

**MEMORANDUM**

TO: Public Safety Committee

FROM: Robert H. Drummer, Legislative Attorney 

SUBJECT: **Worksession:** Bill 35-08, Motor Vehicles and Traffic – Miscellaneous Provisions  
– Funding for Public Safety Programs

Bill 35-08, Motor Vehicles and Traffic – Miscellaneous Provisions – Funding for Public Safety Programs, sponsored by then Council Vice-President Andrews, then Council President Knapp, and Councilmembers Ervin, Trachtenberg, and Floreen, was introduced on November 18, 2008. A public hearing was held January 13 at 1:30 p.m.

Bill 35-08 would dedicate any net revenue generated from enforcement of traffic control signal and speed monitoring systems to fund emergency apparatus for the Fire and Rescue Service, pedestrian safety programs, and other public safety programs. The Bill would also allocate a portion of any net revenue for pedestrian safety program grants to municipalities that have a traffic control signal monitoring or speed monitoring device in the municipality and do not have a police department.

**Background**

Md. Transportation Code §21-202.1 authorizes the installation and operation of traffic control signal monitoring systems<sup>1</sup> throughout the State. A traffic control signal monitoring system is defined as:

...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.

Md. Transportation Code §21-809 authorizes the installation and operation of speed monitoring systems<sup>2</sup> in Montgomery County. A speed monitoring system is defined as:

...a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 10 miles per hour above the posted speed limit.

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<sup>1</sup> These systems are sometimes referred to as "red light cameras."

<sup>2</sup> These systems are sometimes referred to as "speed cameras."

The County receives revenue from the payment of fines due to citations issued under both types of traffic monitoring systems. However, the revenue received from the speed monitoring systems must be used “solely to increase local expenditures for related public safety purposes, including pedestrian safety programs” and must be used to “supplement and may not supplant existing local expenditures for the same purpose.” The County may use the revenue from traffic control signal monitoring system citations without restriction. The Bill would place the State law restrictions for speed camera revenue on both types of traffic monitoring systems.

The Bill would allocate the net revenue from both programs as follows:

- (1) 50% to buy emergency apparatus by the County for use by the Fire and Rescue Service;
- (2) 35% for pedestrian safety programs in the County’s approved capital or operating budget, allocated as follows:
  - (A) 75% for County programs; and
  - (B) 25% for pedestrian safety program grants to municipalities in the County that have a traffic control signal monitoring or a speed monitoring device in the municipality and do not have a police department; and
- (3) 15% for traffic safety programs in the approved capital or operating budget for the Department of the Police.

Net revenue which exceeds the amount necessary to fund the annual expenditures in one of these categories may be re-allocated to one of the other categories.

The Chief Administrative Officer estimated speed camera net revenue for FY09 of \$7.498 million. See ©5. The Fiscal Impact Statement estimated net revenue from both traffic monitoring programs for FY09 at \$10.236 million. See ©14.

### **Public Hearing**

The Council conducted a public hearing on Bill 35-08 on January 13, 2009. Joseph F. Beach, Director of the Office of Management and Budget, testified on behalf of the Executive in opposition to the Bill. (See ©16-17) Mr. Beach testified that the redirection of this existing revenue to new expenditures would either reduce expenditures in other areas or increase the projected FY10 budget gap. Marcine Goodloe, President of the County Volunteer Fire-Rescue Association testified in support of the Bill. (See ©18) Erwin Mack, Chair of the County Pedestrian and Traffic Safety Advisory Committee (PTSAC) expressed the concerns of the Committee with the Bill. (See ©19-21) Mr. Mack testified that the amount of revenue allocated for the County’s pedestrian safety program in the Bill was insufficient and that the allocation for municipalities in the Bill would direct money for areas where the data would not justify the expense. Alan Migdall, a member of the PTSAC, raised concerns similar to those expressed by Mr. Mack. (See ©22-23)

## Issues

### **1. Would this Bill reduce funding for pedestrian safety programs?**

The Executive, in a November 18 memorandum opposing this Bill (©7), asserts that it would cut funding for the new County Pedestrian Safety Initiative by 40 percent. The Executive argues that since this Initiative was to be paid for with speed camera revenue, the Bill's allocation of 35% of net revenue for pedestrian safety programs would effectively reduce available funding by 40%.<sup>3</sup> However, this argument assumes that all of the speed camera net revenue would be available for this new Initiative absent this Bill. Council staff has reviewed the FY09 approved capital and operating budget documents regarding funding for the Initiative and preliminarily estimated that no more than \$3.150 million in speed camera net revenue can be used in FY10 to fund the existing components of the Initiative because the State law requires these funds to be used to supplement, and not supplant, existing expenditures. See ©9-10.<sup>4</sup> Council staff has requested Executive staff to review this information and provide comments for this worksession.

The Fiscal Impact Statement correctly points out that the Bill's allocation of 50% of this revenue for currently unfunded fire apparatus and 8.75% for currently unfunded municipal pedestrian safety programs would reduce available funding for existing public safety programs. The Bill permits the Council to reallocate revenue which exceeds the amount necessary to fund the annual expenditures for a category to a different category on an annual basis. However, it appears that the Bill's allocation of 35% of the projected \$10.2 million for pedestrian safety would be sufficient to cover the estimated components of the Pedestrian Safety Initiative for FY10.

### **2. Would this Bill increase the County's projected FY10 budget shortfall?**

The Director of the Office of Management and Budget has recently projected a FY10 budget shortfall of \$515 million due to reduced revenue estimates and expected cuts in State aid. See ©11-12. The Executive, in his November 18 memorandum, argued that this Bill would increase this projected budget shortfall by \$25 million. This estimate assumes that the enactment of this Bill would result in the loss of \$14.7 million from the emergency medical services fee that would be authorized by Bill 25-08. However, the Council's action on Bill 25-08 is not dependent on the enactment of this Bill. The Council is free to enact either Bill, both Bills, or neither Bill.

The Executive also argues that the allocation in the Bill of the estimated \$10.2 million in net revenue would require the County to re-allocate other revenue to fund the public safety programs that would otherwise be funded by this revenue. However, the 50% allocation to pedestrian safety programs and public safety programs in the Police Department budget remains

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<sup>3</sup> Both Mr. Mack and Mr. Migdall testified at the public hearing that the Bill would reduce funding for the County's Pedestrian Safety Initiative.

<sup>4</sup> The spreadsheet was prepared by Senior Legislative Analyst Linda McMillan. Ms. McMillan requested, but has not yet received, verification of these numbers from OMB.

available for the public safety programs that the Executive has already earmarked for these revenues. Neither the \$5 million the Bill would allocate for Fire and Rescue emergency apparatus nor the \$900,000 allocated for municipal pedestrian safety programs are currently funded in the projected FY10 budget. The Bill may require the re-allocation of up to \$6 million in other revenue to fund public safety programs to the extent the Council appropriates net revenue for this emergency apparatus or municipal pedestrian safety programs under this Bill in the final FY10 budget.<sup>5</sup> However, the final effect of this Bill on the FY10 budget cannot be determined until the Council approves the FY10 budget in the spring. The Committee may want to discuss modifying the allocation of revenue contained in the Bill.

### **3. Is the allocation for municipal grants reasonable?**

The Bill would allocate 35% of the net revenue for pedestrian safety programs. Of this 35%, the Bill would allocate 25% for grants to municipalities with a red light or speed camera in the municipality and no police department. Rockville, Gaithersburg, and the Town of Chevy Chase all currently receive revenue from the traffic monitoring devices located in their municipality because they have their own police department. Other than Poolesville, Council staff is unaware of other municipalities in the County that would qualify for these grants. Based upon the projected \$10.2 million net revenue for FY10, the Bill would allocate approximately \$892,500 for these municipal grants.

The application and award process for these grants would be established in a subsequent Council resolution. Absent further information on the projected needs of the municipalities that could apply for these grants, it may be advisable to amend the Bill to set this 25% allocation as a cap rather than an expectation. In addition, there may be municipalities without a speed or red light camera located in the municipality with a need for a pedestrian safety grant. The Committee may want to open up these grants to any municipality in the County that does not have the authority to operate its own traffic monitoring system.

**Council staff recommendation:** amend lines 20-26 of the Bill as follows:

- (2) 35% for pedestrian safety programs in the County's approved capital or operating budget, allocated as follows:
  - (A) at least 75% for County programs; and
  - (B) up to 25% for pedestrian safety program grants to municipalities in the County that [have a] do not receive revenue from a traffic control signal monitoring or a speed monitoring device [in] operated by the municipality [and do not have a police department]; and

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<sup>5</sup> The Fiscal Impact Statement dated January 12, 2009 also projects a reduction in other public safety expenditures in

**4. Should the effective date of the Bill be extended to July 1, 2009?**

The Bill, as introduced, would be effective 90 days after it becomes law. Since the FY09 budget has already been approved, the Bill should have a delayed effective date of July 1, 2009 in order to coincide with the beginning of the next fiscal year. **Council staff recommendation:** amend the effective date of the Bill to July 1, 2009 by adding a new Section 2 as follows:

**Sec. 3. Effective Date.** This Act takes effect on July 1, 2009.

**5. Does the Bill violate the State law restrictions on the use of speed camera revenue?**

Uncodified Sec. 2 of Chapter 15, Laws of Maryland 2006 restricts the use of speed camera revenue by the County as follows:

- (1) Beginning in fiscal year 2006 and each fiscal year thereafter, Montgomery County shall use the revenues generated from the enforcement of speed limit laws as authorized under this Act solely to increase local expenditures for related public safety purposes, including pedestrian safety programs; and
- (2) Related public safety expenditures required under this section shall be used to supplement and may not supplant existing local expenditures for the same purpose.

Assistant Attorney General Kathryn M. Rowe, responding to a question from Delegate William A. Bronrott, discussed these statutory restrictions in a letter dated November 26, 2008 attached at ©24-25. Ms. Rowe opined that this law would permit speed camera revenue to be used for ambulance services as a related public safety purpose. Ms. Rowe also pointed out that the use of speed camera revenue for currently funded ambulance service could violate the restriction in paragraph 2 above that the revenue supplement, but not supplant existing services. Council staff contacted Ms. Rowe for clarification of her earlier opinion. Ms. Rowe, in a letter dated December 22, 2008, responded that Bill 35-08 is consistent with the revenue restrictions for speed camera revenue set forth in Sec. 2 of Chapter 15. See ©26.

Bill 35-08 would prohibit spending net revenue from both speed and red light cameras to supplant existing County expenditures. Each of the categories in the Bill is a public safety expenditure related to traffic control. Council staff agrees with the 2 letter opinions of Assistant Attorney General Rowe that Bill 35-08 is consistent with the State law restrictions.

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FY10 of the amount appropriated under the Bill for new fire apparatus and municipal pedestrian safety programs.

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Bill No. 35-08  
Concerning: Motor Vehicles and Traffic –  
Miscellaneous Provisions – Funding  
for Public Safety Programs  
Revised: 11-14-08 Draft No. 10  
Introduced: November 18, 2008  
Expires: May 18, 2010  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council Vice-President Andrews, Council President Knapp, and Councilmembers Ervin,  
Trachtenberg, and Floreen

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**AN ACT** to:

- (1) dedicate any revenue generated from enforcement of traffic control signal monitoring systems and speed monitoring systems;
- (2) create a dedicated revenue source to fund emergency apparatus for the Fire and Rescue Service, pedestrian safety programs, and other public safety programs; and
- (3) generally amend the law regarding the use of any revenue generated from enforcement of certain traffic monitoring systems.

By adding

Montgomery County Code  
Chapter 31, Motor Vehicles and Traffic  
Section 31-70

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 31-70 is added as follows:**

2    **31-70. Funding for Public Safety Programs.**

3           (a) In this section the following terms have the meanings indicated:

4           Fire and Rescue Service means the Montgomery County Fire and  
5           Rescue Service, including each local fire and rescue department.

6           Net revenue means revenue less the cost of operating a traffic signal  
7           control and speed monitoring system.

8           Revenue means any civil penalty received by the County for a civil  
9           citation issued for a violation of any traffic control signal or speed  
10           monitoring system authorized by State law.

11           Speed monitoring system means a device authorized by Md. Code  
12           Transportation Art. §21-809.

13           Traffic control signal monitoring system means a device authorized by  
14           Md. Code Transportation Art. §21-202.1.

15           (b) The Council, in the annual capital or operating budget resolution or by  
16           separate resolution, must allocate any net revenue to supplement County  
17           expenditures on public safety programs as follows:

18           (1) 50% to buy emergency apparatus by the County for use by the  
19           Fire and Rescue Service;

20           (2) 35% for pedestrian safety programs in the County's approved  
21           capital or operating budget, allocated as follows:

22                   (A) 75% for County programs; and

23                   (B) 25% for pedestrian safety program grants to municipalities  
24                   in the County that have a traffic control signal monitoring  
25                   or a speed monitoring device in the municipality and do  
26                   not have a police department; and

27           (3) 15% for traffic safety programs in the approved capital or

28 operating budget for the Department of the Police.

29 (c) The County must not spend net revenue to supplant existing County  
30 expenditures.

31 (d) The Council may appropriate any net revenue which exceeds the  
32 amount necessary to fund the annual expenditures for a category in  
33 subsection (b) to one of the other categories.

34 (e) The Chief Administrative Officer must report annually to the Council  
35 on expenditures of net revenue.

36 *Approved:*

37

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Philip M. Andrews, President, County Council

Date

38 *Approved:*

39

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Isiah Leggett, County Executive

Date

40 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date

## LEGISLATIVE REQUEST REPORT

Bill 35-08

Motor Vehicles and Traffic – Miscellaneous Provisions – Funding for Public Safety Programs

- DESCRIPTION:** This Bill would dedicate any revenue generated from the enforcement of traffic control signal and speed monitoring systems to fund emergency apparatus for the Fire and Rescue Service, pedestrian safety programs, and other public safety programs.
- PROBLEM:** State law requires the County to use any speed monitoring system net revenue for new public safety programs and not to supplant existing expenditures. Current budgetary constraints have reduced the amount of money available for new public safety programs. Revenue generated from these traffic control signal and speed monitoring systems is available to create a dedicated revenue source for these much needed unfunded uses.
- GOALS AND OBJECTIVES:** The goal of this Bill is to create a dedicated revenue source for currently unfunded public safety programs.
- COORDINATION:**
- FISCAL IMPACT:** To be requested.
- ECONOMIC IMPACT:** To be requested.
- EVALUATION:** To be requested.
- EXPERIENCE ELSEWHERE:** Unknown.
- SOURCE OF INFORMATION:** Robert H. Drummer, Legislative Attorney
- APPLICATION WITHIN MUNICIPALITIES:** To be researched.
- PENALTIES:** Not applicable.



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OFFICES OF THE COUNTY EXECUTIVE

Isiah Leggett  
County Executive

Timothy L. Firestine  
Chief Administrative Officer

038706

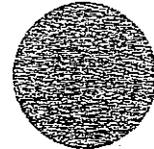
MEMORANDUM

October 23, 2008

TO: Phil Andrews, Chair  
Public Safety Committee

FROM: Timothy L. Firestine, Chief Administrative Officer

SUBJECT: Fiscal Tracking of the County's Safe Speed Program



10/23/08 11:05

This memorandum is in response to your request for information on the County's Safe Speed Program.

1. Total Revenue Collected from the Safe Speed Program:

FY07 \$378,743  
 FY08 \$10,976,336 (preliminary, unaudited figures)  
 FY09 \$4,672,205 (through September 2008; Budget was \$14,775,000)

2. Total Personnel and Operating Costs of implementing the program:

	FY07 Actual	FY08 Actual	FY09 Approved
Personnel	\$ 2,860	\$ 1,123,837	\$ 1,301,701
Operating	\$ 4,880	\$ 3,492,031	\$ 5,975,500
Total	\$ 7,740	\$ 4,615,868	\$ 7,277,201
Net Revenues after Costs	\$ 371,003	\$ 6,360,468	\$ 7,497,799

Note: FY09 revenues are based on total budgeted revenues noted above.

3. **Allocation of Net Revenue for public safety purposes:**

All revenues realized from the speed camera program have been used for public safety purposes including pedestrian safety. However, speed camera revenues are deposited into the general fund and there is not a specific accounting for the specific uses of these revenues anymore than there are for any other revenues deposited into the general fund. Over the period from FY07-09 while the speed camera program has been in operation, County expenditures on public safety and pedestrian safety in both the operating and capital budgets have far exceeded the net revenues collected from the speed camera program. Some of the specific program improvements have included:

- Additional resources in public safety departments including:
  - 22 sworn personnel and 15 civilians (including 6 crossing guards) in the Police Department;
  - 25 correctional officers and 2 correctional specialists;
  - 5 Sheriff Deputies to the Domestic Violence Unit;
  - 2 prosecutors in the States Attorney's Office.
- Establishment of a Family Justice Center.
- Increase funding to pedestrian safety for expanded outreach and education as well as auditing and remediating conditions in "high incident" areas.
- Implementing the Integrated Justice Information System project.
- Planning and design of the 3<sup>rd</sup> and 6<sup>th</sup> District Police stations.

We are continuing work on a model for tracking and reporting on the collection and use of speed camera revenues. We have met with Office of Legislative Oversight staff on this model and will share this with the Public Safety Committee when completed.

Please do not hesitate to contact me or Joe Beach at 240-777-2777 if you are in need of any further information in this regard.

JFB:df

c: Tom Manger, Police Chief  
Joseph F. Beach, Director, Office of Management and Budget  
Kathleen Boucher, Assistant Chief Administrative Officer

BILL 35-08



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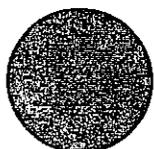
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Isiah Leggett  
County Executive

OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

November 18, 2008



NOV 18 PM 2:30

To: County Councilmembers  
FROM: Isiah Leggett, County Executive  
RE: Council Bill 35-08

I have received a copy of Council Bill 35-08, and the accompanying press advisory, which seeks to "offset" the revenue from health insurance companies, Medicare and Medicaid that would result from Council passage of the Emergency Medical Services Transport Fee. The EMS Transport Fee is designed to help strengthen the Fire & Rescue Service by providing approximately \$200 million over the next ten years at no added cost to county residents.

There are serious problems with Bill 35-08. Among other things, this bill would:

- Increase the County's budget shortfall beyond the current \$251 million projection
- Give our Fire & Rescue Service far less money than the EMS Transport Fee
- Cut pedestrian safety funding
- Leave on the table \$14.7 million in revenue from health insurance companies, Medicare and Medicaid -- revenue that neighboring jurisdictions are using to provide better service and save lives
- Could jeopardize ongoing state legislative support for our current camera safety program.

Council Bill 35-08 would, in fact, make our \$251 million budget shortfall for next year even larger. This proposal would cost county taxpayers nearly \$25 million just for next year, as well as tens of millions of dollars in the years to come. The bottom line is that it would require a redirection of over \$10 million in citation revenues to new programs in addition to foregoing \$14.7 million in EMST Fee revenues -- a total revenue loss of nearly \$25 million.

Bill 35-08 would require taking \$10.2 million which is already committed to funding existing County needs, thereby requiring cuts in other programs to offset that loss. This bill does not "offset" EMS Transport Fee revenue because this \$10 million is already assumed in the current budget to cover existing programs. We would need to find additional revenue to cover this loss of revenue or reduce or eliminate the programs the \$10 million funds.

Memorandum to Council  
November 18, 2008  
Page Two

In fact, Bill 35-08 specifies that the monies may not be used to supplant current monies and efforts but rather to supplement those efforts. In addition, state restrictions on speed camera monies require that those monies be used only for new efforts, not to substitute for existing funding. Funding for the new County Pedestrian Safety Initiative, to be paid for by speed camera revenues and supported by Councilmembers, would be slashed by over 40 percent. Police Traffic Safety programs would receive only one dollar out of every seven under the proposal.

In addition, Bill 35-08 presumes that the EMS Transport Fee to be paid by health insurance companies, Medicare, and Medicaid, would not be approved. This would mean a loss of \$14.7 million in the coming full fiscal year and upwards of \$200 million over the next ten years – all dedicated to meeting the increasing demands placed on our Fire & Rescue Service. These are monies that nearly all our surrounding jurisdictions are currently collecting to strengthen their fire and rescue efforts – with no evidence of adverse effects on individuals calling 911, no impact on volunteer companies, and no impact on individuals' health insurance rates.

I have said before that passage of the EMS Transport Fee is critically important to make sure that our Fire & Rescue Service has the resources they need to continue to provide the life-saving services to all that County residents expect and deserve. This proposal gives Fire & Rescue Service 65 percent less funding than would be generated annually by the EMS Transport Fee and stipulates that the funding can only be spent on fire apparatus – an important need, but one out of many.

I would remind the Council that we should be working to reduce our budget shortfall, not increase it, as this proposal would do. We should be working together to dedicate health insurance company, Medicare and Medicaid revenue already collected for EMS transport so as to relieve the necessity of increasing taxes or taking needed funding away from other critical priorities, as Bill 35-08 would do.

We must squarely face the resource needs of our Fire & Rescue Service, our \$250 million (and growing) budget shortfall, and the obvious merits of an EMS Transport Fee that is working just fine in nearly all our surrounding jurisdictions.

I know these are hard choices. Still, we have an obligation – especially given the recession, the state budget crisis, and growing County budget shortfalls – to pull together and resolve this financial shortfall. Bill 35-08 increases our budgetary challenge and weakens our ability to meet the growing needs of our Fire & Rescue Service and other important requirements.

in \$000's	Capital or Operating	Total Plan Amount	FY09 Funding	Notes on FY09 funding	Amount that could be funded from Safe Speed in FY10
<b>PEDESTRIAN SAFETY INITIATIVE</b>					
<b>Strategy 1: High Incident Areas</b>					
High Incidence Areas	Capital	1,200	1,000	CIP No. 500333 does not specify safe speed revenues as source of funds (CR and bonds)	\$200K in new monies could be added to amount in approved CIP
Education and Outreach	Operating	100	0		\$100K
Speed monitoring and surveys HIAs	Operating	100	0		\$100K
<b>Strategy 2: Pedestrian Network</b>					
Pedestrian network facility plan	Operating	500	0		\$500
Safe Routes to School Program	Operating	521	(was it \$80K)	CIP No. 506747 \$1m in new bond funding approved for each year FY11-FY14	\$441
Enhanced Sidewalk Construction	Capital	1,000	0		\$0 project is already approved and bond funded
Enhanced crosswalk installation	Operating	100	0		\$100K
Enforcement in Work Zones	Operating	174	0		\$174K
<b>Strategy 3: Increase Planning</b>					
Increase emphasis on pedestrians	Operating	0	0	No new funding needed	\$0
<b>Strategy 4: Corridor and Intersection Modifications</b>					
Redesign/reconstruct road	Capital	500	0	CIP No. 507017 \$100K added in each of years FY10-FY14	\$0 while an additional \$400K could be added per year the source of funds for this project is bonds

in \$000's	Capital or Operating	Total Plan Amount	FY09 Funding	Notes on FY09 funding	Amount that could be funded from Safe Speed in FY10
<b>PEDESTRIAN SAFETY INITIATIVE</b>					
<b>Strategy 5: Upgrade Pedestrian Signals</b>					
Reassess Signal Timing	Operating	1,125	175	noted in DOT budget	\$950
Accessible Pedestrian Signals	Capital	150	0		\$150 current revenue in capital
<b>Strategy 6: Enhance Street Lighting</b>					
New street lighting: major projects	Capital	500	0	CIP No. 500512 No new funds - project is bond funded for FY09-FY14	\$0 unless intent is to fund with current revenue instead of bonds
New street lighting: MSHA projects	Capital	2,040	20	CIP No. 500920 \$20K in FY09, FY10, and FY11-	\$0 unless intent is to fund with current revenue instead of bonds
Biannual streetlighting inspection	Operating	75	0	all bond funded	
<b>Strategy 7: Enforcement and Education</b>					
Enhance Countywide Enforcement	Operating	100	0		\$100K
Regional Streetsmart campaign	Operating	45	0		\$45K
Crash analysis and data enhancements	Operating	72	0		\$72K
Education for at-risk populations	Operating	50	0		\$50K
Distribute reflective materials	Operating	73	0		\$73K
Annual County-wide survey	Operating	20	0		\$20K
<b>TOTAL INITIATIVE</b>		<b>\$ 8,544</b>	<b>\$ 1,195</b>		<b>\$ 3,150</b>



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett  
County Executive

Joseph F. Beach  
Director

MEMORANDUM

December 1, 2008

TO: Michael J. Knapp, President  
Montgomery County Council

FROM: Joseph F. Beach, Director  
Office of Management and Budget

SUBJECT: Fiscal Plan Update

Attached please find the updated fiscal plan and supporting documents. As the attached documents indicate the projected gap for FY10 is now estimated at over \$515 million before implementation of the FY09 savings plan. The various assumptions underlying this forecast are discussed below, and include the most recent revenue estimates prepared by the Department of Finance. A projected gap of this magnitude at this point in the budget cycle presents the County with significant challenges and many difficult choices. We are considering a variety of spending reduction solutions at this point, but we consider *all* services to be under consideration for significant reductions at this point. Please note the following concerning certain assumptions and issues in the fiscal plan:

1. **Revenues:** The latest revenue projections from the Department of Finance for tax revenues and investment income. All taxes are projected at current rates with the exception of property taxes which is assumed to be at the charter limit through a rate cut.
2. **State Aid:** State Aid is projected at current formulas for FY09 and FY10 except in those cases where the Board of Public Works has approved reductions. However, we understand that the Governor will take a new round of FY09 reductions to the Board of Public Works in January. In addition, the Governor's FY10 Operating Budget will be published in January 2009 and will, in all likelihood, include significant reductions to local aid. In addition, MCPS is projecting State Aid for Education to increase by approximately \$10 million based on existing formulas. However, given the current economic environment and the budget outlook for the State we have only assumed an increase based on the consumer price index.
3. **FY10 Expenditures:** The FY10 projection of Agency Expenditures is based on a same services estimate of next year's expenditures. The specific major known commitments

Office of the Director

Michael J. Knapp, President

December 1, 2008

Page 2

that are included in the same services estimate are attached and result in an anticipated increase in the budget of approximately 8%. While the Executive will not recommend an operating budget at same services, this approach is used to indicate the level of existing personnel cost and programmatic commitments that exist in the budget. The commitments include the cost of labor contracts, benefit cost increases, Retiree Health Insurance, the operating cost of new capital facilities, inflationary escalation in existing service contracts, annualization of approved positions, and other programmatic costs. The FY10 budget cannot be balanced, in the absence of dramatic tax increases, without many of these costs being eliminated or significantly reduced.

4. **Fund Balance:** The FY09 ending/FY10 beginning undesignated fund balance for the tax supported funds (excluding proprietary funds and grants) is shown in a negative position (line 3 of the fiscal plan summary). The reserves are shown in a deficit position because the impact of the savings plan is shown separately in the fiscal plan (line 18). When the FY09 savings are integrated into the FY09 estimates of agency spending the beginning undesignated fund balance is a positive \$31.3 million. This is nearly \$77 million less than the \$108 million reserve the Council targeted when it approved the FY09 budget.

As you know, the tax supported reserves shown in the fiscal plan is a combination of all of the tax supported funds of all of the agencies. We are analyzing the fund by fund impact of the revenue losses to determine which funds may end FY09 in a negative position.

5. **Savings Plan:** The projected gap is displayed in such a way to breakout the impact of the Council's recently completed actions on the FY09 Savings Plan as well as other changes in this projection of the gap.
6. **Supplemental Appropriations:** Certain previously anticipated supplemental appropriations have been eliminated most notably additional fuel costs for the County Government and other agencies based on the latest estimates for fuel prices. The removal of these supplemental appropriations assumes that there is not another sharp price increase for the balance of FY09.

cc: Timothy L. Firestine, Chief Administrative Officer  
Stephen B. Farber, Council Staff Director  
Jennifer Barrett, Director, Department of Finance  
Kathleen Boucher, Assistant Chief Administrative Officer



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett  
County Executive

Joseph F. Beach  
Director

MEMORANDUM

January 12, 2009

TO: Phil Andrews, County Council President

FROM: Joseph F. Beach, Director, Office of Management and Budget

SUBJECT: Council Bill 35-08, Motor Vehicles and Traffic – Miscellaneous Provisions – Funding for Public Safety Programs

The purpose of this memorandum is to transmit a fiscal impact statement to the Council on the subject legislation.

**LEGISLATION SUMMARY**

Council Bill 35-08 would dedicate any net revenue generated from enforcement of traffic control signal and speed monitoring systems to supplement existing funding for emergency apparatus for the Fire and Rescue Service, pedestrian safety programs, and other public safety programs. The Bill would also allocate a portion of any net revenue for pedestrian safety program grants to municipalities that have a traffic control signal monitoring or speed monitoring device, but do not have a police department.

**FISCAL SUMMARY**

Council Bill 35-08 would not result in any change in any gross revenues generated through the automated traffic enforcement devices. However, since the proposed legislation mandates the allocation of net revenues<sup>1</sup> generated by both the enforcement of traffic control signal and speed monitoring systems (also known as the Speed Camera and the Photo Red Light Camera Programs) to certain pedestrian and public safety programs according to pre-determined allocations, it may result in reducing expenditures (in the absence of replacement funding from another source) in existing Police and pedestrian safety programs where the funds are currently allocated. The pre-determined allocation proposed in the legislation includes the following:

- 50% to buy emergency apparatus by the County for use by the Fire and Rescue Service;

<sup>1</sup> Net revenues are defined in the legislation as revenues less the cost of operating a traffic signal control and speed monitoring system.

Office of the Director

- 35% for pedestrian safety programs in the County's approved capital or operating budget of which 75% would be for County programs, and 25% to municipalities without a police department that operate a traffic control signal monitoring or a speed monitoring device within the municipality; and,
- 15% for traffic safety programs in the approved capital or operating budget for the Department of the Police.

The table below illustrates the application of the proposed legislation to the FY09 Approved Budget for the subject citation revenues. The implementation of this bill could result in under funding existing program expenditures since it stipulates an allocation for emergency apparatus for Fire and Rescue and pedestrian safety programs for certain municipalities in excess of the amount currently budgeted for either of these uses in the FY09 Approved budget. To satisfy the terms of the proposed legislation, it would be necessary to redirect existing programmed expenditures to the priorities identified in the legislation or to identify an alternate source of funding for these existing expenditures.

FY 09 Net Speed Camera/Photo Redlight Revenues			\$ 10,236,800	
Distribution Items	% Allocation	% Sub-Allocation	\$ Allocation	\$ Sub-Allocation
Fire Apparatus	50%		\$5,118,400	\$0
Pedestrian Safety	35%		\$3,582,880	\$0
•County Programs		75%	\$0	\$2,687,160
•Municipalities		25%	\$0	\$895,720
<b>Subtotal Allocation</b>		<b>100%</b>		<b>\$3,582,880</b>
Public Safety Programs Department of Police	15%		\$1,535,520	\$0
<b>Total</b>	<b>100%</b>		<b>\$10,236,800</b>	<b>\$3,582,880</b>

Currently, the citation revenues for speed cameras and photo red light cameras are collected by and budgeted for in the County Police Department general fund budget and are used to fund expenditure increases for public safety purposes including pedestrian safety. The table below indicates that the increased operating expenditures for the identified public safety programs exceed the net citation revenues.

Summary Total Revenues Vs. Total Expenditures	FY08 Appr	FY09 Appr	FY08 Appr - FY09 Appr
<b>Total Speed Cameras/Redlight Cameras Revenue</b>	<b>\$15,085,000</b>	<b>\$21,410,000</b>	<b>\$6,325,000</b>
<b>Total Speed Camera/Photo Redlight Oper Exp.</b>	<b>\$7,234,902</b>	<b>\$11,173,200</b>	<b>\$3,938,298</b>
<b>Net Speed Camera/Photo Redlight Revenues</b>	<b>\$7,850,098</b>	<b>\$10,236,800</b>	<b>\$2,386,702</b>
Total DOT	\$1,308,581	\$1,744,098	\$435,517
Total PIO	\$50,000	\$50,000	\$0
Total POL School Safety	\$4,861,143	\$5,367,300	\$506,157
Total POL Patrol Operations	\$102,383,261	\$107,755,601	\$5,372,340
Total Pedestrian Safety and Public Safety Oper. Expenses	\$108,602,985	\$114,916,999	\$6,314,014
<b>Net Speed Camera/Photo Redlight Revenues</b>	<b>(\$100,752,887)</b>	<b>(\$104,680,199)</b>	<b>(\$3,927,312)</b>

Note: Expenditures referenced in table do not include public safety operating expenditures in Correction and Rehabilitation, Fire and Rescue, States Attorney, or Sheriff or the capital budget expenditures or these departments or the pedestrian safety expenditures in the CIP which exceeded \$14.7 million in the FY09 capital budget.

The following contributed to and concurred with this analysis: Bruce Meier, Department of Transportation, Neil Shorb, Department of Police, and Ed Piesen of the Office of Management and Budget.

JFB:ep

- c: Timothy L. Firestine, Chief Administrative Officer
- Kathleen Boucher, Assistant Chief Administrative Officer
- J. Thomas Manger, Chief, Department of Police
- Arthur Holmes, Jr., Director, Department of Transportation
- Leon Rodriguez, County Attorney
- Melanie L. Wenger, Director, Office of Intergovernmental Relations
- Patrick Lacefield, Director, Office of Public Information
- Neil Shorb, Department of Police
- Bruce Meier, Department of Transportation
- Ed Piesen, Office of Management and Budget
- Brady Goldsmith, Office of Management and Budget
- Adam Damin, Office of Management and Budget
- Dee Gonzalez, Offices of the County Executive

**Council Bill 35-08, Motor Vehicles and Traffic**

**Public Hearing Testimony**

**January 13, 2009**

Good afternoon, I am Joseph Beach, Director of the Office of Management and Budget, and I am here to testify on behalf of County Executive Isiah Leggett in opposition to Council Bill 35-08. The subject legislation would require the application of the net revenues collected from the issuance of speed camera and photo red light citations to supplement expenditures in certain public safety programs according to the predetermined percentages specified in the legislation.

While the County Executive generally supports the dedication of these resources to the programs specified in the bill and believes that revenues collected to date have largely been so applied, he objects very strongly to the bill's seeming requirement that *existing* revenues be dedicated to *new* uses and that the bill specifies the allocation of these revenues to certain programs without first assessing and weighing the relative needs and merits of these different public safety programs.

As written, Bill 35-08 would require that the existing \$10.3 million in net citation revenue be applied to new fire and rescue apparatus, County and municipal pedestrian safety programs, and police traffic safety programs. This redirection of existing resources would increase the County's projected FY10 budgetary gap from \$515 million to over \$525 million or place existing programs at risk of significant reductions or elimination.

Since the inception of the speed camera program in FY07, County tax supported expenditures for public safety and pedestrian safety programs have increased by nearly

\$165 million and greatly exceed the estimated \$26.6 million in net revenues collected from the automated traffic control citation programs during that same time period. This increase in public safety expenditures would be even greater if we included the time period since the implementation of the photo red light camera program.

As mentioned previously, the Executive does not support creating a pre-determined and arbitrary allocation of citation revenues. We believe that establishing a percentage allocation of revenues for specific purposes is not good public policy since the resources should be allocated after the needs have been identified, related costs have been quantified, and there has been an opportunity for other competing needs to be considered at the same time. For example, according to the percentage allocations in the subject legislation, \$900,000 would be allocated for pedestrian safety programs in certain municipalities without first assessing whether that amount is required for municipal pedestrian safety programs, how it would be used, and that based on collision data this would even be the best use of those resources for pedestrian safety in the County relative to other uses.

In closing, I want to stress that we generally support the identified uses in the legislation, but those uses should be prospective, apply to new revenues, and that the existing budget process be used to determine the allocation for those resources based on a comprehensive assessment of needs, related costs, measurement data, and evidence of what works to improve public safety and pedestrian safety. We can accomplish this by collaboratively working together without new legislative mandates. Thank you for allowing me to address the Council today on this very important matter.



# Montgomery County Volunteer Fire \* Rescue Association

P.O. Box 1374  
Rockville, MD 20849  
301-424-1297

**Marcine D. Goodloe, President**  
**Eric N. Bernard, Executive Director**

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**Testimony of  
Marcine D. Goodloe  
President  
Montgomery County Volunteer Fire-Rescue Association  
Support of Bill 35-08  
January 13, 2008**

Thank you for the opportunity to lend the volunteer's support to this important Bill. We do not believe that there is any question as to the value of speed cameras. Statistics from Australia and Europe where speed cameras have been in use for many years have research and significant data that proves that they reduce speed and save lives.

We applaud Montgomery County for making the wise decision to apply this needed and valuable life saving protection, again for the safety of our people and communities.

On a daily basis, the Montgomery County Fire and Rescue Service's volunteer and career personnel respond to tragic vehicle accident calls. Speed, often times, is the major factor in vehicular accidents. Any accident that ends in the death or serious injury of a loved one not only leaves their family and friends grieving at the loss, it also has a marked affect on fire, rescue, and emergency medical responders. Yet, they continue in their battle to save lives.

The one redeeming feature in this battle to save lives is to insure that we have state of the art ambulances and other apparatus to respond to the emergency calls. The cost of these ambulances and other apparatus runs from \$200,000 to over one million dollars.

Clearly, by allowing the percentage of revenue from the speed camera fines to go to the fire and rescue service to help to obtain these life savings needs is logical and appropriate.

The fire, rescue, and emergency medical volunteers of Montgomery County fully support this Bill and respectfully urge the County Council to approve this needed funding.



3 *DM*

PEDESTRIAN AND TRAFFIC SAFETY ADVISORY COMMITTEE

13 January 2009

TO: Montgomery County Council Members

My name is Erwin Mack. I am the Chair of the Montgomery County Pedestrian and Traffic Safety Advisory Committee (PTSAC) and am representing the Committee's point of view.

I have provided each of you with a copy of the Montgomery County Code - **ARTICLE 9. PEDESTRIAN AND TRAFFIC SAFETY ADVISORY COMMITTEE**, which clearly defines what the role of the Committee **must** be. Section (4) (e) (2) specifically states "The Committee must advise the Executive and Council of priorities and needs for pedestrian and bicycle safety and access and other pedestrian-related issues". This is why I am here representing the Committee.

The Committee has the following concerns:

1. Pedestrian collisions in Montgomery County have continued to rise and need to be reduced.
2. Dedicating speed camera revenues to fully fund the Pedestrian Safety Initiative is very important to reduce pedestrian collisions and is what the revenue was intended to be spent on per the enabling legislation.
3. While the County does not need all of the speed camera revenues to fully fund the Pedestrian Safety Initiative, it certainly does need more than 26% (that is what the Council's proposed 75% of the 35% to pedestrian safety comes out to). Last September, County Executive Leggett proposed dedicating approximately 50% of the speed camera revenues to fully fund our Pedestrian Safety Initiative....that is still the amount that is needed. The Council's bill, as proposed, essentially cuts the pedestrian safety funding in half.
4. The County Executive's strategy for our Pedestrian Safety Initiative is that we spend our money on improving safety where our pedestrians are being hit. This is based on police accident reports (see attachment.) This is how we will obtain data-driven results. The Council's Bill 35-08 proposes to divert 9% (that is the 25% of the 35% the Council proposes spending on pedestrian safety) of speed camera revenues to where only three pedestrian collisions have occurred in the last five years (The Town of Poolesville). In contrast, under Bill 35-08, we would spend 26% of the speed camera revenue where the remaining 1,823 pedestrian collisions have occurred. In other words, Council Bill 35-08 has us spending 9% of our money where less than 0.001% of the pedestrian collisions have occurred while we would spend only 26% where 99.99% of the pedestrians are being hit. That is spending nearly \$1 million a year where there are hardly any pedestrian collisions occurring. In five years, that could be nearly \$5 million that would be diverted to Poolesville to protect pedestrians where pedestrians are not being hit. This does defy logic. . . as well as sound public policy. What is driving this provision in Bill 35-08? It certainly is not the data or the facts.

Department of Transportation

101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX  
www.montgomerycountymd.gov/walk

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We are very pleased that Prezco also has similar concerns.

The PTSAC now respectfully requests that the Council reconsider its position, so that we might proceed fully funded, with the responsibilities assigned to us.

Thank you.

A handwritten signature in black ink, appearing to read "Erwin H. Mack". The signature is fluid and cursive, with the first name "Erwin" being more prominent and stylized.

Erwin H. Mack, Chair, Pedestrian and Traffic Safety Advisory Committee

Jurisdictions	Pedestrian Collisions						Fixed Speed Camera	Police Force	
	2004	2005	2006	2007	2008 (1/1/08- 5/31/08)	Total			% of Total
Unincorporated Montgomery County	335	344	346	321	127	1,473	26	80.67%	Y
Barnesville						-		0.00%	
Brookeville						-		0.00%	
Chevy Chase Section 3		1	1			2		0.11%	
Chevy Chase Section 5			1			1		0.05%	
Chevy Chase View				1		1		0.05%	
Chevy Chase Village	3	1	3	1		8		0.44%	Y
Gaithersburg	27	33	25	28	13	126		6.90%	Y
Garrett Park			1			1		0.05%	
Glen Echo	1					1		0.05%	
Kensington	4	1	3	3	1	12		0.66%	
Laytonsville			1			1		0.05%	
Martins Addition						-		0.00%	
North Chevy Chase						-		0.00%	
Poolsville	1	2				3	4	0.16%	
Rockville	41	47	32	44	16	180		9.86%	Y
Somerset				1		1		0.05%	
Takoma Park	5	2	2	2	1	12		0.66%	Y
Town of Chevy Chase	1	1	1		1	4		0.22%	
Washington Grove						-		0.00%	
<b>Total</b>	<b>418</b>	<b>432</b>	<b>416</b>	<b>401</b>	<b>159</b>	<b>1,826</b>	<b>30</b>	<b>100.00%</b>	<b>-</b>

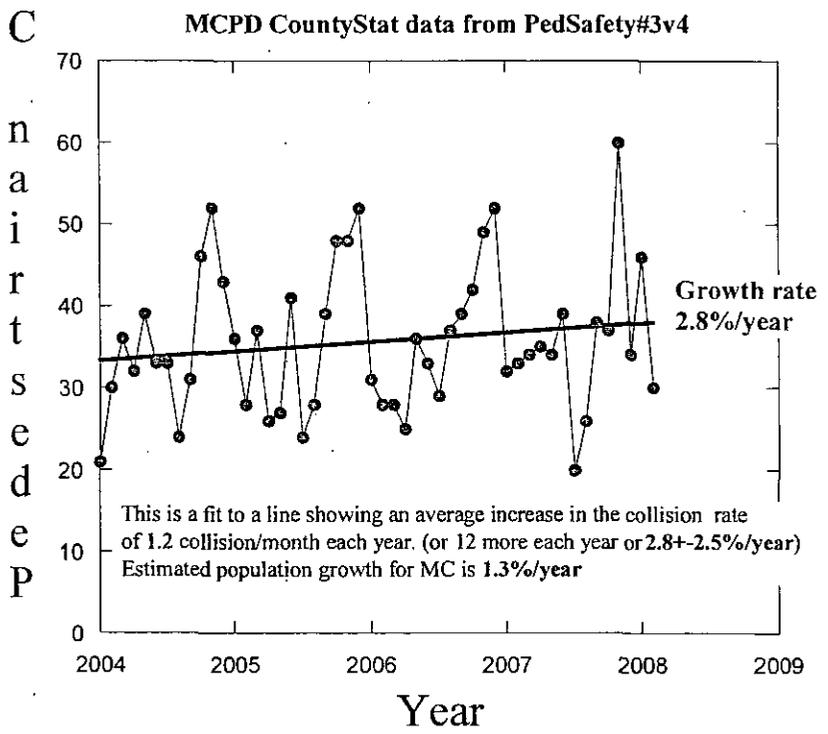
Piney Branch between Flower Ave & PG County Line	15	10	9	8	1	43	2.35%
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January 12, 2009

Dear Councilmembers,

I am speaking as an individual, but I am a member of the Montgomery County Pedestrian and Traffic Safety Advisory Committee, a committee charged with "providing advice to elected officials regarding priorities and needs in the area of pedestrian and bicycle safety and access." Nothing relates more to that mission than securing adequate funding for pedestrian safety projects. The urgency of this task is unfortunately seen in the data on pedestrian collisions within the County over the last few years. It is clear that we are on a steadily increasing trend with no sign of it abating. More disturbing is that the rate appears to be increasing even faster than the population growth.



Given this trend, it is clear that if we are to have any hope of changing its direction, we must do things significantly differently than business-as-usual. The enforcement provided by the speed camera program is one such example of a real change in how we operate. That program, only in its infancy, will hopefully bear fruit in reducing the collision and fatality rates. But it can only address part of the problem. Certainly there are needs for new funding that provides improvements to infrastructure focused on pedestrian safety. Again, to really make a significant change in the collision rates, that funding must be at a significant level. That is why we were very happy that the speed camera fines would be used specifically for "related public safety purposes, including pedestrian safety programs" and that these funds are restricted from just supplanting existing funding. Given that 6 years into the County's pedestrian safety initiative, we see no sign of the casualties even slowing down, we should make certain that we take advantage of this opportunity to significantly increase our pedestrian safety efforts. The focus should always be on that sobering trend of deaths and injuries and how to reduce it. Until we see

that trend start to drop, we must be sure that these specifically designated funds are focused most directly on this purpose and focused most efficiently toward that goal.

That is why we are concerned about this bill. We feel that that our efforts should be data driven to be most efficiently directed. That is how the speed camera locations were selected. There was very careful attention as to where the greatest danger exists and conversely, there was a concerted effort to avoid undue influence by politics. We feel that that was a successful way to go and we would like to see to it that safety data, not politics, governs the allocation of these pedestrian safety funds. For example, how much injury is caused by lack of emergency equipment versus inadequate funding for pedestrian infrastructure? Also, how much of the danger is in "municipalities without police departments" versus not? Without the answers to such questions we will likely not be most efficiently using the funding to reduce pedestrian deaths and injuries. And even if the numbers existed that support this particular distribution at this moment in time, it is not likely that it would remain constant, and thus the allocation would require continual adjustment at the legislative level. Such a mechanism would not be the best way to deal with this problem. (From County data I find such jurisdictions account for 1.5% of ped collisions while the funding formula provide ~9% of the total.)

Given these questions, it is best to avoid specific mandating of the programs details by legislation of this type. It is best to let these funds be designated simply for pedestrian safety without supplanting new funding and let the agencies most closely dealing with these problems recommend where they would be best spent.

I ask that you use these funds to fully fund the County Executive's "Pedestrian Safety Initiative" (2007) program and his additional requests for pedestrian safety efforts (from the Silver Spring Citizens Advisory Board Mar. 13, 2008\* ) at their full levels and let the data determine the apportionment. That is the only way we can hope to reduce the current trend of increasing pedestrian carnage.

Sincerely

Alan Migdall

11736 Owens Glen Way

Gaithersburg, MD 20878

Member, Montgomery County Pedestrian and Traffic Safety Advisory Committee

\*request-

[http://www.montgomerycountymd.gov/content/RSC/SilSprng/BoardsCommittees/CAB/2008/Correspondence/out/Mar/pedestrian\\_safety\\_initiative.pdf](http://www.montgomerycountymd.gov/content/RSC/SilSprng/BoardsCommittees/CAB/2008/Correspondence/out/Mar/pedestrian_safety_initiative.pdf)

CE's response stating that he did not fully fund the effort-

[http://www.montgomerycountymd.gov/content/RSC/SilSprng/BoardsCommittees/CAB/2008/Correspondence/in/Apr/CE\\_Letter\\_Pedestrian\\_Safety\\_Initiative.pdf](http://www.montgomerycountymd.gov/content/RSC/SilSprng/BoardsCommittees/CAB/2008/Correspondence/in/Apr/CE_Letter_Pedestrian_Safety_Initiative.pdf)

DOUGLAS F. GANSLER  
ATTORNEY GENERAL

KATHERINE WINFREE  
Chief Deputy Attorney General

JOHN B. HOWARD, JR.  
Deputy Attorney General



DAN FRIEDMAN  
Counsel to the General Assembly

SANDRA BENSON BRANTLEY  
BONNIE A. KIRKLAND  
KATHRYN M. ROWE  
Assistant Attorneys General

THE ATTORNEY GENERAL OF MARYLAND  
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

November 26, 2008

The Honorable William A. Bronrott  
411 House Office Building  
Annapolis, Maryland 21401-1991

Dear Delegate Bronrott:

You have asked for advice concerning the permissible uses of the revenues from speed cameras in Montgomery County. Specifically, you have asked whether a portion of the revenue from the program could be used to finance ambulance service, in lieu of a proposal to charge users of the ambulance service a fee for the service. While the matter is not completely clear, it is my view that the law can be interpreted to permit the expenditure of speed camera revenues on ambulance services. It is also my view, however, that this particular proposal would not meet the requirement of another provision of the law that the speed camera revenue expenditure supplement and not supplant existing county expenditures.

As I understand it, Montgomery County currently finances ambulance services in the County. It has been proposed that a fee be imposed on ambulance users to cover part or all of this expense. As an alternative, it has been proposed that the expense of operation be funded out of the revenues from speed cameras.

The use of speed cameras in Montgomery County is authorized by Chapter 15, Laws of Maryland 2006 (House Bill 443 of 2005). Section 2 of that law is an uncodified provision that reads:

(1) Beginning in fiscal year 2006 and each fiscal year thereafter, Montgomery County shall use the revenues generated from the enforcement of speed limit laws as authorized under this Act solely to increase local expenditures for related public safety purposes, including pedestrian safety programs; and

(2) Related public safety expenditures required under this section shall be used to supplement and may not supplant existing local expenditures for the same purpose.

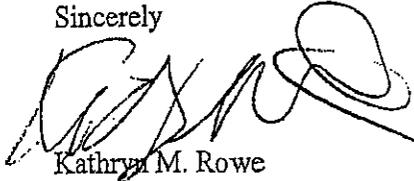
There can be no question that the operation of an ambulance service is a public safety purpose. Provisions relating to ambulance and emergency medical services are found in the Public Safety Article of the Code. See Public Safety Article Titles 6 and 7. Members of ambulance crews are included in the definition of "public safety employee" under both federal and State law. 42

The Honorable William A. Bronrott  
November 26, 2008  
Page 2

U.S.C. § 3796b(9)(A); Labor and Employment Article § 9-628(a)(2). Moreover, the term "public safety" has generally been given a broad definition. *Cf., Parr v. Ladd*, 36 N.W.2d 157 (Mich. 1949) (off street parking has a definite bearing on public safety); Sutherland *Statutes and Statutory Construction* § 73:4 (2003) (listing matters considered to be within rubric of public safety). Section 2, however, does not only require that the revenue be used for public safety purposes, but that it be for "related public safety purposes, including pedestrian safety programs." This would appear to require that the revenues be used for public safety purposes related to the same purposes of the speed camera legislation itself, that is promoting traffic safety and protecting pedestrians. Ambulance service is at the reactive, rather than the proactive, end of this chain. However, I cannot say that it is not related to the goals of Chapter 15.

An additional hurdle arises from the requirement that the related public safety expenditures "shall be used to supplement and may not supplant existing local expenditures for the same purpose." While this would allow the expansion of the existing ambulance service, or the purchase of additional equipment, it would not allow a cost that is already paid by the County, as it now is, to be paid from speed camera revenues instead. It is for this reason that it is my view that this would not be an appropriate expenditure of the revenues from speed cameras.

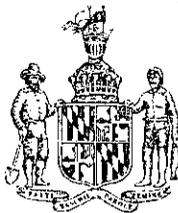
Sincerely



Kathryn M. Rowe  
Assistant Attorney General

KMR/kmr  
bronrott01.wpd

DOUGLAS F. GANSLER  
ATTORNEY GENERAL



DAN FRIEDMAN  
Counsel to the General Assembly

KATHERINE WINFREE  
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SANDRA BENSON BRANTLEY  
BONNIE A. KIRKLAND  
KATHRYN M. ROWE  
Assistant Attorneys General

JOHN B. HOWARD, JR.  
Deputy Attorney General

THE ATTORNEY GENERAL OF MARYLAND  
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

December 22, 2008

Mr. Robert H. Drummer, Esquire  
Legislative Attorney  
Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland 20850

Dear Mr. Drummer:

You have asked me to take a look at Bill No. 35-08, currently pending before the Montgomery County Council in light of my previous advice concerning the appropriate use of the revenues from speed cameras. It is my view that Bill No. 35-08 is consistent with Maryland law.

As you know, in an earlier letter to the Honorable William A. Bronrott dated November 26, 2008, I advised that speed camera revenues could be used to fund ambulance services, but that they could not be used in a way that would supplant existing County expenditures. This advice was given in the context of a hypothetical proposal to cover a portion of the current costs of ambulance services. Since the provision of ambulance service is already paid by the County, it was my view that this would supplant current expenses, and thus not be permissible in light of Section 2 of Chapter 15, Laws of Maryland 2006.

Bill No. 35-08 would provide that speed camera revenue would be directed to the purchase of emergency apparatus for use by the Fire and Rescue Service, pedestrian safety programs, and traffic safety programs. Unlike the hypothetical proposal addressed in my earlier letter, the fire and safety expenditure is not directed to ongoing costs that are already covered by the County, but to the purchase of new equipment. It is my understanding that this would not supplant any current County expenditure. In fact, Bill No. 35-08 expressly states that the County "must not spend [speed camera revenue] to supplant existing County expenditures." For these reasons, it is my view that Bill No. 35-08 would not violate the restriction in Section 2 of Chapter 15.

Sincerely

A handwritten signature in black ink, appearing to read 'Kathryn M. Rowe', written over a horizontal line.

Kathryn M. Rowe  
Assistant Attorney General