

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 107

(Delegate R. Lewis, *et al.*)

Environment and Transportation

Judicial Proceedings

Baltimore City - Complete Streets Program Funding - Traffic and Vehicle
Monitoring Systems

This bill (1) expressly authorizes Baltimore City to use any fines collected by Baltimore City as a result of violations from specified automated enforcement systems to be used to administer the systems and (2) requires any remaining funds to be used for public safety or transportation infrastructure improvements consistent with the purpose and goals of the State Complete Streets Program and the city's Complete Streets Transportation System.

Fiscal Summary

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

Local Effect: The bill is not anticipated to materially affect Baltimore City operations or finances, as discussed below.

Small Business Effect: Minimal.

Analysis

Bill Summary: Baltimore City may recover the costs of implementing and administering fines collected by the city as a result of violations enforced by a traffic control signal monitoring system, a speed monitoring system, a school bus monitoring camera, or a vehicle height monitoring system. Any remaining funds from these sources must be spent solely on public safety or transportation infrastructure improvements consistent with the purpose and goals of the State Complete Streets Program and the city's Complete Streets Transportation System.

Current Law/Background:

Complete Streets Program

Chapters 721 and 722 of 2018 established the Complete Streets Program as a competitive matching local grant program within the Maryland Department of Transportation (MDOT). The Acts did not mandate a specific appropriation for the program; instead, the Acts required that funding be as provided by the Governor in the State budget. Under the program, a local government that develops a complete streets policy and is certified by MDOT may apply for matching grants to finance the design and planning of eligible projects. The stated purpose of the program is to encourage local governments to, among other things, adopt and utilize complete streets design elements in transportation projects. The stated goals of the program include, among other things, improving safety, reducing traffic congestion, promoting healthy communities, and providing health food and other alternative, especially in food deserts (added by Chapters 571 and 572 of 2019).

Once certified by MDOT, a local government may apply for matching grants from the program. Grant funds may only be used for costs associated with the implementation of the complete streets policy, as specified, and the design and planning of eligible projects, which are specified projects that include the addition of or significant repair to facilities that provide access for users of multiple modes of transportation. Chapters 721 and 722 also established a workgroup to assist MDOT in developing and reviewing the regulations required to implement the program.

There was no funding appropriated for the program in fiscal 2020, and there is no funding for the program in the Governor's proposed fiscal 2021 budget.

Baltimore City – Complete Streets Transportation System

Baltimore City's version of the Complete Streets Program is called the Complete Streets Transportation System. Broadly, the system requires the Baltimore City Department of Transportation to construct a transportation system that enables access, mobility, economic development, attractive public spaces, health, and well-being for all people. The system must be designed and operated in ways that ensure the safety, security, comfort, access, and convenience of all users of the streets, including pedestrians, bicyclists, public transit users, emergency responders, transporters of commercial goods, motor vehicles, and freight providers.

Automated Enforcements Systems

State law authorizes local governments to use certain types of automated systems to enforce various traffic rules and laws. For example, red light cameras observe motor vehicles

passing through intersections and take a picture of a motor vehicle's license plate when it is in the intersection after running a red light.

Penalties for automated enforcement systems generally accrue directly to the local government operating the system. For speed monitoring systems and school bus monitoring cameras, the local government may recover the costs of implementing and administering the systems and cameras and must use the remaining funds for public safety purposes. Specific to Baltimore City, fines collected as a result of vehicle height monitoring systems may be used to implement and administer the systems, but the remaining funds must be used for roadway improvements.

For a full discussion of automated enforcement systems, including red light cameras, please see the **Appendix – Automated Enforcement**.

Local Fiscal Effect: Baltimore City advises that it already uses revenues from violations enforced by traffic control signal monitoring systems, speed monitoring systems, school bus monitoring cameras, and vehicle height monitoring systems to administer those systems. Thus, the bill's authorization to do so is clarifying and codifies current practice.

Under the bill, any remaining funds collected from those systems must be used solely for public safety or transportation infrastructure improvements consistent with the purpose and goals of the State Complete Streets Program and the city's Complete Streets Transportation System. Under current law, the city is required to spend these funds on public safety and roadway improvements. Because public safety continues to be an authorized use of the funds under the bill, and because roadway improvements also likely continue to be an eligible use of the funds under the bill, the bill is not anticipated to materially affect the city's operations or finances.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Maryland Department of Transportation; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2020
rh/lgc Third Reader - March 16, 2020
Revised - Amendment(s) - March 16, 2020

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Appendix – Automated Enforcement

Speed Monitoring Systems

Chapter 15 of 2006 authorized the first use of speed monitoring systems in the State, but it only applied to highways in school zones and residential districts in Montgomery County. Since that time, the General Assembly has expanded the authorization several times.

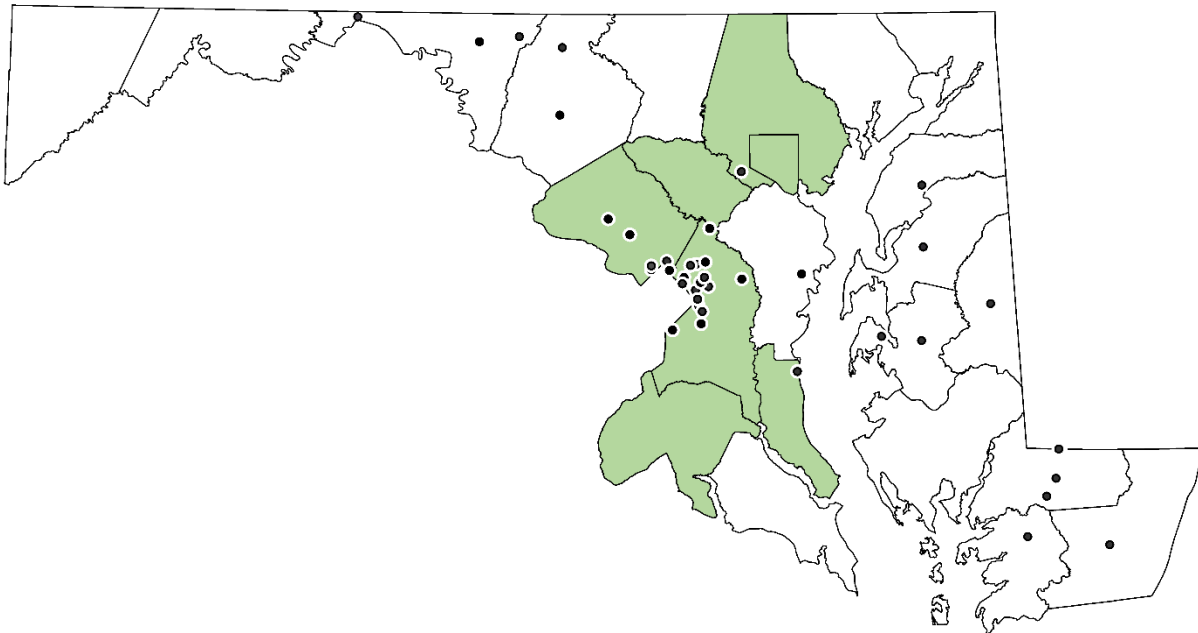
- Chapter 500 of 2009 expanded statewide the authorization for the use of speed monitoring systems in school zones and also authorized the use of work zone speed control systems.
- Chapter 474 of 2010 authorized the use of speed monitoring systems in Prince George’s County on a highway located within the grounds of an institution of higher education or on nearby highways under certain circumstances.
- Chapter 806 of 2018 authorized Prince George’s County to place one speed camera at the intersection of Old Fort Road and Maryland Route 210 (Indian Head Highway), subject to specified requirements. Chapter 586 of 2019 repealed the limitation on the location of speed cameras that may be placed on Indian Head Highway and increased (to three) the number of speed cameras that the county (and local jurisdictions within the county) may use on the highway (presumably only until the existing authorization terminates September 30, 2023).

Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation of specified speed restrictions in the Maryland Vehicle Law. The maximum fine for a citation issued by a speed monitoring system operator is \$40. However, a local law enforcement or other designated agency operating the speed monitoring system may mail a warning notice instead of a citation.

A speed monitoring system may be placed in a school zone for operation between 6:00 a.m. and 8:00 p.m., Monday through Friday. Before a speed monitoring system may be used in a local jurisdiction, its use must be authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing, and its location must be published on the jurisdiction’s website and in a newspaper of general circulation in the jurisdiction.

According to the Insurance Institute for Highway Safety (IIHS), approximately 150 jurisdictions across the nation use speed cameras. In Maryland, speed cameras are used in six counties and Baltimore City, 40 other jurisdictions, and by the State Highway Administration (SHA) on a statewide basis for work zones. **Exhibit 1** shows local speed camera usage across the State as of January 2020.

Exhibit 1
Local Speed Monitoring System Enforcement in Maryland
January 2020



Note: ● represents municipal corporations that operate speed monitoring systems; ■ represents counties that operate speed monitoring systems. Speed cameras are also operated in highway work zones statewide.

Source: Insurance Institute for Highway Safety; Comptroller's Office; Department of Legislative Services

From the fines generated by a speed monitoring system, the relevant jurisdiction may recover the costs of implementing the system and may spend any remaining balance solely for public safety purposes, including for pedestrian safety programs. However, if the balance of revenues after cost recovery for any fiscal year is greater than 10% of the jurisdiction's total revenues, the excess must be remitted to the Comptroller. As shown in **Exhibit 2**, according to data from the Comptroller, as of January 2020, approximately

\$204,100 was remitted in fiscal 2019 (with data pending for the City of Seat Pleasant only), while \$226,800 was remitted in fiscal 2018.

Exhibit 2
Local Speed Monitoring Systems Data (Aggregated)
Fiscal 2014-2019

<u>Fiscal Year</u>	<u>Fine Revenues</u>	<u>System Costs</u>	<u>Net Revenues</u>	<u>Due to State</u>
2019*	\$60,258,673	\$32,846,505	\$27,412,488	\$204,144
2018	63,749,052	31,395,278	32,376,854	226,822
2017	54,802,197	30,145,731	24,757,588	-
2016	57,198,345	31,637,019	25,208,963	-
2015	56,966,652	28,794,043	28,175,109	456,006
2014	53,842,875	32,978,310	20,864,564	-

* As of January 2020; data pending for City of Seat Pleasant.

Source: Comptroller's Office; Department of Legislative Services

Also, in fiscal 2019, the Comptroller reports that 47 (excluding the City of Seat Pleasant) local jurisdictions generated speed monitoring system fine revenues of about \$60.3 million, of which about \$27.4 million (45.5%) was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems. Between fiscal 2018 and 2019, total fine revenues decreased by approximately \$3.5 million while implementation expenditures increased by about \$1.5 million. Net revenues retained by local jurisdictions for public safety decreased by approximately \$5.0 million between fiscal 2018 and 2019.

Speed Monitoring System Reform – Chapter 491 of 2014

The General Assembly passed House Bill 929 of 2014 (enacted as Chapter 491) in response to significant concerns from the public and media scrutiny of speed cameras in Baltimore City and several other jurisdictions. These concerns centered around two common criticisms of speed cameras: (1) that technical issues and insufficient review of recorded images resulted in erroneously generated citations; and (2) that the contracts with vendors were structured in such a manner as to establish an incentive to generate more citations and revenues, thereby casting doubt on the integrity or purpose of speed monitoring programs. Thus, Chapter 491 required jurisdictions to impose new restrictions and requirements on their contracts with speed monitoring vendors and established numerous additional requirements and restrictions pertaining to the issuance of citations, the calibration and self-testing of systems, the review of erroneous citations, and the use and placement of systems in school zones.

Automated Speed Enforcement Efficacy

National and international studies of automated speed enforcement, as well as local program evaluations, provide some insight into the level of effectiveness of such enforcement mechanisms. According to IIHS, several studies have documented reductions in crashes in the vicinities of speed cameras, including crashes that result in an injury or fatality.

A 2015 study by IIHS of speed camera usage in Montgomery County, Maryland, showed long-term changes in driver behavior as well as reductions in injuries and deaths. Montgomery County introduced speed cameras in 2007, and an initial review of the program by IIHS six months into the program found that the percentage of vehicles going more than 10 miles per hour over the speed limit (which, at that time, was the enforcement threshold) declined by 70% on roads with speed cameras. The 2015 study showed a 59% reduction in the likelihood of a driver exceeding the speed limit by more than 10 miles per hour, compared with similar roads in Virginia without speed cameras. The same comparison showed a 19% reduction in the likelihood that a crash would involve a fatality or an incapacitating injury.

Data from the National Work Zone Safety Information Clearinghouse shows that there were 754 fatalities in highway work zones nationwide in 2018, including 10 in Maryland. The number of work zone fatalities in Maryland in 2018 decreased by four compared to 2017. Nationally, the number of work zone fatalities decreased by about 55 compared to 2017.

Traffic Control Signal Monitoring Systems (Red Light Cameras)

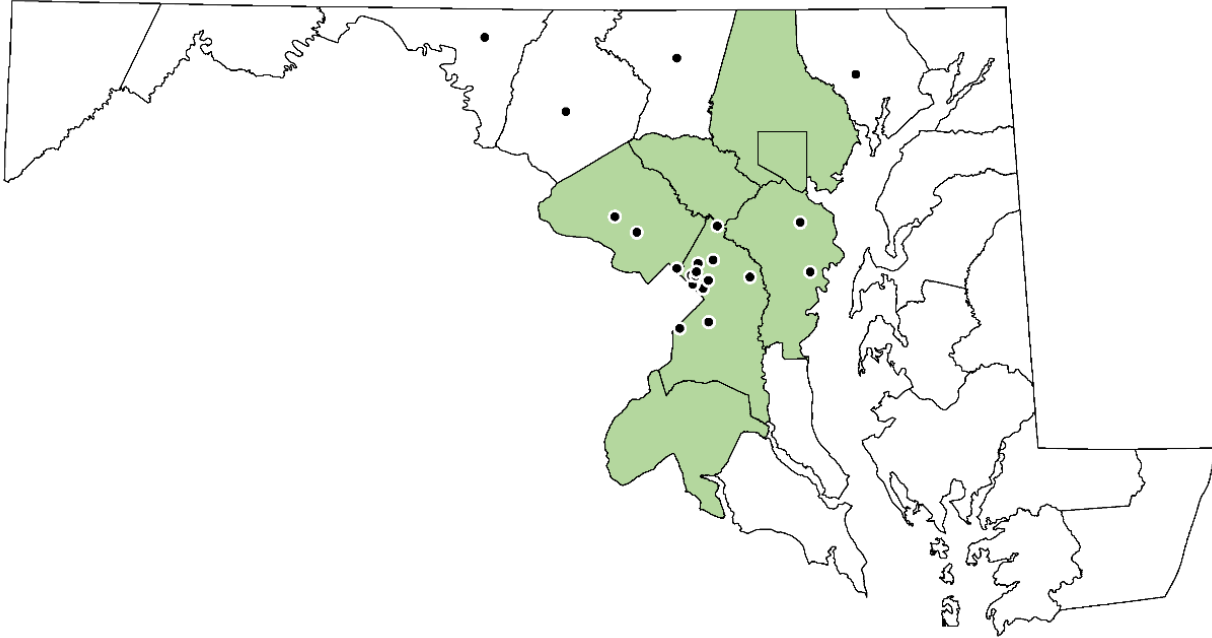
Unless the driver of a motor vehicle receives a citation from a police officer at the time of the violation, the owner or driver of a vehicle recorded by a red light monitoring system entering an intersection against a red signal in violation of the Maryland Vehicle Law is subject to a civil penalty of up to \$100. Red light camera enforcement applies to a violation of specified Maryland Vehicle Law requirements applicable to a vehicle approaching a steady circular red signal or arrow, including (1) stopping at a clearly marked stop line, or crosswalk if there is no stop line, or intersection if there is no crosswalk and (2) remaining stopped until a signal allows the vehicle to proceed.

A driver is specifically authorized under the Maryland Vehicle Law to cautiously enter an intersection to make a right turn (or left turn from a one-way street to another one-way street) after stopping at a steady red light, unless a sign otherwise prohibits the turn.

According to IIHS, approximately 340 jurisdictions across the nation have red light camera programs as of January 2020. In Maryland, six counties, Baltimore City, and 22 other

jurisdictions use red light cameras. **Exhibit 3** shows red light camera usage across the State as of January 2020.

Exhibit 3
Local Red Light Camera Enforcement in Maryland
January 2020



Note: ● represents municipal corporations that operate red light camera systems; ■ represents counties that operate red light camera systems.

Source: Insurance Institute for Highway Safety; Department of Legislative Services
