

February 29, 2014

The Honorable Marc Korman
Chair, House Environment and Transportation Committee
251 House Office Building
Annapolis MD 21401

RE: Letter of Information – House Bill 1186 – Vehicle Laws – Interstate Highways – Interstate Speed Monitoring Systems

Dear Chair Korman and Committee Members:

The Maryland Department of Transportation (MDOT) offers the following information on House Bill 1186 for the Committee's consideration.

House Bill 1186 requires the State Highway Administration (SHA) to install and use at least one interstate speed monitoring system on each interstate highway, and generally establishes procedures for implementing and using interstate speed monitoring systems throughout the State.

The State Highway Administration (SHA) promotes a three-pronged approach to managing speed-related safety problems: engineering, education, and enforcement. Automated Speed Enforcement (ASE) systems are one of the tools we use in our overall effort to manage speed and reduce speed-related crashes on Maryland state roads. Through an ASE program involving public education and visible enforcement, SHA seeks to change driver behavior and urge drivers to do what they already should be doing: drive responsibly, stay alert, and obey the speed limit.

Items for the Committee's consideration include:

Financial Considerations

Additional state resources would be needed to administer this program. As drafted, a minimum of eleven new cameras would be needed on the following roadways: I-81, I-95, I-83, I-97, I-270, I-70, I-68, I-595, I-195, I-495, and I-370. The estimated costs include:

- Monthly costs to pay a vendor to provide services - \$300,000 per month.
- Administrative costs (SHA and MSP police salaries) - \$100,000 per month.
- The fine for a violation captured by an interstate speed monitoring system may not exceed \$40 under the bill as drafted. However, HB 1186 appears to be limited to manned ASE operations, which represent an additional cost over unmanned operations.

Additional signs will be required. The interstate speed monitoring system requires additional signs, leading to additional costs for sign production and implementation. Beyond the cost of additional signs, more signs lead to issues of sign congestion. Research shows that having too many signs results reduced a driver's ability to process the information displayed, leading to an increased risk of an incident.

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Fines generated from interstate speed monitoring systems should be used to address State Highway safety projects. As drafted, it is unclear whether the fines from violations enforced through interstate speed monitoring systems would be directed to addressing highway safety needs, as is typical of other forms of ASE. The SHA would recommend including language that specifies how fines, regardless of whether they are paid when incurred or contested in court, can be used. The SHA also suggests the Committee consider a similar application to work zone speed enforcement, where fines are first used to recover the costs of the enforcement program, and then the remainder can be used for State Highway safety projects.

Program Management considerations

New training is not necessary for existing technology. The SHA has successfully administered an ASE program in highway work zones, known as SafeZones, for 15 years and is familiar with the successful deployment and operation of ASE as part of an enforcement strategy to reduce speeds and improve highway safety. However, House Bill 1186 requires the Maryland Police Training and Standards Commission, *in consultation with SHA* and other interested parties, to develop a training program concerning the oversight and administration of an interstate speed monitoring program, including a curriculum of best practices, *which would be applicable to SHA employees.* The SHA is considered a subject matter expert on ASE, so it is unclear what issue this provision is meant to address.

Citation review is the role of law enforcement. The bill separates various portions of the citation review and issuance processes by requiring SHA to designate at least one official or employee to review alleged erroneous citations and authorizing the designee to invalidate a citation if an error is found. This has the potential to impact the efficiency of citation management and should be the responsibility of the State police department that issues the citation.

Personal information should not be available for public review: New language in paragraph (5) of § 21-809.1(c) requires SHA to make any written questions or concerns about the interstate speed monitoring system program that received by its designee and any subsequent written answer or responses available for public inspection. If this includes the citations the designee is required to review under the same subsection, the written requests may contain personal information that should not be available for public review. Clarity is needed to ensure this provision would not alter exceptions to disclosure under the Maryland Public Information Act.

Finally, as drafted, the bill contains several provisions that could be better addressed through contract language, specifically the key performance indicator tied to erroneous citations, the damages for erroneous citations issued, and the cancellation of a contract if the amount of erroneous violations exceeds a certain amount (see, generally, Page 7, Line 26 through Page 8, Line 3).

The Maryland Department of Transportation respectfully requests the Committee consider this information when deliberating House Bill 1186.

Sincerely,

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