

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1147 (Delegate Parrott)
Environment and Transportation

Traffic Control Signal Modernization Fund – Establishment

This bill establishes the Traffic Control Signal Modernization Fund administered by the State Highway Administration (SHA). The purpose of the fund is to finance the modernization of traffic control signals in the State. The bill requires the District Court to impose an additional \$8 fee for defendants convicted of or found liable for specified traffic violations (related to traffic control signals), which must be deposited to the special fund. SHA must develop and implement a plan to replace, by December 31, 2028, traffic control signals in the State that do not use light-emitting diode (LED) technology with traffic control signals that use LED technology. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: Special fund revenues and expenditures increase beginning in FY 2022 as SHA uses the new special fund to modernize traffic control signals in the State. Transportation Trust Fund (TTF) expenditures may increase significantly for the same purpose if the new funding is not sufficient to fully implement SHA’s modernization plan, as discussed below. Although spread over seven and one-half years, the cost to fully implement the plan is likely significant, as discussed below. General fund expenditures increase by \$26,500 for reprogramming in FY 2022 only.

Local Effect: Potential significant cumulative reduction in local expenditures for electricity for and maintenance of traffic control signals. Revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The prioritization of traffic control signal replacement by SHA is as follows:

- first priority to the replacement of traffic control signals on (or at) the intersection of highways maintained by municipalities, except Baltimore City;
- second priority to the replacement of traffic control signals on (or at) the intersection of highways maintained by a county or Baltimore City; and
- final priority to the replacement of traffic control signals on State highways.

The fund also consists of (1) money appropriated in the State budget for the fund; (2) any interest earnings of the fund; and (3) any other money from any other source accepted for the benefit of the fund. Money expended from the fund for modernizing traffic control signals is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for upgrading, replacing, or otherwise modernizing traffic control signals.

Current Law:

Green Traffic Signals

Circular Green Signal: Vehicular traffic facing a circular green signal may proceed straight through the intersection or, unless a sign otherwise prohibits the turn, turn right or left. A vehicle proceeding straight or turning right or left at a circular green signal must yield the right-of-way to a vehicle or pedestrian lawfully in the intersection or adjacent crosswalk.

Green Arrow Signal: Vehicular traffic facing a green arrow signal may cautiously enter the intersection only to make the movement indicated by the arrow or by another indication shown at the same time as the arrow. Vehicular traffic facing a green arrow signal must, when making an authorized movement, yield the right-of-way to any pedestrian or bicycle lawfully within the adjacent crosswalk and to other traffic lawfully using the intersection.

Penalties: A violation of these provisions is a misdemeanor, and a violator is subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$90, and the Motor Vehicle Administration (MVA) must assess one point against a violator's license. If, however, the violation contributes to an accident, the prepayment penalty is \$130, and MVA must assess three points against the violator's license.

Red Traffic Signals

Required Stop: Vehicular traffic facing a steady red signal alone or a steady red arrow (unless entering the intersection to make a movement permitted by another signal) must stop at the near side of the intersection (1) at a clearly marked stop sign; (2) if there is no clearly marked stop sign, before entering any crosswalk; or (3) if there is no crosswalk, before entering the intersection. Traffic generally must remain stopped until a signal to proceed is displayed.

A violation is a misdemeanor, and a violator is subject to a maximum fine of \$500. The prepayment penalty established by the District Court is \$140, and MVA must assess two points against a violator's license. If, however, the violation contributes to an accident, the prepayment penalty is \$180, and MVA must assess three points against the violator's license.

Authorized Turns: Unless a sign prohibiting a turn is in place, vehicular traffic facing a steady red signal may, after stopping, cautiously enter the intersection and make (1) a right turn; (2) a left turn from a one-way street onto a one-way street; or (3) a turn as indicated by a sign. Such traffic must yield the right-of-way to any pedestrian or bicycle lawfully within an adjacent crosswalk and to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.

A violation of these provisions is a misdemeanor, and a violator is subject to a maximum fine of \$500. The prepayment penalty assessed by the District Court is \$90 or, if a violation contributes to an accident, \$130. MVA must assess two points on the violator's license or, if the violation contributes to an accident, three points. For a failure to yield the intersection right-of-way after a turn on a red signal, MVA must assess one point against the violator's license or, if the violation contributes to an accident, three points.

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.

State Fiscal Effect:

Traffic Control Signal Modernization Fund

Special fund revenues and expenditures increase beginning in fiscal 2022 due to the additional \$8 fee that must be imposed on cases in which a defendant is convicted of certain traffic light violations and as SHA uses this additional revenue to replace traffic control signals in the manner required by the bill. **Exhibit 1** shows traffic citation and violation data for the offenses addressed by the bill.

Exhibit 1
Traffic Citation Data for Violations Addressed by the Bill
Fiscal 2019

<u>Charge</u>	<u>Violations</u>	<u>Convictions</u>
Failing to yield intersection right-of-way after green traffic signal	80	34
Failing to yield right-of-way (to pedestrian or bicycle) after green arrow signal	8	4
Failing to stop at steady circular red signal	7,786	3,475
Failing to stop at steady red arrow	619	289
Failing to stop at red traffic signal before right turn	823	382
Failing to stop at red signal before left turn or making improper left turn at red signal	212	113
Failing to stop at red traffic signal before any other turn	55	22
Failing to yield intersection right-of-way (to pedestrian, vehicle, or bicycle) after turn on red signal	105	49
Pedestrian entering roadway against red traffic signal	17	9
Failing to make required stop at signal, sign, or pavement mark	1,683	819
Total	11,388	5,196

Source: Judiciary (Administrative Office of the Courts); Department of Legislative Services

In addition to the offenses shown in Exhibit 1, the bill requires the District Court to impose the additional \$8 fee for a case in which a person is found liable for a red light camera violation. The Judiciary notes that jurisdictions with red light traffic control monitoring systems are responsible for pretrial payments, providing dockets, and sending notices to

the defendants. The District Court only hears the red light violations charged on a civil citation when a person requests a trial.

Therefore, while the bill requires the District Court to assess an \$8 fee for a person found liable for a red light camera violation, it would only be able to do so if a person receiving a red light camera violation requests a trial. Thus, this analysis assumes the bill does not apply to prepayments of red light camera violations.

For illustrative purposes only, assuming all 5,196 convictions in fiscal 2019 were assessed the additional \$8 court cost fee, special fund revenues for SHA increase by approximately \$41,600. Expenditures from the fund are assumed to increase correspondingly for LED traffic light replacement activities by SHA.

Costs to Replace Traffic Control Signals

SHA must develop and implement a plan to replace many of the traffic control signals in the State. The bill's requirement for replacement of traffic control signals is not limited to replacements that can be funded through fee revenue generated by the bill. The funding mechanism discussed above for this purpose may not be sufficient to fully replace each of these traffic control signals by December 31, 2028, as required by the bill. For purposes of this analysis, it is assumed that, if additional funds are needed to implement the plan, SHA uses TTF monies. Thus, TTF expenditures may increase significantly beginning in fiscal 2022.

As SHA does not yet know how many traffic control signals must be replaced and the cost to replace each signal may vary based on a number of factors, the total cost to develop and implement the plan cannot be reliably estimated at this time. For example, Prince George's County advises that it has 200 traffic control signals that will need to be upgraded, whereas Montgomery County has already converted its traffic control signals to LED technology. *For illustrative purposes only*, Prince George's County advises that the cost of modernizing its traffic control signals could be *as much as* \$300,000 for *each* signal, based on a previously negotiated contract in which materials accounted for about one-third of the total and labor costs for installation accounted for the remaining two-thirds. If this cost estimate could be applied statewide and 500 traffic control signals needed to be replaced, the total cost could approach \$150 million. The actual cost likely varies from this illustrative estimate. Even so, the total cost for replacement is likely significant and is assumed to be spread over the seven and one-half year period from fiscal 2022 through the first half of fiscal 2029.

Additionally, SHA advises that many of the traffic control signals that require replacement are not under SHA's jurisdiction. As the bill requires SHA to implement the plan, it is

assumed that SHA uses the Traffic Control Signal Modernization Fund and TTF to pay for traffic control signals that are locally owned and operated as well.

Judiciary Programming Costs

In fiscal 2022 only, the Judiciary advises that reprogramming changes totaling \$26,544 are necessary in order to implement the bill's changes.

Local Expenditures: Due to the lower energy consumption and longevity of LED bulbs compared to incandescent bulbs, local jurisdictions that receive LED traffic control signals at the State's expense under the bill experience a potentially significant cumulative reduction in expenditures for electricity for and maintenance of traffic control signals.

Small Business Effect: Any small businesses in the State that are involved with the installation or maintenance of LED traffic light signals may benefit due to the increased State spending under the bill.

Additional Comments: As of January 2020, 6 counties, Baltimore City, and 22 other jurisdictions in the State use red light cameras.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Montgomery and Prince George's counties; cities of Annapolis and Bowie; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

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