

**Department of Legislative Services
Maryland General Assembly
2007 Session**

FISCAL AND POLICY NOTE

Senate Bill 41 (Senator Pipkin)
Judicial Proceedings

Vehicle Laws - Study of the Effectiveness of Traffic Control Signal and Speed Monitoring Systems

This bill requires the State Highway Administration (SHA) to conduct a study of the effectiveness of traffic control signal and speed monitoring systems in the State (red light cameras and speed cameras, respectively). If certification of the study results indicates that automated enforcement does not increase compliance and reduce accidents, then State laws and any other laws requiring automated enforcement would become null and void.

The bill takes effect July 1, 2007.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase a total of \$42,000 to hire consultants to complete the study of automated enforcement systems required by the bill. The funds are allocated over two fiscal years as the study must be completed during FY 2009. If the null and void provisions of the bill become effective, then general fund revenues could be reduced minimally and TTF revenues could be reduced significantly from fewer citations and elimination of flag fees. TTF expenditures could be reduced from postage and supply savings.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	21,000	21,000	0	0	0
Net Effect	(\$21,000)	(\$21,000)	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None from completion of the study. In future years, some local governments could experience a significant revenue loss if the null and void provisions of the bill become effective and authority for automated enforcement is discontinued. Savings could result from discontinuance of enforcement contracts and elimination of administrative staff.

Small Business Effect: Minimal for consultants who could complete the study. In future years, meaningful impact for automated traffic enforcement companies if null and void provisions of the bill become effective and automated enforcement contracts are discontinued.

Analysis

Bill Summary: The required study of traffic control signal and speed monitoring systems must be conducted over a 12-month period. In areas with traffic control signal or speed monitoring systems, SHA is required to monitor and record compliance with traffic control signal or speed limit laws and the number of accidents that occur in which speed or failure to obey a traffic control signal was a factor. SHA must compare data obtained in these areas before the systems were installed to the accident and compliance data obtained after the systems were installed.

After completion of the 12-month study and required data comparison, SHA must report the study results to the Governor and the General Assembly and include a certification regarding the report conclusions. The report conclusions must be certified as to whether traffic control signal and speed monitoring systems resulted in an increase or reduction in traffic control system compliance, speed limit compliance, and the accidents at locations where these systems have been installed.

Thirty days after receipt of the report and required certification, the State laws and any other provisions requiring installation of automated traffic control signal systems shall be null and void if the certification indicates that the operation of the automated systems has not resulted in an increase in compliance with traffic control signal laws or caused a reduction in the number of accidents in which failure to obey a signal was a factor.

Thirty days after receipt of the report and required certification, State laws and any other provisions requiring speed monitoring systems shall be null and void if the certification indicates that, on highways monitored by speed monitoring systems, the systems have not resulted in an increase in speed limit compliance or a reduction in the number of accidents in which speed was a factor.

Current Law: The State and political subdivisions are authorized to operate traffic control signal monitoring systems on any roads or highways in the State. A “traffic control signal monitoring system” is a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to produce recorded images of motor vehicles entering an intersection against a red signal indication.

Vehicular traffic facing a steady red arrow signal may not enter the intersection to make the movement indicated by the arrow. Vehicular traffic facing a steady red signal or a steady red arrow must stop at the near side of the intersection at a clearly marked stop line. If there is no stop line, traffic must stop before entering any crosswalk. If there is no crosswalk, traffic must stop before entering the intersection. Traffic must remain stopped until a signal to proceed is displayed.

A driver who enters an intersection on a steady red arrow or steady red signal and is recorded by a traffic control signal monitoring system is subject to a civil penalty of up to \$100, unless the driver receives a citation from a police officer at the time of the violation. A violation recorded only by a traffic control signal monitoring system is not a moving violation and may not be considered for purposes of motor vehicle insurance coverage. However, if the civil penalty is not paid and the violation is not contested, the Motor Vehicle Administration (MVA) may refuse to register or reregister the vehicle, or may suspend the registration of the motor vehicle.

Montgomery County is the only jurisdiction authorized to issue citations to drivers for speeding based on recorded images collected by automated speed monitoring systems. A “speed monitoring system” is a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at least 10 miles per hour above the posted speed limit. The recorded image must include two time-stamped images of the vehicle with a stationary object, show the rear of the motor vehicle, and clearly identify the registration plate number of the motor vehicle on at least one image or portion of tape.

Automated speed enforcement applies to speeding violations in Montgomery County that occur (1) on a highway in a residential district with a maximum posted speed limit of 35 miles per hour; or (2) in an established school zone. The maximum civil penalty is \$40. Training and recordkeeping requirements must be met for speed monitoring system operators, including the performance of calibration checks as specified by the system manufacturer, and an annual calibration check performed by an independent laboratory.

Generally, a traffic control signal or speed enforcement citation must be mailed no later than two weeks after the alleged violation. Fines in uncontested cases are paid directly to the issuing political subdivision or, if the State issues the citation, to the District Court. If an individual wishes to challenge a citation, the case is referred to the District Court

having venue. Any fines or penalties collected by the District Court are remitted to the Comptroller and disbursed to various transportation-related funds.

Background: Traffic control signal monitoring systems, or red light cameras, are automatic camera systems that photograph vehicles that run red lights. In September 2001, a San Diego Superior Court judge ruled that a red light camera system operated by a private company on behalf of the city of San Diego was unreliable, that a conflict of interest arose because the company received payment based on the number of citations issued, and that the system may be in conflict with a California state law that forbids law enforcement activities from being contracted to private companies. However, the judge also ruled that red light cameras do not violate a person's constitutional right to privacy and that the city has the constitutional right to operate red light cameras. Lawsuits from other jurisdictions that have challenged the constitutionality of automated traffic systems have been unsuccessful.

Photo-radar enforcement systems that detect speeders function almost the same as red light cameras. Usually, the photo-radar system is located in a mobile unit. The system has a radar detector and a camera. A speeding vehicle triggers the camera and a photograph is taken of the vehicle. The photos have the date, time, and speed recorded. In Utah, photo-radar enforcement is limited to school zones and other areas with a speed limit of 30 miles per hour or less, when a police officer is present, and signs are posted for motorists. The radar photograph must accompany a citation. The District of Columbia has an extensive automated enforcement program for speeding and most other moving violations. Arizona, Colorado, and Illinois are other states that allow automated enforcement for speed violations. While Arizona allows automated speed enforcement statewide, Illinois allows automated speed enforcement only in construction zones or on toll roads. In Colorado, this type of enforcement is allowed only in school zones, residential areas, or adjacent to municipal parks. Automated speed enforcement systems are used extensively throughout Europe and in Australia.

Some states have limited or banned automated traffic enforcement, while others have considered authorizing or expanding it. According to the Governors Highway Safety Association, 20 states and the District of Columbia have provisions related to photo enforcement of red light compliance. Only some of those states, including Maryland, authorize red light cameras on a statewide basis. Virginia had also authorized automated traffic enforcement of red lights by local governments; however, that authority expired in July 2005. In Virginia's 2007 legislative session, legislation is under consideration to reinstate automated red light enforcement. Arkansas prohibits automated enforcement unless it occurs in school zones or at rail crossings. An officer must be present to issue a citation at the time of the violation. Nevada prohibits photographic recording of traffic violations unless the equipment is in use by an officer or is installed at a law enforcement

agency. In New Hampshire, a specific statutory authorization is required, otherwise automated enforcement is prohibited. New Jersey, West Virginia, and Wisconsin specifically prohibit any type of photo-radar enforcement. Thirty states have no provisions related to automated enforcement.

In Maryland, the first jurisdiction to install red light cameras was Howard County, which began using them in 1998. From 1998 through 2002, Howard County reported a 13% reduction in accidents at automated enforcement intersections. Other local jurisdictions that have installed red light cameras in Maryland include Anne Arundel, Baltimore, Charles, Harford, Montgomery, Prince George's, and Wicomico counties and Baltimore City.

State Fiscal Effect: TTF expenditures could increase \$21,000 in fiscal 2008 and \$21,000 in fiscal 2009 (for a total of \$42,000) to study the impact of automated traffic control signal enforcement and speed enforcement systems as required by the bill. SHA advises that it has already engaged a consultant to study red light camera crash reduction effectiveness at a cost of \$43,000. SHA would extend that consultant's contract to provide the information on red light cameras for an additional \$17,000. SHA would also need to hire a consultant to conduct the study of speed cameras in Montgomery County as required by the bill. Completion of this part of the study would cost an estimated \$25,000. SHA advises that it could monitor the consultants' work on both segments of this study with existing resources. Because it is normal practice to pay a consultant a portion of a contract cost at the beginning of a project and to pay the remainder upon project completion, it is assumed that half of the requested funds would be spent in fiscal 2008 and half in fiscal 2009, as the completed report is required in fiscal 2009 (that is by December 31, 2008).

Future year revenues and expenditures would be affected, if the certification of study results indicated that compliance did not increase and accidents were not reduced under automated enforcement for traffic control signals and speed limits and the legal authority for automated enforcement became null and void. General fund revenues would decline minimally due to the assessment of fewer fines from contested traffic control signal and speed camera citations. TTF revenues could decline significantly from the elimination of flag fees that would no longer be attached to unpaid automatic enforcement citations. TTF expenditures could also decline minimally from postage and supply savings as notifications regarding flag fees from unpaid automated enforcement citations would no longer be required.

Local Effect: In future years, local jurisdictions with automated traffic control signal enforcement systems could experience significant revenue loss from repeal of authority for red light cameras. For example, in fiscal 2007 Anne Arundel County expects to attain

\$450,000 from red light camera enforcement revenues, Prince George's County expects to attain about \$1.3 million, and Montgomery County expects to attain about \$6 million. Also, Montgomery County could lose additional significant revenue from repeal of authority for automated speed camera enforcement, if the null and void provisions of the bill took effect. To date, Montgomery County has not implemented its speed camera program but anticipated annual revenues are \$6 million. These local jurisdictions could also experience savings as expenditures for administrative personnel and contracts to provide automated enforcement would no longer be required.

Small Business Effect: Businesses that provide and monitor automated enforcement equipment for local jurisdictions under contractual arrangements could lose significant revenues in future years if the null and void provisions of this bill took effect. Local governments would be required to discontinue contractual arrangements with businesses that provide automated enforcement. Long-term contracts could be discontinued before the original termination dates.

Additional Information

Prior Introductions: This bill is a reintroduction of SB 750 of 2006. SB 750 was given an unfavorable report by the Judicial Proceedings Committee.

Cross File: None.

Information Source(s): Garrett County, Maryland Department of Transportation, Governors Highway Safety Association, Department of Legislative Services

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ncs/ljm

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