

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 404

(Delegate Lehman, *et al.*)

Environment and Transportation

Judicial Proceedings

Vehicle Laws - Speed Limits - Establishment

This bill authorizes local authorities (statewide) to decrease the maximum speed limit to no less than 15 miles per hour (MPH) on a highway but only after performing an engineering and traffic investigation. However, a locality is prohibited from implementing a new speed monitoring (*i.e.*, speed camera) system to enforce speed limits on any portion of a highway for which the speed limit has been decreased to less than 25 MPH pursuant to this authorization.

Fiscal Summary

State Effect: General fund revenues may increase minimally due to more citations for speeding, assuming local authorities use the authorization granted by the bill to decrease speed limits in designated areas. The District Court can handle any additional caseload with existing resources.

Local Effect: Local government expenditures increase minimally if more engineering and traffic investigations are conducted. While local government revenues *may* increase overall, there is likely no effect in Montgomery County, as discussed below.

Small Business Effect: None.

Analysis

Current Law: Unless there is a special danger that requires a lower speed, the maximum lawful speeds on a State highway are (1) 15 MPH in alleys in Baltimore County; (2) 30 MPH on all highways in a business district and on undivided highways in a residential district; (3) 35 MPH on divided highways in a residential district; (4) 50 MPH

on undivided highways in other locations; and (5) 55 MPH on divided highways in other locations. A maximum speed limit of more than 70 MPH may not be established on any highway in the State.

If, on the basis of an engineering and traffic investigation, a local authority determines that a maximum speed is greater or less than is reasonable or safe under existing conditions on any part of a highway in its jurisdiction, the local authority may establish a reasonable and safe maximum speed limit for that part of the highway, which may:

- decrease the limit at an intersection;
- increase the limit in an urban district to no more than 50 MPH;
- decrease the speed limit in an urban district; or
- decrease the limit outside an urban district to no less than 25 MPH.

An engineering and traffic investigation is not required to conform a speed limit in effect on December 31, 1974, to one of the specified speed limits established by statute.

Calvert County is authorized to decrease the maximum speed limit to no less than 15 MPH on Lore Road and, except for Solomons Island Road, each highway south of Lore Road without performing an engineering and traffic investigation, regardless of whether the highway is inside an urban district.

Further, Montgomery County and municipalities within the county may decrease the maximum speed limit to no less than 15 MPH on a highway after performing an engineering and traffic investigation. However, a local authority may not implement a new speed monitoring system to enforce speed limits on any portion of a highway for which the speed limit has been decreased pursuant to this authorization.

In school zones as designated and posted by the local authorities of any county, the county (or any municipality within the county) may decrease the maximum speed limit to 15 MPH during school hours, if the county (or municipality) pays the cost of placing and maintaining the signage.

Altered speed limits are effective when posted on appropriate signs giving notice of the limit. Any alteration by a local authority (except in Baltimore City) of a maximum speed limit on a part (or extension) of a State highway is not effective until approved by the State Highway Administration (SHA).

A local authority may establish a reasonable and safe maximum speed limit for an alley if it determines that the maximum speed limit under State law is greater than is reasonable or safe. However, the local authority must post a speed limit on appropriate signs giving notice of the speed limit.

Speed Monitoring Systems

Speed monitoring systems must be authorized in a local jurisdiction by the governing body of the jurisdiction (but only after reasonable notice and a public hearing). Before activating a speed monitoring system, a local jurisdiction must publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation in the jurisdiction. In addition, the jurisdiction must ensure that each sign that designates a school zone is proximate to a sign that (1) indicates that speed monitoring systems are in use in the school zone and (2) conforms with specified traffic control device standards adopted by SHA. Additional restrictions apply in Prince George's County.

An authorizing ordinance or resolution adopted by the governing body of a local jurisdiction must establish certain procedures related to the movement or placement of speed monitoring systems. Specifically, if a jurisdiction moves (or places) a mobile (or stationary) speed monitoring system to (or at) a new location, the jurisdiction may not issue a citation for a violation recorded by that speed monitoring system (1) until signage is installed, as specified, and (2) for at least the first 15 calendar days after the signage is installed.

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.

Local Revenues: Although the bill prohibits local authorities from installing *new* speed camera systems on any portion of a highway for which the speed limit has been decreased to less than 25 MPH, the bill appears to allow any cameras that are *already* in operation on the bill's effective date to continue operation on such highways, even if the speed limits are reduced below that threshold. Should local authorities reduce speed limits on those highways, local revenues may increase to the extent more automated enforcement citations are issued as a result of the lower speed limit. The exact impact on revenues cannot be reliably determined at this time, however, due to uncertainty regarding various factors (*e.g.*, the number of jurisdictions in the State that may exercise the authority granted by the bill, the number of highways and speed cameras that may be affected, the traffic volume on such highways, the effect on driver behavior lower speed limits may have, *etc.*).

The bill appears to increase the threshold at which the prohibition applies in Montgomery County. Nevertheless, the Department of Legislative Services advises that it does not. The current law exception for Montgomery County (and municipalities in the county) allows those local authorities to decrease the speed limit to no less than 15 MPH (as opposed to no less than 25 MPH elsewhere in the State). Accordingly, the prohibition in current law against local authorities in Montgomery County implementing a new speed monitoring system under that authorization applies to the range of maximum speed limits

that may be set between 15 MPH and 25 MPH. Thus, there is likely no revenue impact for Montgomery County or the municipalities in the county due to the bill. Instead, the bill is clarifying for the county.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Harford and Montgomery counties; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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