

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 435 (Delegate Howard)
Environmental Matters

Vehicle Laws - Speed Monitoring and Work Zone Speed Control Systems -
Restitution

This bill requires the District Court to order an agency that issues a citation generated by a speed monitoring or work zone speed control system to pay restitution of \$40 to the person who received the citation but prevailed at a trial.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase, likely minimally, beginning in FY 2014 for the State Highway Administration (SHA) to pay \$40 to individuals that prevail at a trial involving a work zone speed control system citation. District Court caseloads increase significantly to process payments and handle the anticipated increase in trials. General fund expenditures increase minimally, except to the extent that additional personnel are needed for the District Court. Revenues are not affected.

Local Effect: Local government expenditures increase, potentially significantly, for some jurisdictions to pay \$40 to individuals that prevail at a trial involving a speed monitoring system citation. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Current Law/Background: A person who receives a citation generated by a speed monitoring or work zone speed control system is subject to a civil penalty of up to \$40. A person that receives a citation may choose to prepay the civil penalty or may contest the citation by electing to stand trial in the District Court.

The Maryland Vehicle Law does not specifically require or authorize the payment of restitution. Restitution generally refers to a payment of money from a person that was unjustly enriched, and it is measured by the defendant's gain rather than the plaintiff's loss. In criminal law, it generally refers to compensation paid by a criminal defendant as part of the court's sentence.

Speed Monitoring Systems

Chapter 15 of 2006 (HB 443 of 2005) 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. Chapter 500 of 2009 (SB 277) expanded statewide the authorization for the use of speed monitoring systems in school zones. Chapter 474 of 2010 (HB 1477) 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.

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.

Before activating an unmanned stationary speed monitoring system, a local jurisdiction must:

- publish notice of the location on its website and in a newspaper of general circulation in the jurisdiction;
- ensure that each school zone sign indicates that speed monitoring systems are in use in school zones; and
- for a speed monitoring system near an institution of higher education, ensure that all speed limit signs approaching and within the segment of highway on which the speed monitoring system is located include signs that indicate that a speed

monitoring system is in use and that are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by SHA.

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.

As shown in **Exhibit 1**, a number of counties and municipal corporations currently implement speed monitoring systems. The Department of Legislative Services advises that, as to municipal corporations, the exhibit only reflects municipal corporations that have reported revenues to the Comptroller in fiscal 2012 and, therefore, may not include all municipal corporations that *currently implement* speed monitoring systems. Further, additional jurisdictions may be *considering* the use of speed monitoring systems at this time.

Exhibit 1
Local Speed Monitoring System Enforcement

<u>County</u>	<u>Municipal Corporation</u>
Baltimore	Bowie
Charles	Brentwood
Howard	Chesapeake Beach
Montgomery	Chevy Chase Village
Prince George's	College Park
Wicomico	Denton
Baltimore City	Forest Heights
	Fruitland
	Hagerstown
	Laurel
	New Carrollton
	Princess Anne
	Riverdale Park
	Rockville
	Salisbury
	Seat Pleasant
	Takoma Park

Source: 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 systems 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. According to data from the Comptroller, about \$2.2 million was remitted in fiscal 2011 from five municipal corporations, but no money was remitted in fiscal 2012. In addition, 17 municipal corporations and Baltimore City generated speed monitoring system fine revenues of about \$36.3 million, of which about \$21.7 million was retained by local jurisdictions for public safety programs after recovery of the costs of implementing the systems.

Work Zone Speed Control Systems

Chapter 500 of 2009 also authorized State and local law enforcement agencies or their contractors to issue citations or warnings for speeding at least 12 miles per hour above the posted speed limit in highway work zones that are set up on expressways or controlled access highways where the speed limit is 45 miles per hour or greater.

A "work zone" is a segment of a highway identified as a temporary traffic control zone by a traffic control device in conformance with State specifications and where highway construction, repair, maintenance, utility work, or related activities are being performed, regardless of whether workers are present. A work zone speed control system may only be used while being operated by a work zone speed control system operator. The maximum fine for a ticket issued by a work zone speed control system operator is \$40. A conspicuous road sign warning of the use of speed monitoring systems must be placed at a reasonable distance from the work zone.

The Maryland Department of Transportation advises that work zones are inherently dangerous due to obstacles such as concrete barriers, narrowed lanes, and cones, all of which increase the risk of traffic accidents from speeding motorists. In these work zone accidents, about 85% of injuries are to the motorists, and about 15% of those injured are transportation workers according to the Federal Highway Administration. According to the National Work Zone Safety Information Clearinghouse, there were 576 fatalities in highway work zones nationwide in 2010, including 6 in Maryland.

Through fiscal 2012, slightly more than 1 million citations had been generated by work zone speed control systems, according to data from SHA. In fiscal 2012, the State's Automated Speed Enforcement Program generated just under \$15 million in revenues, down from about \$18.4 million in fiscal 2011.

Recent Media Scrutiny

A number of bills related to automated enforcement have been introduced in the 2013 legislative session, in part due to recent media scrutiny of speed cameras statewide. The additional scrutiny has centered around two common criticisms of speed cameras: (1) that technical issues and insufficient review of recorded images result in erroneously generated citations; and (2) that the contracts with vendors are structured in such a manner as to establish an incentive to generate more citations and revenues, thereby casting doubt on the integrity of speed cameras as a safety measure.

Automated Speed Enforcement Efficacy

Although a statewide review of speed monitoring programs has not been conducted, a combination of national and international studies and local program evaluations provide some insight into the level of effectiveness of such programs. According to the Insurance Institute for Highway Safety, several studies have documented reductions in crashes in the vicinities of speed cameras, including crashes that result in an injury or fatality. The most recent of these studies was a meta-analysis by the Cochrane Collaboration in 2010, which reviewed 28 individual studies and found reductions of between 8% and 49% for crashes, between 8% and 50% for crashes resulting in injury, and between 11% and 44% for crashes involving fatalities and serious injuries.

Locally, Prince George's County has evaluated its first year of speed monitoring system implementation and found that compliance with speed limits increased, on average, from about 20% of vehicles in certain locations before speed cameras were installed to about 67% after installation. This was based on an assessment of only seven locations, however. In Montgomery County, a 2009 review of its Safe Speed Program revealed that, on average, the number of citations generated by a speed camera decreased 78% between the first and twelfth months of the system's usage and that the average speed of passing vehicles declined by 6%. Finally, an SHA review of its work zone speed monitoring systems revealed that work zone crashes decreased by 11.8% between 2009 and 2011; crashes involving an injury dropped by 16.8%; and the number of annual fatalities fell from nine to three.

State Expenditures: According to SHA, 139 cases involving work zone speed control system citations were dismissed in fiscal 2012. Thus, TTF expenditures increase by \$4,170 in fiscal 2014, assuming a continuation in the number of dismissed cases and accounting for the bill's October 1, 2013 effective date. If the number of cases in which an individual prevails at trial doubles, then TTF expenditures increase by \$8,340 in fiscal 2014 and by more than \$11,000 annually thereafter. The number of cases is anticipated to increase as a payment made to a person that prevails at trial establishes an incentive for a person to elect to stand trial. However, the number of additional cases cannot be reliably estimated.

The District Court advises that, if it is required to order SHA or the local agency that issues a citation to pay \$40 to an individual that prevails at trial, caseloads may increase significantly based on citations generated by both work zone speed control systems and local speed monitoring systems. In addition to the increase in clerical processing and adjudication times for each case, the bill may result in a significant increase in the number of cases filed due to the incentive established by the bill. In fiscal 2012, 17,931 speed monitoring cases were filed; it is unknown in how many cases the alleged violator prevailed. The District Court advises that it cannot reliably estimate the number of additional cases or the increased time to process each case but that it is likely to be significant. Thus, general fund expenditures may increase for the District Court to hire additional clerical personnel, although it advises that, at least initially, any increase in caseloads can be absorbed within existing budgeted resources in fiscal 2014. Thus, any increase in general fund expenditures for the District Court is minimal in fiscal 2014.

Local Expenditures: Local expenditures increase for some jurisdictions to pay \$40 to individuals who prevail at trials involving speed monitoring system citations. For example, Baltimore City advises that 1,807 cases were dismissed in fiscal 2012. Thus, Baltimore City expenditures increase by \$54,210 in fiscal 2014, assuming a continuation in the number of case dismissals and accounting for the bill's October 1, 2013 effective date. If the number of cases in which an individual prevails at trial doubles, then local expenditures increase by \$108,420 in fiscal 2014 and by more than \$144,000 annually thereafter; as noted above, the number of cases is anticipated to increase if a payment is made to an individual who prevails at trial. However, the percentage of cases dismissed may also decrease significantly to the extent that future speed monitoring system technology and operations result in fewer citations dismissed in court. For example, Baltimore City is currently in the process of procuring and installing new speed monitoring systems of a different technology.

Baltimore County advises that individuals prevail in only a few speed monitoring system citation cases each month and, therefore, the bill is not anticipated to result in a significant increase in expenditures. Howard and Montgomery counties also indicate that the bill is anticipated to result in only a minimal fiscal impact, but they did not provide specific data. Overall, it is unclear to what extent local expenditures increase for payment of fines based on erroneously issued citations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore, Howard, Kent, Montgomery, and Worcester counties; Baltimore City; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Comptroller's Office; National Work Zone Safety Information Clearinghouse; Federal Highway Administration; Insurance Institute for Highway Safety; Cochrane Collaboration; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2013
ncs/ljm

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