on all roads, our students – particularly our most vulnerable – will be more susceptible to being hit by a distracted driver without any consequences.

We have experienced numerous dangerous incidents in recent years, including the tragic death of a 7-year-old child in Montgomery County last year who lost his life when he was struck by a vehicle that failed to stop for a school bus with its red lights flashing. Sadly, this is not an isolated incident. In 2019, the NASDPTS illegal passing survey counted more than 6,000 school bus stop-arm violations in Maryland in one single day. This equates to more than one million stop-arm violations each school year – a crisis that we have finally begun to address.

Additionally, this legislation would impose harmful consequences on broader school safety. School officials regularly utilize safety technology on the school bus to respond to safety incidents, like bullying, fights, and other dangerous situations. School districts across Maryland depend on the school bus camera safety program to support additional safety features such as interior cameras, GPS, routing, and secure radio. In one instance in Montgomery County, a molestation case involving a child with special needs was solved based upon officials obtaining footage from school bus interior cameras. Without support from comprehensive school bus stop

arm safety camera programs, Maryland school districts would not benefit from these other essential safety technology tools.

The State Senate deserves credit for designing and implementing a school bus safety program that uses technology consistent with best practices to reduce the rate of illegal violations. To date, the data proves that enforcement not only helps reduce the number of illegal passings but ensures that most violators do not repeat the same offense again. Instead, HB 849 would seek to undermine these reductions and our overall efforts to improve traffic safety.

I respectfully ask that you oppose this bill to ensure that we can continue to make our roads safer and protect our children.

Sincerely,

Steve Randazzo  
Executive Vice President  
BusPatrol America LLC



# **HB849 Bus Patrol**

Uploaded by: Barbara Zektick

Position: UNF

Date: March 7, 2023  
To: Interested Parties  
From: BusPatrol America LLC  
Re: Response to Inaccurate Statements on Maryland House Bill 849

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On February 23, 2023, Maryland Delegate David Moon, speaking at an Environment and Transportation Committee hearing on House Bill 849 regarding the enforcement of school bus stop violations, made demonstrably false statements and accusations of wrongdoing directed at BusPatrol America LLC (“BusPatrol”).

In his public comments, Delegate Moon stated that BusPatrol, a respected school bus safety provider that serves Montgomery County’s flagship school bus automated photo enforcement program, was "convicted of bribery in another state" and “flagged by a DLS audit that Montgomery County’s procurement was flawed, and no bid, and didn’t have proper controls...”

These inaccurate statements warrant a formal response and BusPatrol would like to set the record straight.

### **THE FACTS**

Over seven years ago, BusPatrol, in a competitive process, purchased intellectual property stemming from a now-defunct company (Force Multiplier Solutions, or “FMS”) that developed nascent school bus stop arm enforcement technology. That defunct company unfortunately had certain individuals in corporate leadership who violated the law. **None** of those individuals work for or are even associated with BusPatrol. We strongly condemn the actions of these individuals as they are not representative of anyone at our company or our mission to protect students on their journey to and from school.

A third-party review has corroborated that the acquisition occurred only after the actions occurred and all relevant parties were brought to justice. This issue has been reviewed by dozens of investors and more than 40 new customers since that time, including a separate audit by Montgomery County. We take pride in the integrity of our service and mission to make the roads safer for students around school buses.

As part of this purchase, BusPatrol acquired some technology and operations employees from FMS, although these employees make up a minimal fraction of the company. No one on the current board or executive team has any links to FMS, in fact, the current Chief Executive Officer of the BusPatrol did not join the company until well after the initial FMS asset purchase. BusPatrol is therefore completely unrelated to FMS aside from its initial acquisition, which is a well-established practice for investors looking to professionalize and expand within a market.

BusPatrol has not ever been convicted of bribery in another state and any statement to the contrary is false. BusPatrol’s Montgomery County program has not been flagged by a DLS audit and was awarded with proper controls in place. There are numerous sources corroborating these facts, which are provided below.

BusPatrol prides itself on its commitment to ethics and compliance with all applicable laws and regulations. Our program is the most awarded in the country because of our record of excellence and high standards for performance. Delegate Moon's comments are not only false, but show a complete disregard for the truth, which is that BusPatrol is a trusted, experienced, and highly principled company working tirelessly to ensure the safety of all school children on their journey to and from school.

### **CORROBORATION OF FACTS**

- Letter from Lead Attorney, Dallas, 2016 - [Attached]
- Letter from Montgomery County, 2020 – [Attached]
- Montgomery County Audit 2019 - [Link Below]  
[https://www.montgomerycountymd.gov/exec/Resources/Files/audit/BusPatrol\\_Report\\_M\\_PIA\\_12-2019.pdf](https://www.montgomerycountymd.gov/exec/Resources/Files/audit/BusPatrol_Report_M_PIA_12-2019.pdf)

### **ADDITIONAL FACTS AND PROTOCOL**

- Karoon Monfared, the current CEO of BusPatrol, has been with the business for just 2.5 years, joining the company well after the acquisition of the FMS assets. The prior CEO, Jean Souliere, acquired the assets and was never an employee at FMS or otherwise related to FMS in any way.
- As a safety technology provider, BusPatrol creates evidence based on our customers' evidence building requirements, not our own. Our customers - through police officer or certified technician approvals or dismissals - are the ultimate decision makers for a violation having occurred or not. This is never BusPatrol's role.
- BusPatrol follows a strict set of compliance practices and regularly carries out internal training on ethics and compliance. Every employee is required to complete a comprehensive Compliance and Ethics Program to ensure he/she knows their contractual and ethical obligations and that they must adhere to and understand company policies such as the avoidance of any conflicts of interest, comply with company anti-bribery and anti-corruption protocols, reporting of any suspected wrongdoing, and compliance with all laws governing lobbying activities in states where the company does business. These trainings are required not only when an employee joins the company, but on an ongoing basis.
- BusPatrol prioritizes regulatory compliance. Our hardware, software, and processes were built in accordance with regulations, standards, and recommended guidelines from the federal government, the state governments of the numerous states in which we operate, and the pupil transportation industry. Examples of such compliance include going through an approval process to ensure our equipment is certified by the Pennsylvania Department of Transportation, meeting FCC device certification standards to activate cellular modules on carrier networks, and complying with annual school bus inspections in Maryland.
- BusPatrol's proposed solution complies with the following federal, state, local and SAE regulations and standards, including:
  - All requirements of MD Transportation Code Section 21-706.
  - All known Federal requirements under Title 49 CFR Part 571. The Federal Motor Vehicle Safety Standards (FMVSS), as well as the National Congress on School Transportation (NCST) specifications

- Service Organization Control (SOC) 2 compliance requirements and auditing processes for third-party service providers to securely manage data and protect the interests and privacy of their clients.

**FULL-FLEET SAFETY SOLUTION FOR ALL STUDENTS**

- BusPatrol is by-far the top and most experienced provider of school bus stop arm enforcement safety services across the United States. We serve hundreds of school districts and our technology is deployed across a growing fleet of almost 20,000 yellow school buses.
- Our equity-first mission is truly unique in this vendor community space. We provide no-cost full-fleet deployments of our camera systems. Unlike our competitors, we do not charge communities for systems, nor do we pick and choose school buses and routes based on profit. In line with our mission, we believe all children deserve a safer ride to and from school.
- While other vendors in this space claim to offer a full-fleet solution, no other vendor has successfully deployed full-fleet school bus safety programs. BusPatrol's full-fleet solution has been successfully deployed across more than 100 school districts.

## **HB849 Curtis Castillo**

Uploaded by: Barbara Zektick

Position: UNF



Writer's Direct Dial:  
(214) 752-2222, ext. 111

Writer's E-mail Address:  
scurtis@curtislaw.net

May 24, 2019

**Via electronic mail**

To All Interest Parties

Re: BusPatrol America, LLC ("BusPatrol")

Ladies and Gentlemen:

I am counsel for the Dallas County Schools Board Dissolution Committee (the "Dissolution Committee") in connection with matters related to Force Multiplier Solutions, Inc. and Robert Leonard (together, "FMS") and the improper conduct of FMS prior to November 2017.

Following its creation in November 2017 after Dallas County Schools was dissolved, the Dissolution Committee conducted a comprehensive investigation of FMS's and Dallas County Schools' stop-arm enforcement program. My law firm spearheaded that investigation. In the course of that investigation, we were introduced to BusPatrol, a company led by a group of Canadian investors, who had previously acquired technology assets from FMS. The investigative process allowed us to develop in-depth knowledge of BusPatrol's corporate history, assets, business practices, and personnel. We received full cooperation from BusPatrol, BusPatrol's counsel, and BusPatrol's CEO Jean Souliere.

As a result of that in-depth investigation, the Dissolution Committee concluded that BusPatrol and its subsidiaries and affiliates were not acting in concert with FMS. Specifically, our investigation showed that BusPatrol purchased the FMS IP assets after all of the improper conduct had occurred. Neither Robert Leonard, who pled guilty to serious financial crimes, nor Force Multiplier Solutions, Inc., had any ownership interest in or control over BusPatrol.

The Dissolution Committee subsequently entered into discussions with BusPatrol to transfer the stop-arm enforcement equipment to BusPatrol so it could service the safety needs of the school districts that were left without a reliable stop-arm program as a result of FMS' failures. This resulted in an asset purchase agreement whereby BusPatrol acquired Dallas County Schools' cameras and exclusive technology licenses to the BusGuard technology platform in Texas.

BusPatrol has, and continues to, conduct itself in a forthright businesslike and professional manner. I have also come to know and to respect BusPatrol's CEO, Jean Souliere. He has timely responded and provided valuable assistance to every request made by the Dissolution Committee during and after the investigative process. The business relationship with BusPatrol remains positive.

Please feel free to write or call with comments and questions.

Warmest Regards,



Stephanie D. Curtis  
Curtis | Castillo PC

# **HB849 Montgomery County Public School**

Uploaded by: Barbara Zektick

Position: UNF





**MONTGOMERY COUNTY PUBLIC SCHOOLS**  
MARYLAND  
www.montgomeryschoolsmd.org

January 15, 2020

Mr. Jean Souliere  
BusPatrol America LLC  
8540 Cinder Bed Road, Unit #400  
Lorton, Virginia 22079



Dear Mr. Souliere:

I am pleased that we have reached final agreement on the second amendment to the contract between Montgomery County Public Schools (MCPS) and BusPatrol America LLC (BusPatrol). This amendment, which represents the conclusion of months of negotiations and related audit activities, updates the agreement to include mutually agreed-upon changes regarding recovery of “cost of investment” and ongoing revenue sharing, equipment ownership, and joint public relations work to promote pedestrian safety.

At this point, the final version of the amendment that was signed by BusPatrol on January 10, 2020, has been approved by the relevant decision-makers at MCPS, Montgomery County Police Department, and Montgomery County, Maryland (Montgomery County) and will be countersigned by MCPS’ superintendent of schools after it has been presented to the Montgomery County Board of Education (Board) for final consent at the Board’s next scheduled business meeting on February 10, 2020. In the meantime, we have agreed to begin distributing revenues in accordance with the agreed-upon revenue sharing arrangement, which provides for 60 percent of collected ticket revenues to be paid to BusPatrol, and the remaining 40 percent of collected ticket revenues to be retained by Montgomery County.

I would like to thank you for your cooperation and collaboration throughout the course of the audit and negotiations and also would like to reiterate our commitment to the School Bus Safety Camera Program. Since partnering with BusPatrol in summer 2016, Montgomery County has issued 140,924 tickets to motorists passing stopped school buses. BusPatrol’s innovative School Bus Safety Camera Program has resulted in over \$27 million in fines that have been reinvested into the expansion of this program. Equally important, the camera system provided by BusPatrol on the interior of our school buses has provided critical student safety features that are essential to the operation of the school system.

We appreciate our partnership with BusPatrol and look forward to our continued work in service of student and pedestrian safety.

Sincerely,

Andrew M. Zuckerman, Ed.D.  
Chief Operating Officer

AMZ:lmt

Copy to:

Mr. Thomas Didone, Assistant Chief,  
Montgomery County Police Department

**Office of the Chief Operating Officer**

# **HB849 Maryland Association of Pupil Transportation**

Uploaded by: Cathy Bendis

Position: UNF



March 29, 2023

**RE: HB 849**

Dear Committee Members,

I am writing to you on behalf of the Maryland Association of Pupil Transportation (MAPT). MAPT members are student transportation experts, many of whom are local Student Transportation Directors and Supervisors. As such MAPT expresses opposition to HB 849 – School Bus Stops – Violations – Enforcement and Safety Measures.

Students loading and unloading at bus stop is the most dangerous event that occurs on a regular basis during the school day. HB 849 would create confusion for motorists as to when to stop for the school bus and sends the wrong message, which could result in deadly consequences.

This legislation would require law enforcement to provide a warning to the motorists for a first violation in a certain situation on the roadway. The communication of this legislation would confuse motorists and encourage drivers to illegally pass the school bus if they know they will not be cited. The simple answer to not receiving a violation is to stop for the bus.

The premise of all school bus stop enforcement programs is to curb the number of violations at the bus stop and promote student safety. It should be noted that student safety would be compromised if this bill passes. Not issuing a violation for a first offense sends a message that the safety of our students is not of the utmost importance. It prioritizes the driver who is illegally passing the bus over the safety of children.

While we sympathize with the information presented by the Delegate and the challenges noted in their specific area, other measures to address those specific issues should be looked at in ways that do not jeopardize student safety. Perhaps putting in place electronic signs to warn motorists that they are required to stop for the school bus in this area or other warning signs that there is a “school bus stop ahead” would ensure that motorists are encouraged to stop for the bus. There are alternatives to solve the concern brought forward that would not endanger students.

All it takes is one time for a motorist to not pay attention or to think “they will only get a warning” for a fatality to happen. Any legislation that does anything other than fully support enforcement of illegal passing of school buses puts the lives of our students at risk.

Protecting our children on the roadway should be first and foremost.

We ask that you oppose this legislation and vote NO.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy Bendis". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Cathy E. Bendis

Director of Transportation, Harford County Public Schools

MAPT President 2021 - 2022

# **HB 849.warning required for school bus camera enfo**

Uploaded by: John Woolums

Position: UNF

**BILL:** House Bill 849  
**TITLE:** School Bus Stops - Violations - Enforcement and Safety Measures  
**DATE:** March 29, 2023  
**POSITION:** OPPOSE  
**COMMITTEE:** Judicial Proceedings  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 849.

MABE opposes House Bill 849 because it would dramatically reduce the critically important enforcement of violations by drivers passing school buses loading and unloading students, when the violation is recorded by a school bus monitoring camera. Local school systems firmly believe that drivers on multi-lane roads without a median should continue to be held responsible for stopping and waiting for buses to load and unload.

In 2011, MABE strongly supported enacting a new law to authorize a law enforcement agency, in consultation with a local board of education, to place school bus monitoring cameras on local school buses. This law has empowered local law enforcement agencies to issue warnings or citations not to exceed \$250 to vehicle owners or drivers for failing to stop for a school vehicle that has stopped with its alternately flashing red lights operating in accordance with the Maryland Vehicle Law. As every driver should know, buses stopped for these purposes employ alternately flashing lights, and extending stop signs, and yet the numbers of drivers failing to stop in response to these obvious warnings are consistently alarming. The legislature has chosen to increase the fine from \$250 to \$500 to strengthen the law to further enhance student safety.

MABE represents 24 local boards of education with a unified commitment to ensuring student safety in all school-related activities, and especially school bus safety. MABE opposes this bill as weakening the enforcement tools available to local law enforcement agencies to respond to unsafe driving. MABE supports preserving the current scope of student safety protections and enforcement responses to dangerous driving behaviors in the vicinity of school buses. House Bill 849 would detract from the abilities of school systems and local law enforcement agencies to protect the health and welfare of Maryland's most precious resource, our students.

For these reasons, MABE urges an unfavorable report on House Bill 849.

# **HB849 MCSS Senate letter of response.pdf**

Uploaded by: Kimberly Buckheit

Position: UNF

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<b>Bill:</b>	House Bill 849	<b>Date:</b>	March 29, 2023
<b>Title:</b>	School Bus Stops - Violations - Enforcement and Safety Measures	<b>Committee:</b>	Judicial Proceedings
<b>Position:</b>	Opposed	<b>Contact:</b>	Kim Buckheit <a href="mailto:kimberly.buckheit1@maryland.gov">kimberly.buckheit1@maryland.gov</a> 443-902-0622

On behalf of the Maryland Center for School Safety (MCSS), thank you for the opportunity to submit this letter of *opposition* to House Bill 849.

Just as we all agree students should feel safe when learning at school, they should feel equally safe when getting on and off a school bus. MCSS and our school safety partners advocate and support efforts to ensure school and student safety at all times, including traveling to and from school.

In the absence of a physical median, traffic laws are the same across the nation requiring motorists to stop for school buses regardless of the number of lanes. Allowing motor vehicle operators a first time waiver when violating school bus traffic laws, even when driving the opposite direction on a four-lane highway, goes against all school safety principles. Motorists must be aware of their surroundings and anticipate that school children may be crossing the street in any direction when getting on and off a school bus. Stop arm cameras on school buses are intended to further reinforce for drivers the importance of protecting our children by providing consistent penalties intended *and proven* to increase driver compliance. There is no second chance when a vehicle strikes a child.

The Maryland Code already provides safeguards for vehicle owners to ensure that stop arm cameras do not issue citations in error. For example, to demonstrate that a motorist has committed a violation, a school bus monitoring camera must capture an image that "clearly identif[es] the registration plate number." Md. Code Ann., Trans. § 21-706.1 (a)(4), (d). Additionally, there are mechanisms for defense, including that (1) the motor vehicle or registration plates were stolen before the violation occurred, (2) the person named in the citation was not operating the vehicle at the time of the violation, and (3) additional evidence "deem[ed] pertinent" by the court. Md. Code Ann., Trans. § 21-706.1 (h).

Giving even one free pass to a school bus stop arm violator goes against all identified school bus safety best practices, including the National Highway Traffic Safety Administration (NHTSA) recommendations that promote increasing education and *enforcement*. "Studies have shown that, without the threat of enforcement and without the public actually seeing or hearing about the law being enforced (this includes prosecution and conviction), your program will have little, if any, impact." NHTSA, *Reducing the Illegal Passing of School Buses Best Practices Guide*, <https://www.nhtsa.gov/school-bus-safety/reducing-illegal-passing-school-buses#purpose-of-this-guide>.

Thank you again for taking the time to consider the information shared above, and MCSS strongly requests that the committee give House Bill 849 an unfavorable report.



**HB 849 - MoCo\_Elrich\_OPP\_ Senate (GA 23).pdf**

Uploaded by: Marc Elrich

Position: UNF



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

March 29, 2023

TO: The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

FROM: Marc Elrich  
County Executive

RE: House Bill 849, *School Bus Stops – Violations – Enforcement and Safety Measures*  
OPPOSE

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House Bill 849, *School Bus Stops – Violations – Enforcement and Safety Measures*, would require a law enforcement agency to issue a warning rather than a citation for a first violation captured by a school bus camera of a motorist passing a stopped school bus with its lights flashing while the motorist was traveling in the opposite direction of a multi-lane divided highway with no physical median (e.g., grass, dirt, concrete, etc.). A motorist committing a second or subsequent violation captured by a school bus monitoring camera would be mailed a \$250 citation. The bill would also require the State Highway Administration, in consultation with law enforcement agencies, to identify school bus stops on State highways in Montgomery County that have high incidences of these violations, and to develop a plan for implementing additional safety measures at those locations that would include the construction of solid medians. The bill would take effect on July 1, 2023.

All of Montgomery County's school buses are equipped with automated enforcement cameras. Looking at the numbers, that's 1,401 school buses transporting children to schools across the County using State and local roads that can be simple and uncongested two-lane roads to complex and heavily traveled multi-lane divided and undivided highways. Montgomery County's automated school bus camera program, Cross Safe, improves school bus safety, and under State law, strictly holds motorists accountable for their driving. While the school system strives to provide efficient school bus routes and safe and convenient school bus stop locations, school bus camera footage has demonstrated that children are unpredictable, and that near misses involving motorists and students are not uncommon, and therefore, demand a significant penalty.

The Honorable William C. Smith, Jr.

Re: House Bill 849

March 29, 2023

Page 2

In a December 2022 report to the Maryland General Assembly, Montgomery County reported a less than 10% repeat offender rate for motorists who received a citation for passing a stopped school bus with flashing lights in the opposite direction of a multi-lane roadway with no solid median. This finding shows that the high citation, which was approved by the General Assembly in 2019, is working effectively to deter distracted and reckless driving on Maryland's roadways.

I would urge that the Committee adopt an unfavorable report on HB 849.

**HB 849 buses cecil testimony.pdf**

Uploaded by: Mary Pat Fannon

Position: UNF



*Serving Learners, Families, and the Community*

**CECIL COUNTY PUBLIC SCHOOLS**  
**OFFICE OF TRANSPORTATION SERVICES**  
**ADMINISTRATIVE SERVICES CENTER**  
**900 NORTH EAST ROAD • NORTH EAST, MD 21901**

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phone: 410.287.4656 • fax: 410.287.4659 • [www.ccps.org](http://www.ccps.org)

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Jeffrey A. Lawson, Ed.D.  
*Superintendent of Schools*

Diana B. Hawley  
*President, Board of Education*

Mar 27, 2023

Judicial Proceedings Committee  
Sen. William C. Smith Jr., Chair  
Sen. Jeff Waldstreicher, Vice Chair

Dear Senator Smith,

I am writing to you today to earnestly request your opposition to House Bill 849 (HB 849). As an educator, my primary responsibility is to make decisions that are in the best interests of all students. As a legislator, your primary responsibility is to propose and pass legislation that promotes order and safety. If enacted, HB 849 would threaten the safety of all school students, school bus drivers, and pedestrians throughout the state of Maryland.

Any motorist who chooses to illegally pass a stopped school bus is not only breaking the law, they are endangering the lives of children. Distracted driving has been, and continues to be, a problem in our modern society.. Motorists speed, drive aggressively, make phone calls, text, and send emails, all while driving. School bus stop arm camera safety enforcement is a critical tool in Cecil County for addressing reckless driving behavior around school buses.

HB 849 will have far-reaching negative impacts that are contrary to Maryland's Vision Zero initiative. It wrongly grants numerous reckless drivers a free pass for endangering students on the ride to and from school. It wrongly weakens student traffic safety programs by imposing a confusing unfunded mandate on Maryland communities. And most importantly, it wrongly reverses the progress Maryland communities have made in reducing illegal passings around stopped school buses.

The State Senate deserves credit for designing and implementing a school bus safety program that uses technology consistent with best practices to reduce the rate of illegal violations. To date, the data proves that enforcement not only helps reduce the number of illegal passings but ensures that most violators do not repeat the same offense again. Instead, HB 849 would seek to undermine these reductions and our overall efforts to improve traffic safety.

In closing, I again earnestly request that you oppose HB 849 as we work to ensure that our children can safely travel to and from school.

Sincerely,

Charles J. Helm, Ed.D  
Director of Transportation

# **HB 849 Crossover\_ School Bus Stops - Violations -**

Uploaded by: Mary Pat Fannon

Position: UNF



**PSSAM**  
Public School Superintendents' Association  
OF MARYLAND

**Mary Pat Fannon, Executive Director**  
1217 S. Potomac Street  
Baltimore, MD 21224  
410-935-7281  
marypat.fannon@pssam.org

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**BILL:** HB 849  
**TITLE:** School Bus Stops - Violations - Enforcement and Safety Measures  
**DATE:** March 29, 2023  
**POSITION:** Oppose  
**COMMITTEE:** Judicial Proceedings  
**CONTACT:** Mary Pat Fannon, Executive Director, PSSAM

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The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four public school superintendents, **opposes** House Bill 849.

House Bill 849 would require a law enforcement agency to issue a warning for certain traffic violations caught through school bus monitoring cameras. Additionally, this bill requires the State Highway Administration to develop a certain plan for improved safety measures at certain school bus stops in Montgomery County and to report its findings to certain persons on or before December 31, 2023.

Maryland's superintendents champion student safety when students are under the care of school personnel, including during their transport to and from school. Maryland's Code makes it very clear that in the absence of a physical median, motorists are required to stop when approaching a stopped school bus, regardless of the number of lanes separating the vehicles.

PSSAM is very concerned that allowing motor vehicle operators a first time warning when violating school bus traffic laws negates the severity of the potential danger they are posing to students. Motorists must be aware of their surroundings and anticipate that school children may be crossing the street in any direction when getting on and off a school bus to avoid causing students serious injury and death. Stop arm cameras on school buses are intended to further reinforce for drivers the importance of protecting our children by providing consistent penalties intended and proven to increase driver compliance. It is proven that associating a steep fine with such a dangerous traffic violation significantly decreases the chance that the driver will commit that violation again, which ultimately makes our roads safer.

Additionally, many vendors who provide these school bus stop arm cameras contract with school systems to provide other services, such as cameras inside school buses, GPS equipment, and other technology with little to no upfront costs. This bill jeopardizes many systems' relationship with their vendors, potentially disallowing access to these valuable tools that ensure student safety on and off the bus.

Giving a warning to a school bus stop arm violator before instating penalties goes against all identified school bus safety best practices, including the National Highway Traffic Safety Administration (NHTSA) recommendations that promote increasing education and enforcement. In order to best ensure the safety of all students on their way to and from schools, we must reinforce the severity of the potential consequences of not stopping for a school bus, which include serious injury and even death.

For these reasons, PSSAM **opposes** House Bill 849 and requests an unfavorable report.



**HB849CarrollCommissioners-OPP.pdf**

Uploaded by: Michael Fowler

Position: UNF

**Board of County  
Commissioners**

Edward C. Rothstein, President  
Kenneth A. Kiler, Vice President  
Thomas S. Gordon III  
Michael R. Guerin  
Joseph A. Vigliotti



**Carroll County Government**

225 North Center Street  
Westminster, Maryland 21157  
410-386-2043; 1-888-302-8978  
fax 410-386-2485  
MD Relay 711/800-735-2258

March 28, 2023

The Honorable William C. Smith, Chair  
Senate Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

Re: HB849 – School Bus Stops – Violations – Enforcement and Safety Measures – OPPOSE

Dear Chair Smith and Members of the Committee,


The Carroll County Board of Commissioners write in opposition to HB849. Current Maryland law prohibits a vehicle from passing a school bus on an undivided highway and establishes fines for the offense. This bill would require a law enforcement agency to issue a warning, rather than a fine, for the first violation if the offense was captured on a school bus monitoring camera. We believe that this change in state policy is unwarranted and may compromise the safety of school children.


The camera program has been operating successfully in Carroll County since 2020 and the number of citations issued has increased year over year, suggesting that the chances of an incident involving a child are increasing. It is important to note that each potential violation captured by a camera is reviewed for accuracy, with approximately 75% of those being pursued as true violations. However, with a recidivism rate of less than 3%, we see that fines have a demonstrable effect in decreasing repeat offenses. The policy of issuing citations and fines for each offense should remain unchanged. Warnings have little effect in moderating behavior compared to monetary fines. An education effort conducted by the state would be a more effective tool, using such venues as driver's education curriculums, literature made available at MVA locations and in MVA correspondence regarding driver's license/registration renewals, EZPass, titling documents, etc. The last thing the state should be doing is signaling a reduction in the seriousness of these types of infractions.

For these reasons, we respectfully request an unfavorable report for HB849.

Sincerely,


THE BOARD OF COUNTY COMMISSIONERS OF CARROLL COUNTY

  
Edward C. Rothstein (COL, Ret.)  
President

  
Kenneth A. Kiler  
Vice President

  
Thomas S. Gordon III

  
Michael R. Guerin

  
Joseph A. Vigliotti

# **MCPA-MSA-HB 849-School Bus Stops - Enforcement and**

Uploaded by: Natasha Mehu

Position: UNF



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

TO: The Honorable William Smith Jr., Chair and  
Members of the Judicial Proceedings Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee  
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 29, 2023

RE: **HB 849 – School Bus Stops - Violations - Enforcement & Safety Measures**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 849**. This bill seeks to mandate a warning to be issued for a first offense, instead of a civil penalty citation, where a school bus monitoring camera records a motor vehicle during the commission of a violation, but only occurring on a road that has four or more lanes of traffic and with the violating vehicle traveling in the opposite direction of the school bus.

This bill, if passed, would have a statewide effect, but seems to address a perceived issue in only one jurisdiction. The current law in effect (Transportation Article 21-706.1) already allows local jurisdictions to issue a civil penalty citation OR a mailed warning to the owner (or driver under subsection (h)(5) of this section) of the vehicle. If the local jurisdiction wants to issue warnings in any circumstance, they may do that today.

It is unreasonable to mandate state-wide legislation for local jurisdictions to create a database system to identify vehicle owners and/or drivers to determine if they are first-time offenders. A state-wide mandate that a warning be issued for a first offense in any circumstance is logistically impossible since each local jurisdiction manages its programs independently, potentially through different vendors. If a violation occurred in one local jurisdiction, the other jurisdictions would not know. Even for tracking who has received warnings vs. civil penalty citations within a location jurisdiction, at least one school bus monitoring camera vendor used by local jurisdictions has advised this is not a feature or capability supported by their system.

The primary and most important purpose of stopped school bus enforcement is for the safety of our children. In the short time recorded school bus monitoring systems have been in place there have been many documented examples of near misses due to drivers not paying attention or flagrantly violating the law. This legislation does not change what is required and expected of drivers on the roadway. The purpose of recorded school bus monitoring programs is to enforce the law equitably and to change driver behavior to protect and save the lives of our children. We

would encourage and support local jurisdictions that want to initiate public education campaigns for their community to bring awareness to the laws surrounding stopped school buses. We would also encourage and support local jurisdictions to work together with the State Highway Administration, their local highway/roadway departments, and their school boards of education to identify appropriate and safe school bus stop locations, but we oppose this state-wide approach to what seems to be a local issue that can be addressed within the current law.

For these reasons, MCPA and MSA **OPPOSE HB 849** and request an **UNFAVORABLE** committee report.

**HB0849-JPR\_MACo-OPP.pdf**

Uploaded by: Sarah Sample

Position: UNF



## House Bill 849

### *School Bus Stops – Violations – Enforcement and Safety Measures*

MACo Position: **OPPOSE**

To: Judicial Proceedings Committee

Date: March 29, 2023

From: Sarah Sample

The Maryland Association of Counties (MACo) **OPPOSES** HB 849. This bill would require county law enforcement agencies to issue a warning instead of a citation for a certain school bus stop violation on state highways. This restriction involves only a violation that is recorded on a highway with four or more lanes by a vehicle traveling in the opposite direction of the school bus.

There is no question that the violation addressed in this bill – driving through a school bus stop sign while the bus is stopped to deliver schoolchildren – is inherently dangerous. This is exactly why Maryland created heightened penalties for offenders – a \$250 penalty for an infraction caught by camera, \$500 if caught by an officer, and three points on a license. Among scores of motor vehicle violations outlined in the Maryland Transportation code, only a fraction carries a penalty in excess of \$250 due to the catastrophic safety risk they pose to the public, and in this particular case, to the school-age children whose safety we seek to assure.

Requiring counties to give a warning instead of a citation for a first-time violation of an offense of this magnitude is irresponsible and counter to the very reason this offense bears such a substantial penalty. Research shows that when citations are issued for this infraction, behavior changes. The recidivism rate is one of the lowest for motor vehicle violations. Research also shows that this is a violation that happens often. It would stand to reason that educating the public is a more prudent approach to limiting the number of overall violations of this nature, while the requirement to send a warning would almost certainly result in additional offenses, and jeopardized safety at school bus stops.

School bus monitoring systems have the distinct ability to capture violations by motor vehicles when they happen at dangerously close range to students, especially on state highways where the speed limits are higher than neighborhood streets. The great benefit of these programs is their ability to change behavior quickly and ensure that drivers exercise extreme caution when encountering a school bus. The civil fine accompanying these violations is a powerful mechanism to make sure residents abide by these laws.



A warning, without a civil fine, does not elicit the same response as when an actual penalty accompanies the violation. A first-time penalty is proven to drastically reduce recidivism rates immediately, advancing the true policy goal: safer roadways for students. *Waiting for a second violation before applying a penalty leaves the possibility open for hundreds of thousands of drivers to make the mistake again, which simply serves to multiply the danger that students experience in these environments.*

HB 849 would severely restrict the ability of counties to keep bus stops safe for Maryland's students. For this reason, MACo **OPPOSES** HB 849 and urges an **UNFAVORABLE** report.

**HB0849 Howard Co BOE Testimony 032923 for JPR - Bu**

Uploaded by: Staff Howard County

Position: UNF



**Board of Education of Howard County  
Testimony Submitted to the Maryland Senate,  
Judicial Proceedings Committee  
March 29, 2023**

**Board of Education  
of Howard County**

Antonia Watts, *Chair*

Yun Lu, Ph.D., *Vice Chair*

Linfeng Chen, Ph.D.

Jennifer Swickard Mallo

Jacky McCoy

Jolene Mosley

Abisola Ayoola  
*Student Member*

Michael J. Martirano, Ed.D.  
*Superintendent  
Secretary/Treasurer*

**HB0849: UNFAVORABLE  
School Bus Stops - Violations - Enforcement and Safety Measures**

The Board of Education of Howard County (the Board) opposes **HB0849 School Bus Stops - Violations - Enforcement and Safety Measures** due to its potential to lead to unsafe driver practices around school bus stops.

Under existing law that authorizes civil penalties when law enforcement issues traffic citations for violations caught on school bus cameras, HB0849 prohibits a law enforcement agency from issuing a citation to a driver if the violation occurred on a road that has four or more lanes of traffic and the vehicle was traveling in the opposite direction of the school bus. This only applies for a first violation, for subsequent violations the agency may issue a warning or a citation.

Under Transportation Article § 21-706 when a school bus stops and operates its flashing red lights, the driver of any other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front. This does not apply in the case of a divided highway.

While law enforcement agencies currently have the discretion to issue a warning in place of a citation for any traffic violations caught on school bus cameras, HB0849 would increase the number of warnings, making drivers more apt to disregard school buses stopping for students. Moreover, the fact that HB0849 calls out one specific instance where warnings are required may give drivers the impression passing school buses on a four-lane road is allowable.

For these reasons, we urge a UNFAVORABLE report of HB0849 from this Committee.

# **HB0849 - SHA - School Bus Stops - Violations - LOI**

Uploaded by: Patricia Westervelt

Position: INFO



Wes Moore  
Governor  
Aruna Miller  
Lieutenant Governor  
Paul J. Wiedefeld  
Secretary

March 29, 2023

The Honorable William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis MD 21401

***RE: Letter of Information – House Bill 849 – School Bus Stops – Violations – Enforcement and Safety Measures***

Dear Chair Smith and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on House Bill 849 but offers the following information for the Committee’s consideration.

House Bill 849 would require law enforcement to issue warnings for first time offenses, and certain second offenses, related to automated school bus monitoring violations issued to vehicles traveling in the opposite direction on an undivided road with four or more lanes. House Bill 849 would also require MDOT State Highway Administration (SHA) to identify high incidence locations for school bus camera violations and develop a feasibility study and plan for constructing highway medians at these locations. The SHA would submit a report to various stakeholders, including the Montgomery County delegation, by December 31, 2023.

The SHA does not currently participate in Montgomery County’s school bus monitoring program and does not have access to violation data. For SHA to meet the requirements of House Bill 849, law enforcement would need to share the relevant data with SHA. In addition, SHA will need a clear definition of “high incidence” locations and respectfully requests specific parameters on how to quantify this information.

House Bill 849 does not require SHA to construct medians at high incidence locations; however, if required to do so, there would be significant right-of-way needs along these corridors. This may require land acquisition or removal of existing travel lanes, which may impact traffic patterns.

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 849.

Respectfully submitted,

Mitch Baldwin  
Acting Deputy Director  
Office of Policy and Legislative Services  
Maryland State Highway Administration  
410-310-1056

Pilar Helm  
Director  
Office of Government Affairs  
Maryland Department of Transportation  
410-865-1090