OLO Report 2021-10 July 27, 2021

A Study on Reassigning Traffic Enforcement from the Montgomery County Police Department to the Montgomery County Department of Transportation

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OLO Office of Legislative Oversight

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OLO Report 2021-10 **EXECUTIVE SUMMARY** **July 27, 2021**

This Office of Legislative Oversight (OLO) report responds to Council's request to examine traffic enforcement in the County and to report on the feasibility of reassigning traffic enforcement from the Montgomery County Police Department (MCPD) to the Montgomery County Department of Transportation (MCDOT). This report describes County traffic enforcement strategies, structure, and legal basis; the Vision Zero program and its relationship to traffic enforcement; and research on alternate means of traffic enforcement in other jurisdictions. The report also describes national research on racial bias in traffic enforcement and strategies to reduce bias.

Traffic Safety and Vision Zero

Vision Zero approaches traffic enforcement with a focus on addressing the most dangerous driver behaviors that are most likely to lead to accidents. In 2020, Vision Zero and MCPD began work to refocus County traffic enforcement on the most dangerous driver behaviors – distracted driving, forgoing occupant protection, impairment, aggressive driving, and impairing pedestrian safety.

The County identifies locations that contribute to high numbers of injuries and targets them with increased traffic enforcement. MCPD also works closely with MCDOT, sharing data and information to coordinate on traffic safety education, outreach, and prevention efforts. In 2021, MCPD continued its refocusing efforts by forming a new Centralized Traffic Unit to focus high visibility enforcement on collision contributing traffic violations and outreach/education to help change the dangerous behavior of drivers, pedestrians, and bicyclists.

Montgomery County's Vision Zero Program

Vision Zero is a principal strategy adopted by many jurisdictions "to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all." Launched in 2017, the County seeks to end all traffic fatalities and severe injuries by 2030.

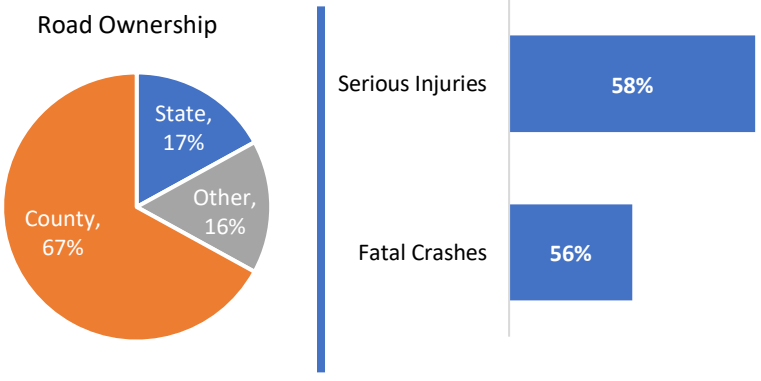
Roadway design and operation play the fundamental role in achieving Vision Zero goals, with traffic enforcement and education programs as essential components. MCDOT leads most County actions to implement Vison Zero.

Vision Zero uses data analysis to identify actions items and emphasizes the equitable prioritizing of funding, resources, and outreach to communities that experience a disproportionate burden of traffic-related fatalities and serious injuries. The County has budgeted $95 million for Vision Zero implementation in FY22.

County Traffic Enforcement

State law governs traffic enforcement in Maryland and gives police officers the legal authority to enforce traffic laws, to stop and detain drivers, issue citations, and/or arrest individuals for violations. MCPD enforces traffic laws in the County – using both in-person enforcement and automated enforcement (i.e., speed, red light, and school bus cameras). MCPD uses selective traffic enforcement, a data-driven approach using accident and violation data to target enforcement. Historically, about 20% of traffic enforcement is performed by MCPD officers specifically assigned to traffic enforcement and 80% by general patrol officers.

MD STATE OWNS 17% OF ROADS IN THE COUNTY, BUT OVER HALF OF FATALITIES AND SERIOUS INJURIES OCCUR ON STATE-OWNED ROADS



Automated Traffic Enforcement

Maryland law allows jurisdictions to use speed, red light, and school bus cameras for traffic enforcement and governs where the County can place cameras. The County uses all three types of automated enforcement. State law requires the County to receive State Highway Administration approval to place speed and red light cameras on state roads or intersections. Since 2011, the State Highway Administration has rejected County applications for red light cameras at 16 state intersections.

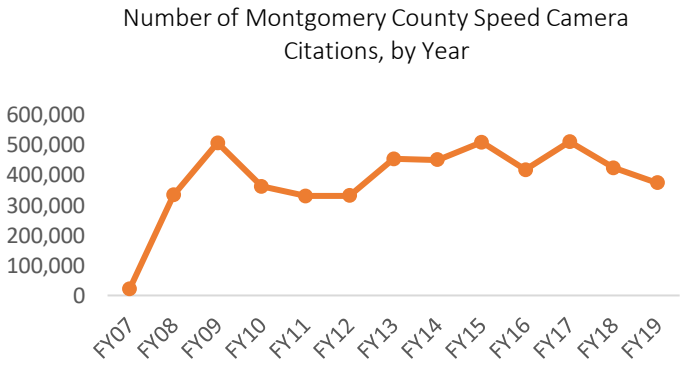
The County began the first speed camera program in the State in 2007 and is seen as a model program by other jurisdictions. MCPD manages the speed and red light camera programs and manages the school bus cameras program jointly with Montgomery County Public Schools. MCPD will select a new contractor in summer 2021 to upgrade and expand the County's ATE program. The new vendor will be required to install and service 25 new speed cameras and 25 new red light cameras within the first five years.

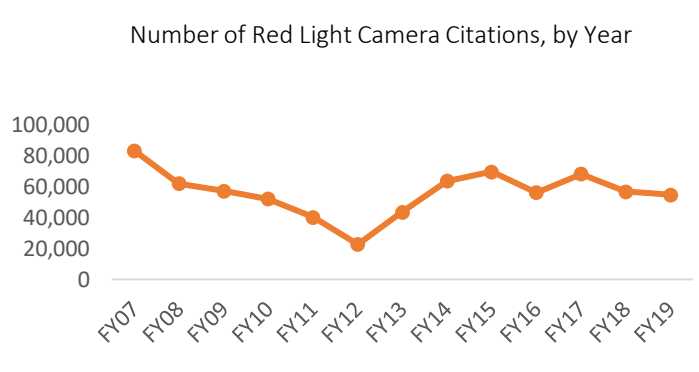
MCPD uses a five-step approach to evaluate potential speed camera locations that includes pre-enforcement verification of information, data collection, data analysis, site visits, and final approval. The department documents its evaluation of locations in a report that describes speed endangerment, accident endangerment, pedestrian proximity, traffic volume, and roadway design. The Insurance Institute for Highway Safety (IIHS) studied the County's approach in 2015 and found that the approach drastically decreased the likelihood of drivers exceeding the speed limit by more than 10 miles per hour.

Montgomery County Automated Traffic Enforcement Types

Type	Description	#	Fines
Speed Cameras	• For use only on residential roads with a maximum posted speed limit of 35 MPH • Uses photo radar/Lidar to photograph rear license plates • Vehicles must exceed the speed limit by 12 MPH or more	38 fixed-pole 34 portable 5 mobile van	$40
Red Light Cameras	• Activates when motion is detected just prior to the stop line/stop bar after the traffic signal has turned red • Camera captures video of an alleged violation, taken from the rear of the vehicle	51	$75
School Bus Cameras	• When a school bus extends its stop arm, the camera detects any vehicle passing the stopped school bus • Camera captures video showing the violating vehicle, the vehicle's license plate, and the extended stop arm	1,382	$250

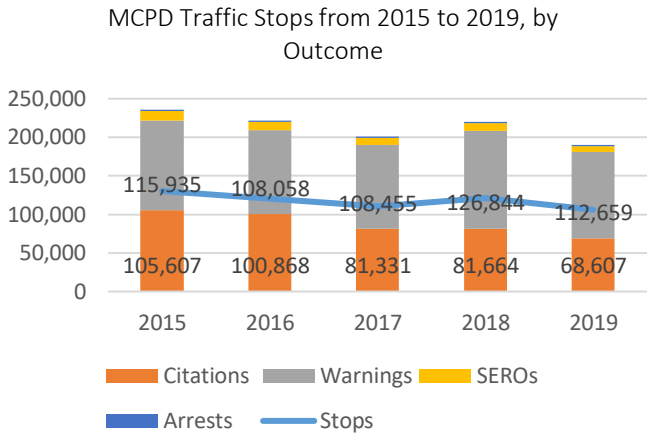
MCPD data show that in FY19, Montgomery County issued 373,169 citations for speed camera violations and 54,572 citations red light camera violations. Data also show that speed and red light cameras have a high accuracy rate. MCPD reports that in FY19, the automated systems issued 94% of speed camera events and 87% of red light camera events.





Montgomery County Traffic Enforcement Data

Since 2001, Maryland law has required police officers to report data about every traffic stop (limited exclusions) conducted in the state and requires reporting of the data to the Maryland Statistical Analysis Center. In 2007, the County Executive and the Fraternal Order of Police, Montgomery County Lodge 35 (FOP) signed an agreement that is still a part of the FOP's current collective bargaining agreement with the County. While the agreement specifically states that "[a]ll traffic stops must be documented," it also states: "In the event the officer does not issue a written document [during a traffic stop], the officer will provide the citizen with the officer's business card and verbally inform the citizen of the reason for the stop."



Based on this provision, Executive Branch representatives report that an unknown number of reportable traffic stops performed by MCPD officers from 2007 to January 2021 have occurred where data have not been collected, recorded, and reported to the State, as required by state law.

Traffic Enforcement and Racial Bias

In the U.S., traffic stops are the most common interaction between police officers and the public. Many social science researchers have examined data on traffic stops for:

- **Collision contributing violations** (i.e., where police stop drivers for the most dangerous behaviors such as distracted driving, forgoing occupant protection, impairment, aggressive driving, and impairing pedestrian safety).
- **Other traffic violations** (i.e., where police have authority to stop drivers for minor violations, expired registrations, or equipment issues but not due to driving in a dangerous or unsafe manner).

Data show that Black and Latino drivers are stopped and searched during traffic stops for other traffic violations at disproportionately higher rates compared to White drivers. Conversely, research shows little or less racial disparities in traffic stops for collision contributing violations. OLO data analysis in Report 2020-9, *Local Policing Data and Best Practices*, showed local disparities in police interactions by race and ethnicity and stated, "while disparities do not prove biased policing, they signal that unconstitutional policing could be a problem that merits investigation."

Several groups of stakeholders in Montgomery County have advocated for changing MCPD's traffic enforcement responsibilities in various ways, including increased use of automated traffic enforcement. While these stakeholders generally approve of the equitable use of automated traffic enforcement technology, several highlighted that ATE use must be implemented in a way that does not lead to additional racial bias (e.g., placement of cameras in a discriminatory way) or increased negative impacts on lower-income individuals.

Case Studies

Many jurisdictions in the United States are altering or studying ways to alter their traffic enforcement programs – to lessen racial disparity in traffic enforcement and to increase safety. The report describes four types of examples. As of the release of this report, OLO is not aware of any jurisdiction that has removed traffic enforcement authority from police officers. Brooklyn Center, MN has enacted a plan that has yet to be implemented.

Options to Remove Traffic Enforcement from Police	Reducing Traffic Stops	Proposing Civilian Traffic Enforcement	Transportation Departments Manage ATE Programs
Berkeley, CA	Fayetteville, NC (2013-16)	Los Angeles, CA	Baltimore, MD
Brooklyn Center, MN	Lansing, MI	Philadelphia, PA	Chicago, IL
Cambridge, MA	Madison, WI		New York, NY
Washington, DC	Oakland, CA		Washington, DC
	Commonwealth of Virginia		

Limitations to Changing Traffic Enforcement in Montgomery County

Within the legal context of traffic enforcement in Maryland, OLO examined legal and/or policy changes necessary to change traffic enforcement practices in Montgomery County.

Strategy	Limitations
Increased use of automated traffic enforcement	• State law limits where the County can place speed cameras • Expanding the types of roads on which speed cameras could be placed would require changes to state law • Placing County speed and red light cameras on state-owned roads requires state approval • Moving operation of ATE from MCPD to MCDOT would not expand the County's ability to place speed cameras outside residential and school zones
Ending traffic stops for secondary offenses	• State law governs officers' authority to enforce traffic laws in the state • Ending traffic stops for secondary offenses statewide would require a change in state law and/or a change in MCPD traffic enforcement policies
Removing traffic enforcement responsibilities from MCPD	• State law specifically authorizes sworn police officers to enforce traffic laws in MD • Changes would require changes to state law

OLO Recommendations and Discussion Items

Recommendations

#1 Continue to fund the County's Vision Zero program and the expanded use of automated traffic enforcement technology.

#2 Ask the County Executive to identify, evaluate, and implement changes to County traffic enforcement policies and procedures that do not require changes to state law.

Discussion Items

#1 Changes to Maryland law could further the Council goals of fairness, reducing bias, and improving safety and efficiency. Discuss whether the Council is interested in advocating for such changes.

#2 If the Council is interested in moving traffic enforcement responsibilities from the Montgomery County Police Department to the County's Department of Transportation, the Council should advocate for the necessary changes to state law.

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http://www.montgomerycountymd.gov/OLO/Reports/CurrentOLOReports.html

OLO Report 2021-10

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Appendices

Introduction

Many recent high-profile incidents stemming from police interactions with the public have prompted elected officials across the country to ask for more information about policing in their jurisdictions. From a purely numerical point, the most common situation leading to interaction between police officers and residents are police traffic stops.[1] In the United States, scholarly research and analysis of traffic enforcement data over the past decade(s) have demonstrated that many police departments enforce traffic laws in a racially biased manner – with Black and Latinx drivers stopped and searched during traffic stops at disproportionately higher rates than White drivers.

Several jurisdictions around the country have begun exploring efforts to transfer traffic enforcement authority from their police departments and reassign it to non-law enforcement departments. In its efforts to better understand traffic enforcement in Montgomery County, the County Council asked the Office of Legislative Oversight (OLO) to undertake a study of current programs and policies and report on the feasibility and implications of reassigning the routine traffic and pedestrian safety enforcement from the Montgomery County Police Department (MCPD)[2] to the Montgomery County Department of Transportation (MCDOT).[3] In this report, the Council asked OLO to:

- Include research on implementation of changes in traffic enforcement responsibilities in other jurisdictions;
- Assess the potential for how moving traffic enforcement responsibilities from MCPD to MCDOT may, (1) promote fairness and reduce bias, (2) improve community safety, (3) improve organizational efficiency, (4) improve safety across all modes of transportation, and (5) enable the County to meet its Vision Zero goals.

In this report:

- **Chapter 1 – Overview of Traffic Enforcement**: provides a broad overview of traffic enforcement, including data on roadway deaths and injuries, information on roadway safety and Vision Zero, and descriptions of in-person and automated traffic enforcement;
- **Chapter 2 – Legal Basis for Traffic Enforcement**: summarizes the legal basis for traffic enforcement in Montgomery County and in Maryland;
- **Chapter 3 – Traffic Enforcement Case Studies**: describes comparative information on traffic enforcement in other jurisdictions;
- **Chapter 4 – MCPD Organizational Structure and Key Strategies**: describes the traffic enforcement objectives and structure of the Montgomery County Police Department;
- **Chapter 5 – MCPD In-Person Traffic Enforcement and Data**: describes current in-person traffic enforcement activities by the Montgomery County Police Department;

[1] Davis, Elizabeth, et al., "Contacts Between Police and the Public, 2015," Bureau of Justice Statistics, U.S. Department of Justice, at p. 4 (July 2018).
[2] The official name of Montgomery County's police department is Montgomery County Department of Police. It is commonly referred to – both inside and out of the County Government – as the Montgomery County Police Department or MCPD. This report uses the commonly-used name and acronym.
[3] This report focuses specifically on MCPD's enforcement of traffic laws in Montgomery County. It does not include information or analysis related to any other law enforcement departments that enforce traffic laws in the County (e.g., municipal police departments, Maryland-National Capital Park and Planning Commission police, federal police departments, etc.).

- **Chapter 6 – MCPD Automated Traffic Enforcement and Data**: describes current automated traffic enforcement activities by the Montgomery County Police Department;
- **Chapter 7 – Implementing Vision Zero in Montgomery County**: describes Montgomery County's Vision Zero program and implementation;
- **Chapter 8 – Traffic Enforcement and Racial Bias**: provides an overview of national research and scholarship on racial bias in traffic enforcement and efforts to reduce racial bias in traffic enforcement;
- **Chapter 9 – Recommendations from the Reimagining Public Safety Task Force**: highlights the traffic enforcement recommendations from the Reimaging Public Safety Task Force; and
- **Chapter 10 – Findings, Recommendations, and Discussion Items**: summarizes the report's findings and presents recommendations and discussion questions.

Methodology. Office of Legislative Oversight (OLO) staff members Leslie Rubin and Blaise DeFazio conducted this study, with assistance from Stephanie Bryant, Elaine Bonner-Tompkins, Natalia Carrizosa, Theo Holt, and Karen Pecararo. To prepare this report, OLO gathered information through document reviews, data analysis, and interviews with staff from AAA Mid-Atlantic, the Coalition for Smarter Growth, the East Bay Community Law Center, Road Safety Support, Takoma Park Mobilization, the Washington Area Bicyclist Association, and Young People for Progress. OLO also received guidance and assistance from staff in MCPD, MCDOT, the Office of the County Executive, and the Office of the County Attorney.

OLO received a great level of cooperation from everyone involved in this study. OLO appreciates the information shared and the insights provided by all who participated. In particular, OLO thanks:

County Government (* – department director)
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Carolyn Chen, Council Central Staff
Christopher Conklin,* MCDOT
Asst. Chief Thomas Didone, MCPD (retired)
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Susan Farag, Council Central Staff
Lt. Victor Galladora, MCPD
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Joe Reinhard, Young People for Progress
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Chapter 1. Overview of Traffic Enforcement

The purpose of this report is to examine issues surrounding traffic enforcement in Montgomery County. Traffic enforcement is one component of the larger world of roadway safety. This chapter provides information to provide context for the rest of the report. This chapter describes:

A. Data on Roadway Deaths and Injuries;
B. Most Dangerous Driving Behaviors;
C. Roadway Safety and Vision Zero; and
D. Traffic Enforcement.

A. Data on Roadway Deaths and Injuries

Roadway collisions are a leading cause of death worldwide, including in the United States.[1] Roadway safety in the United States is a primary focus at the federal, state, and local government levels.[2]

There were over 36,000 traffic fatalities in the United States in 2018 and 2019.[3] Between 2010 and 2016, the number of deaths on U.S. roads increased 14 percent while the number of road-related deaths in 26 of 32 other countries declined.[4]

Table 1-1. U.S. Traffic Fatalities, 2018 and 2019

	2018	% of Total*	2019	% of Total*
Total Traffic Fatalities	**36,835**	100%	**36,096**	100%
Vehicle Occupants	**24,332**	66%	**23,477**	65%
Passenger Cars	*12,888*		*12,239*	
Light Trucks (SUVs, pickups, vans)	*9,957*		*9,976*	
Large Trucks	*890*		*892*	
Motorcyclists	**5,038**	14%	**5,014**	14%
Nonoccupants *(pedestrians, pedalcyclists)*	**7,465**	20%	**7,338**	20%

* Percentages may not sum to 100% due to rounding.
Source: *Traffic Safety Facts: Research Notes*, NHTSA

[1] Note that many professionals involved in traffic safety and the reduction of serious injuries and deaths from crashes emphasize the use of the word "collision" or "crash" instead of "accident" due to the belief that traffic-related crashes are not inevitable.
[2] See, e.g., *Safety Data Forum Summary Report*, Office of the Undersecretary for Policy, U.S. Department of Transportation (USDOT), at p. 4 (2018) [hereinafter "*Safety Data Forum Summary Report*"].
[3] *Traffic Safety Facts: Research Notes*, National Highway Traffic Safety Administration (NHTSA), USDOT, at p. 1 (Oct. 2020).
[4] "Federal Highway Traffic Safety Policies: Impacts and Opportunities," Congressional Research Service (CRS), at p. 5 (2019) [hereinafter CRS, "Federal Highway Traffic Safety Policies"].

State of Maryland. Data from the National Highway Traffic Safety Administration show 521 traffic fatalities in Maryland in 2019.[5] Data from the Centers for Disease Control and Prevention (CDC) show over 500 fatalities in vehicle crashes in Maryland in 2018 resulting in $8 million in medical costs and $750 million in work loss costs.[6] The data in Table 1-2 break down road deaths in Maryland by type of road user. In 2018, Maryland had higher rates of death of pedestrians and cyclists and lower rates of motor vehicle occupant deaths compared to data for the nation overall.

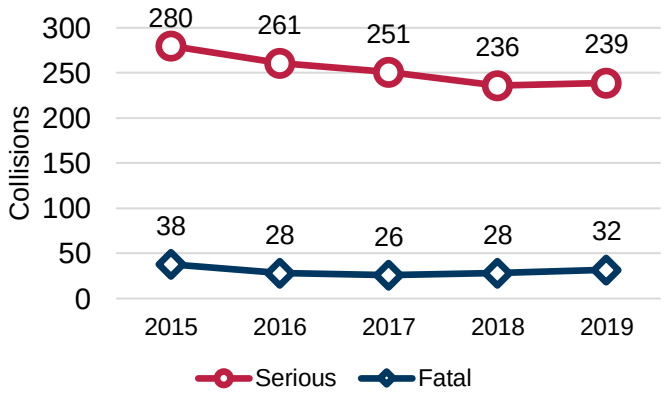
Montgomery County. In Montgomery County, the number of fatal crashes remained steady between 2015 and 2019 while the number of serious collisions decreased.[7] During this time, roadway collisions in the County resulted in 240-280 serious injuries per year and in 26-38 deaths per year.

Table 1-2. Road Deaths in Maryland by Type of Road User, 2018

Type of Road User	% of Deaths	Cost of Deaths
Motor Vehicle Occupant	57%	$433 million
Pedestrians	23%	$177 million
Motorcyclists	14%	$106 million
Bicyclists	6%	$42 million

Source: CDC

Figure 1-1. Number of Serious and Fatal Collisions in Montgomery County, 2015-2019



Source: *MCG Vision Zero 2030 Action Plan*

B. Most Dangerous Driving Behaviors

Decades of data collection and traffic safety research have given traffic safety experts an insight into the driving behaviors that are the most dangerous – the most likely to lead to serious or fatal collisions or crashes. These behaviors include:

- Aggressive driving (e.g., speeding);
- Not using seat belts;
- Failure to obey signals at intersections;
- Drunk or drug-impaired driving;
- Distracted driving (e.g., use of cell phones); and
- Drowsy driving.[8]

[5] *Traffic Safety Facts: Research Notes*, NHSTA, at p. 4.
[6] "Motor Vehicle Crash Deaths: Costly But Preventable – Maryland," Centers for Disease Control and Prevention (CDC) (July 2020).
[7] *Vision Zero 2030 Action Plan – FY22-23 Work Plan*, Montgomery County Government, at p. 6 (April 2021 Public Comment Draft 1.0) [hereinafter "*VZ 2030 Action Plan*"].
[8] https://www.nhtsa.gov/risky-driving ; see also, *Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Officers, 9th Ed. 2017*, National Highway Traffic Safety Administration (2017) [hereinafter "*Countermeasures That Work*, NHTSA"]; *Traffic Safety Resource Guide*, International Association of Chiefs of Police (IACP),

Of the 36,096 traffic fatalities in the United States reported by the National Highway Traffic Safety Administration in 2019:

- 50% (17,939) of fatalities happened in roadway departure crashes (crossing an edge line, centerline, or leaving the traveled way);
- 28% (10,180) of fatalities occurred in crashes in intersections; and
- 26% (9,478) were speeding-related.[9]

C. Roadway Safety and Vision Zero

The policy discussion around transportation and roadway safety has evolved in recent decades. Historically, the traditional approach to roadway safety has focused on preventing collisions, assuming perfect human behavior, and emphasizing individual driver responsibility to drive in a way that does not result in collisions.[10] The number of roadway deaths – measured by the number of deaths per population and per miles driven – decreased steadily 1985 to 2011 due to factors such as increased seat belt use, improved vehicle design, and graduated drivers licenses for teens.[11] However, from 2012 to 2016, the number of roadway deaths increased – with 5,000 more deaths in 2016 than 2011.[12]

Current discussions of roadway safety show significant movement towards the idea of ending roadway fatalities and serious injuries entirely.[13] A principal strategy adopted by numerous state and local jurisdictions in the United States is Vision Zero. Vision Zero "is a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all."[14] The Vision Zero Network brings together individuals in public health, transportation planning and engineering, policy, community advocacy, and the private sector in "a collaborative campaign helping communities reach their goals of Vision Zero."[15] To implement Vision Zero, communities typically adopt a Vision Zero plan.

Vision Zero was first adopted and implemented in Sweden in 1997.[16] Vision Zero came to the United States in 2000 when the State of Washington adopted the Vision Zero approach in its Target Zero plan. In 2014, New York City became the first local jurisdiction in the United States to adopt Vision Zero[17] and in 2017, Montgomery County formally adopted and began implementing a Vision Zero action plan.[18] (See Chapter 7 for a detailed

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at p. 5-15 (2017); Conner, Marco, *Traffic Justice: Achieving Effective and Equitable Traffic Enforcement in the Age of Vision Zero*, 44 Fordham Urban Law Journal, at p. 982 (2017) [hereinafter "Connor, *Traffic Justice*"]; "2019 Traffic Safety Culture Index," AAA (June 2020).

[9] NHTSA, *Traffic Safety Facts: Research Notes*. A single traffic-related fatality can fall into more than one of these categories.

[10] The Vision Zero Network, "What is Vision Zero?"

[11] See, Ecola, Liisa, et al., *The Road to Zero: A Vision for Achieving Zero Roadway Deaths by 2050*, The RAND Corporation for the National Safety Council, at p. 2 (2018) [hereinafter "Ecola, et al., *Road to Zero*"].

[12] Ibid.

[13] See, e.g., Federal Highway Administration FY 2012-2022 Strategic Plan; Vision Zero Network; National Safety Council Road to Zero.

[14] The Vision Zero Network, "What is Vision Zero?"

[15] "What is the Vision Zero Network?"

[16] Ecola, et al., *Road to Zero*, at p. 6.

[17] *Vision Zero: No Traffic Deaths by 2030 in Montgomery County – Two Year Action Plan*, Montgomery County, Maryland Government, at p. 1 (2017) [hereinafter "*MCG 2017 Vision Zero Action Plan*"].

[18] Ibid.

description of Vision Zero in Montgomery County.) The map below identifies the 48 Vision Zero Communities across the United States (as of November 2020).

Source: Vision Zero Network: Vision Zero Communities

The Vision Zero Network advocates this newer approach to traffic safety by promoting the propositions that:

- Traffic deaths are preventable;
- Road designers should integrate human failing into road design; and
- Communities should work to prevent fatal and severe crashes.[19]

The Vision Zero Network advocates using certain strategies to develop community-specific Vision Zero plans.[20] Proponents of Vision Zero often classify steps involved in implementing a Vision Zero plan in terms of the five "Es" of Vision Zero:[21]

Evaluation and Planning	Evaluating data to identify high-risk areas, create goals, plan changes
Engineering	Designing road infrastructure to accommodate human errors without resulting in serious injuries
Enforcement	Identifying the most dangerous traffic behaviors and directing enforcement measures to those behaviors; using automated traffic enforcement systems
Education and Encouragement	Educating roadway users; e.g., driver awareness and training, public safety messaging
Equity	Fairly and justly implementing transportation safety measures across populations while considering current and past inequities

[19] "A Primer on Vision Zero," The Vision Zero Network.
[20] Ibid. A 2019 report from the Governor's Highway Safety Administration highlights that past considerations for policymakers and transportation stakeholders have emphasized speed as a measure of mobility. "While speeding may seem like a new challenge, we are in fact managing the legacy of a decades-long culture oriented towards minimizing travel times." *Speeding Away from Zero*, at p. 4.
[21] See, Connor, *Traffic Justice*, at p. 976-980; "Beyond the 5Es: Adding equity to traffic safety" (2016); "The Benefits of Vision Zero," Silicon Valley Bicycle Coalition; Kim, Ellen, et al., "Vision zero: a toolkit for road safety in the modern era," *Injury Epidemiology* (2017).

Equity plays a key role in Vision Zero. The Vision Zero Network highlights that low-income communities and communities of color disproportionately feel the impacts of traffic-related injuries and fatalities.[22] For example, Black drivers are five times as likely to be stopped and searched as White drivers. Black children are twice as likely and Latino children are 40% more likely than White children to be killed while walking.[23]

D. Traffic Enforcement

As indicated above, traffic enforcement is one component of Vision Zero and is the primary focus of this report. In the United States, traffic enforcement typically is performed at the state and local levels by sworn police officers. Uniform Guidelines from the National Highway Traffic Safety Administration indicate that traffic enforcement programs should be designed to:

- Enforce traffic laws and regulations;
- Reduce traffic-crashes and resulting fatalities and injuries;
- Provide aid and comfort to the injured;
- Investigate and report specific details and causes of traffic crashes;
- Supervise traffic crashes and highway incident clean-up; and
- Maintain safe and orderly movement of traffic along the highway system.[24]

The Vision Zero Network emphasizes that its focus on traffic enforcement as a component of Vision Zero cannot justify strategies that exacerbate biases and inequities in traffic enforcement.[25]

This section briefly describes the two primary ways that jurisdictions undertake traffic enforcement – (1) in-person enforcement where police officers stop drivers for traffic law violations, and (2) automated traffic enforcement that uses cameras to record when drivers violate the law.

1. In-Person Traffic Enforcement by Police Officers

The primary way that police officers undertake traffic enforcement in the United States is to stop drivers for violations of traffic laws. In fact, traffic stops are the most common interaction between police officers and the public in the United States.[26] In 2015, of the 253.6 million people in the United States age 16 or older, almost 22 million (8.6%) had contact with a police officer when stopped as a driver during a traffic stop.[27]

In-person traffic stops can be broken into two broad categories: (1) stops for collision contributing traffic violations, and (2) traffic stops for "other traffic violations."[28] Traffic stops for collision contributing violations refers to stopping drivers for the most dangerous types of driving behaviors such as speeding, not using seat belts, failure to obey signals at intersections, and impaired driving (described above).

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[22] *Vision Zero Equity Strategies for Practitioners*, Vision Zero Network, at p. 1.
[23] *Vision Zero Equity Strategies for Practitioners*, at p. 1.
[24] "Uniform Guidelines for State Highway Safety Programs: Highway Safety Program Guideline No. 15 – Traffic Enforcement Services," NHTSA (Nov. 2006).
[25] *Vision Zero Equity Strategies for Practitioners*, at p. 10.
[26] Davis, Elizabeth, et al., "Contacts Between Police and the Public, 2015," Bureau of Justice Statistics, U.S. Department of Justice, at p. 4 (July 2018).
[27] Ibid., at p.1.
[28] Police officers also perform other types of in-person traffic enforcement functions, including responding to traffic accidents and directing traffic.

Traffic stops for "other traffic violations" include situations where police stop drivers for, among other things, minor driving violations, expired registrations, and/or equipment malfunctions – where an officer had authority to make a stop because of a technical violation of the traffic code, not because a driver was driving in a dangerous or unsafe manner. See Chapter 2 on the Legal Basis for Traffic Enforcement for additional details on the specifics of in-person traffic enforcement in Maryland.

2. Automated Enforcement

Automated traffic enforcement (ATE) technology is used in the United States by state and local governments to identify and fine violators of traffic laws. In other countries, national governments also implement ATE systems. (See Chapter 3 for a description of ATE in other jurisdictions.) ATE uses cameras and other technology to detect and record when traffic violations occur – e.g., when a vehicle is speeding or has run a red light. Systems typically take a picture of the license plate of an offending vehicle and use the license plate data to identify the vehicle owner. When an ATE system records a violation, the system operator reviews the data to verify that a violation occurred and, if verified, the vehicle owner is sent a citation requiring payment of a fine. State and local governments often contract with a company to provide the equipment for and monitor ATE systems.[29] The specific processes and procedures for how different jurisdictions operate ATE systems vary significantly.

There are a variety of types of automated traffic enforcement systems used around the world. The most common types used in the United States are red-light cameras and automated speed enforcement cameras. Researchers have studied the impacts of automated traffic enforcement measures for decades and the data show that these technologies can prevent crashes, including crashes that result in fatalities and/or serious injuries.[30] According to the Centers for Disease Control and Prevention (CDC), the best way to reduce motor vehicle crash costs is to prevent crashes and a primary strategy recommended to reduce crashes is use of automated red-light and speed cameras.[31]

Automated enforcement measures can operate 24/7 – providing continuous enforcement of traffic regulations in a way that in-person enforcement cannot.[32] They can also operate in locations where in-person enforcement is dangerous or infeasible.[33] The National Highway Traffic Safety Administration, a component of the U.S. Department of Transportation, outlines four advantages of automated enforcement measures. These systems:

- Have a high rate of detection of infractions;
- Can increase the individuals' physical safety by eliminating vehicle pursuits and person-to-person confrontations;
- Are perceived as fairer because they record all vehicles violating a traffic regulation; and
- Are an efficient use of resources – increasing traffic enforcement without need for additional officers.[34]

As of June 2021, 161 local jurisdictions in the United States had speed camera programs and 340 jurisdictions had red light camera programs.[35]

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[29] *Safety Impact of Speed and Red Light Cameras*, Congressional Research Service, at p. 7 (2020).
[30] IACP, *Traffic Safety Resource Guide*, at p. 92-97 (2017); "Red light running," Insurance Institute for Highway Safety (IIHS) and Highway Loss Data Institute (HLDI); Hu, Wen, et al., "Effects of Automated Speed Enforcement in Montgomery County, Maryland, on Vehicle Speeds, Public Opinion, and Crashes," Insurance Institute for Highway Safety, at p. 20-23 (2015).
[31] CDC, "Motor Vehicle Crash Deaths: Costly But Preventable – Maryland."
[32] "Speed," IIHS and HLDI.
[33] *Speed Enforcement Camera Systems Operational Guidelines*, NHTSA, USDOT, at p. 1 (2008).
[34] Ibid.
[35] "U.S. communities using red light cameras" and "U.S. Communities using speed cameras," IIHS and HLDI.

Despite the vast quantity of research supporting the benefits of automated traffic enforcement systems, the Congressional Research Service notes that "[i]n the past two surface transportation authorization acts, Congress prohibited states from using any federal-aid highway funding or highway safety funding for automated traffic enforcement (except in school zones)."[36]

The following subsections describe the most common types of automated traffic enforcement systems.

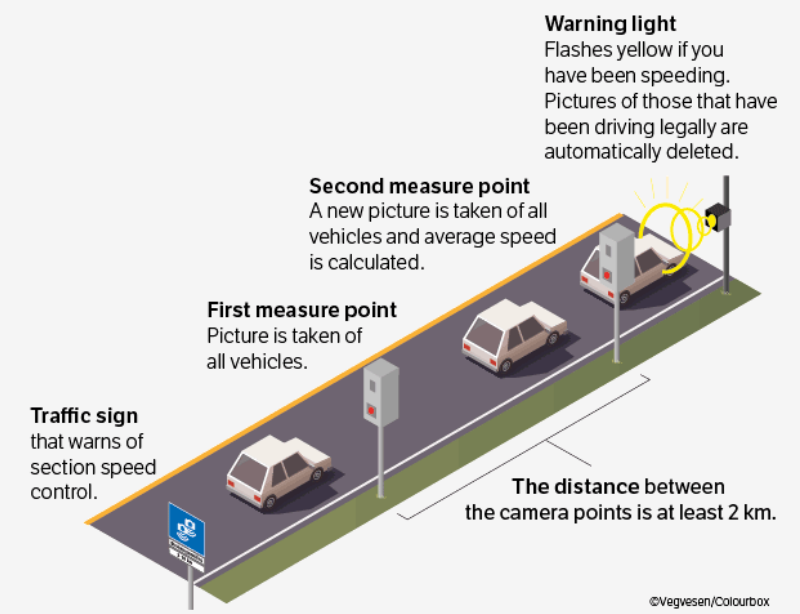
a. Speed Cameras

Speed cameras typically use either radio wave sensors (RADAR) or light detection sensors (LIDAR) to measure the speed of vehicles passing a camera and are programmed to take a picture of a vehicle if it is traveling above a certain speed.[37] The sensors measure how quickly an electromagnetic signal or a light pulse released from a fixed point bounces off a vehicle and calculates the speed of the vehicle based on the timing.[38] Speed cameras typically are programmed to activate when a vehicle is traveling faster than the posted speed limit by a set amount – often 10 to 12 miles per hour faster (mph).[39] Cameras can be fixed at a specific location – often mounted in a box. Cameras can also be mobile – located inside a housing or in a vehicle that can relocate the camera.

Another type of speed camera deployment, used commonly in Europe, is a visual average speed calculator and recorder (VASCAR), also referred to as average speed networks. The systems measure and track the speed of a vehicle based on the time it takes to travel over a known length of road.[40] If the vehicle's average speed between the two points exceeds the posted speed limit, a ticket will be generated.

[36] CRS, *Federal Highway Traffic Safety Policies*, at p. 33.
[37] *Automated Enforcement: A Compendium of Worldwide Evaluations of Results*, National Highway Traffic Safety Administration, at p. 17-18 (2007); "How Automated Speed Enforcement Cameras Work," Viion Systems, Inc., www.viionsystems.com, visited 2-12-21; "Speed," IIHS and HLDI.
[38] "Speed," IIHS and HLDI.
[39] "Speed," IIHS and HLDI.
[40] "Speed," IIHS and HLDI; "How Automated Speed Enforcement Cameras Work"; *Automated Enforcement: A Compendium of Worldwide Evaluations of Results*, at p. 17-18.

Figure 1-2. Illustration of the Operation of an Average Speed Network (Source: Viion Systems, Inc.)



Speed camera systems can be set up to photograph the back of a vehicle – recording a picture of the license plate – and/or can photograph the front of the vehicle, including an image of the driver.[41]

Research studies show that the use of speed cameras can reduce:

- The average speed of vehicles on a road;
- The number of drivers exceeding the speed limit by more than 10 mph; and
- The number of crashes and crash injuries.[42]

[41] See SpeedCamersUK.com for a description of different types of speed camera technology. See also, https://www.admiral.com/magazine/guides/motor/a-guide-to-speed-cameras; http://www.truvelo.co.za/traffic/index.html. Regarding the use of cameras that record an image of the front of a vehicle and the driver, many sources in the United States discuss flaws with facial recognition software and the potential for racial disparity in the use of this software to identify individuals for law enforcement purposes. See, e.g., Najibi, Alex, "Racial Discrimination in Face Recognition Technology," Science in the News, Harvard Graduate School of the Arts and Sciences (Oct. 24, 2020). See also Crumpler, William, "How Accurate are Facial Recognition Systems - and Why Does it Matter?," Center for Strategic and International Studies (Apr. 14, 2020). Maryland law authorizing jurisdictions to use speed cameras requires that cameras record violations via images of the rear of a vehicle only and citations are issued to the vehicle owner. See Maryland Code Ann., Transportation Article, § 21-809(a)(6), (d)(1). Maryland law does allow a vehicle owner to provide evidence that someone else was driving the vehicle at the time of the violation but absent such evidence, the vehicle owner is liable for a citation recorded by a speed camera in Maryland. Ibid. § 21-809(f)(3), (4). Because jurisdictions in Maryland, including Montgomery County, are not authorized to issue speed camera citations based on the identity of the driver of a vehicle, this report does not include a discussion of research on racial disparities associated with the use of ATE cameras that record the front of a vehicle nor a discussion of concerns with the accuracy and use of facial recognition technology by law enforcement.

[42] "Speed," IIHS and HLDI.

b. Red Light Cameras

Red light cameras photograph vehicles entering an intersection after a traffic signal has turned red. The technology uses sensors in the pavement that are tied to the traffic signal and a camera. If a vehicle enters an intersection after the light has turned red, the camera will take a picture of the vehicle and the vehicle's license plate.[43]

According to the Insurance Institute for Highway Safety and the Highway Loss Data Institute (HLDI), 399 communities operated red light cameras in the United States in 2019.[44] IIHS data show that use of red light cameras in various communities has led to significant reductions in:

- Red light violations;
- Front-into-side auto crashes (the most common type associated with red light running); and
- Fatal crashes at signalized intersections.[45]

c. School Bus Cameras

School bus camera systems can record video plus a variety of additional types of data while a bus is in operation. Examples include:

- Video outside the school bus (e.g., actions of other drivers);
- Video inside the school bus (e.g., student and driver actions);
- School bus vehicle signals (e.g., speed, breaking, turning, warning lights, stop-arm deployment);
- G-sensor events (measures force exerted on the vehicle at hard turns, collisions with other vehicles, etc.); and
- Bus location via GPS.[46]

Systems often will include technology for real-time viewing of the video and sensor data.

[43] *Automated Enforcement: A Compendium of Worldwide Evaluations of Results*, at p. 18; "Red light running," IIHS and HLDI; *Automated Enforcement for Speeding and Red Light Running*, Transportation Research Board of the National Academies, at p. 3-4 (2012).
[44] "Red light running," IIHS and HLDI.
[45] Ibid.
[46] https://www.seon.com/school-bus-safety/school-bus-frequently-asked-questions#Answer2 ; https://www.kajeet.net/how-cameras-make-school-buses-safer-than-ever/ ; https://www.trackschoolbus.com/blog/benefits-video-camera-school-bus/

d. Speed Boards and Trailers

Speed boards and trailers are devices that display the speed of passing vehicles. These devices provide immediate feedback to drivers and research shows that they are useful in slowing drivers down. Speed monitoring trailers both display and record the speed of passing vehicles. Speed boards and trailers do not issue citations.

e. Other

Some jurisdictions use other types of traffic enforcement technology. Examples include cameras that record when a vehicle does not stop completely at a stop sign and camera/radar systems that can record the size of a vehicle to monitor vehicles driving on streets with size restrictions.[47]

[47] https://ddot.dc.gov/page/dc-streetsafe-stop-signs
https://ddot.dc.gov/page/dc-streetsafe-oversized-vehicles

Chapter 2. Legal Basis for Traffic Enforcement

Most laws that govern traffic enforcement in Montgomery County (and in the rest of the State of Maryland) are found in Maryland state law.[1] In addition, court caselaw plays a significant role in how police are authorized to conduct traffic stops. This chapter describes:

A. Laws and policies governing traffic enforcement, with a focus on traffic stops; and
B. Laws governing the use of automated enforcement devices.

A. Laws and Policies Governing Traffic Enforcement

Traffic enforcement is governed by The Maryland Code, Transportation Article, Title 11 through Title 27 – known as the Maryland Vehicle Law. The Maryland Vehicle Law supersedes any contradictory local law and renders those local laws invalid.[2]

Broadly, the Maryland Vehicle Law sets out rules on, among other things, issuance of drivers' licenses, rules of the road (e.g., speed limits, traffic signals and signs, parking, pedestrian rights), vehicle inspections, the powers of local authorities, and enforcement of the law. Under the law, local jurisdictions have limited authority over roadways,[3] which includes, among other things, the power to:

- Regulate stopping, standing, and parking of vehicles;
- Regulate traffic using police officers and traffic control devices;
- Design certain roads;
- Regulate or alter traffic speed in certain circumstances;
- Designate certain roads for particular uses; and
- Regulate the use of bicycles.[4]

In Maryland, as in the overwhelming majority of jurisdictions in the United States, police officers are given the legal authority to enforce the Maryland Vehicle Law and local traffic laws, to stop and detain drivers for violation of the laws, and to issue citations and/or arrest individuals who violate these laws.[5] This authority is limited to enforcing the Maryland Vehicle Law within the officer's sworn jurisdiction, unless the officer is acting under a

[1] See Maryland Code Ann., Transportation Article, Title 11 through Title 27 (Vehicle Law titles).
[2] Maryland Code Ann., Transportation Article, § 25-101.1.
[3] In the parts of state law relevant to this report, the term "highway" refers to all types of roads and "other structures forming an integral part of a street, road, or highway…." Other types of structures include rights-of-way, shoulders, median dividers, drainage and stormwater management facilities, overpasses, bridges, and bicycle and walking paths, among other things. Maryland Code Ann., Transportation Article, § 8-101(i). In Montgomery County's new Complete Streets Design Guide, an analogous term that refers to a road and all the components thereof is "roadway." See *Montgomery County Complete Streets*, Montgomery County Department of Transportation, at p. 10 (February 2021 Draft).
[4] Ibid. §25-102.
[5] Maryland Code Ann., Transportation Article, § 11-147; 26-201; 26-202.

valid mutual aid agreement.[6] The local law enforcement agency in Montgomery County is the Montgomery County Police Department (MCPD).

Under authority of state law, the Maryland Department of Transportation (MDOT) State Highway Administration (SHA) publishes a manual on Uniform Traffic Control Devices that govern the types of traffic control devices that can be used in all jurisdictions in the state.[7] Notwithstanding the County Government's authority to design and regulate roads, state law also gives MDOT SHA authority to place stop or yield signs on any road in the state, regardless of whether the road is under state control.[8]

This OLO report focuses on provisions of the Maryland Vehicle Law related to traffic stops. The following sections summarize legal authorities and policies that govern three areas of traffic enforcement related to traffic stops– (1) Authority of police to stop and detain drivers for violations of traffic laws; (2) State and local prohibition of race-based traffic stops; and (3) Collection of traffic stop data.

1. Police Authority to Stop and Detain Drivers for Violations of Traffic Laws

A traffic stop is defined as when an "officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the Maryland Vehicle law."[9] Legally, a police officer stopping and detaining a driver constitutes a seizure as the term is used in the Fourth and Fourteenth Amendments to the U.S. Constitution, which prohibits the government from conducting "unreasonable searches and seizures."[10] Accordingly, many court decisions establish boundaries of when and how officers can make traffic stops that do not violate individuals' constitutional rights. Both caselaw and the Maryland Code govern when and how police officers may stop and detain drivers.

To legally stop a driver, a police officer must have observed a violation of traffic law or have a reasonable articulable suspicion[11] that a driver is driving under the influence.[12] Police cannot selectively enforce laws, including traffic laws, based on race. However, an officer can legally stop a driver if the officer saw the driver violate any traffic law, regardless of the officer's actual motivation for making the stop (called a "pretextual stop") – i.e., if the actual reason for the stop was to investigate a driver without adequate probable cause or for some reason other than the traffic violation.[13, 14]

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[6] Maryland Code Ann., Criminal Procedure Article, § 2-102(b). This report focuses specifically on MCPD's enforcement of traffic laws in Montgomery County. It does not include information or analysis related to any other law enforcement departments that enforce traffic laws in the County (e.g., municipal police departments, Maryland-National Capital Park and Planning Commission police, federal police departments, etc.).

[7] Ibid. §25-104. See Maryland Manual on Uniform Traffic Control Devises – 2011 Edition.

[8] Ibid. §25-109.

[9] Maryland Code Ann., Transportation Article, § 25-113(a)(6).

[10] U.S. Constitution, Amendment IV. See also *Delaware v. Prouse*, 440 U.S. 648 (1979) (stopping a vehicle and detaining occupants constitutes a seizure under the Constitution's Fourth and Fourteenth Amendments).

[11] The legal standard of "legal articulable suspicion" is a less stringent standard of proof than the more commonly known "probable cause." Probable cause requires a police officer to have more than a suspicion that someone committed an act but does not require absolute certainty. Reasonable articulable suspicion requires an officer to show that s/he acted and that the action was based on reasonable facts that the officer can explain.

[12] Rushin, Stephen and Edwards, Griffin, "An Empirical Assessment of Pretextual Stops and Racial Profiling," 73 *Stanford Law Review* 637, 646 (2021).

[13] *Whren v. United States*, 517 U.S. 806, 813 (1996).

[14] Ibid. at 819. See also Rushin & Edwards, "An Empirical Assessment of Pretextual Stops and Racial Profiling," at p. 649.

Maryland law also distinguishes between primary and secondary traffic offenses. In order to stop a driver, an officer must observe a primary traffic offense. Maryland law indicates that officers may enforce certain provisions of the traffic code only as secondary actions. A provision is considered a secondary provision if that section of the law has language such as, "A police officer may enforce the provisions of this section only as a secondary action when the police officer detains a driver of a motor vehicle for a suspected violation of another provision of the Code." Examples of secondary traffic offenses in the Maryland Code include:

- Violation involving the placement of an object framing or bordering the edges of a license plate (Md. Code, Transportation, § 13-411);
- Violation of law prohibiting hanging anything from a rearview mirror that interferes with the clear view of the driver through the windshield (Md. Code, Transportation, § 21-1104); and
- Violation of requirement to turn on vehicle headlamps if weather requires use of vehicle windshield wipers for a continuous period of time (Md. Code, Transportation, § 22-201.2).

Based on the U.S. Supreme Court's decision in *Whren v. United States*, legal scholars and researchers on traffic enforcement have concluded that "[n]early all driving trips include actions interpretable as infractions, whether small wavering within lanes or movement over or under posted speed limits. Taken together [with *Whren*], these rulings legally permit law enforcement nearly complete discretion over traffic stop enforcement…."[15] Based on an expansive amount of research on traffic stops and racial profiling, many scholars assert that the *Whren* decision has allowed police to "disproportionately target[] motorists of color."[16]

Montgomery County Police Department Policies Governing Traffic Enforcement. In Montgomery County, all uniformed police officers are responsible for enforcing traffic laws and "[o]fficers are given discretion in the enforcement of traffic laws."[17] MCPD has issued written policies and memoranda that govern officers' enforcement of traffic laws – called "function codes" (FCs) and Headquarters Memoranda. Beyond general procedures, some MCPD function codes and Headquarters Memoranda also include information and guidance on standards that officers should apply when enforcing certain laws.[18] In this context, the primary relevant function codes are:

[15] Fliss, Mike Dolan et al., "Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities," *Injury Epidemiology* 7, 3, at p. 2 (2020) [hereinafter Fliss, "Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities"]; see also Chin, Gabriel J., et al., "Reasonable but Unconstitutional: Racial Profiling and the Radical Objectivity of *Whren v. United States*," 83 The George Washington Law Review 882 (2015).
[16] Rushin & Edwards, "An Empirical Assessment of Pretextual Stops and Racial Profiling," at p. 641.
[17] FC 1000, at § I, VII.A. Note that other law enforcement agencies also have jurisdiction to enforce traffic laws in Montgomery County, including M-NCPPC Park Police, the Montgomery County Sheriff's Office, municipal police departments, and federal law enforcement. The discussion in this report focuses specifically on MCPD.
[18] Note, when a function code conflicts with a provision of the collective bargaining agreement (CBA) between the County Government and Fraternal Order of Police, Montgomery County Lodge 35, Inc. (the organization that represents County police officers in collective bargaining), the provision in the CBA applies to officers that are FOP members, unless the provision in the CBA conflicts with state or County law.

Function Code #	Subject	Date
Function Code 1000[19]	Traffic Management System	January 28, 2021
Function Code 300[20]	Department Rules	June 11, 2020
Headquarters Memo 14-02 (filed with FC 300)[21]	Race-Based Stops	June 25, 2014

FC 1000 articulates guidelines on when an officer should issue a driver a given consequence for violation of a traffic law, summarized in the table below.

Table 2-1. "Guidelines for Traffic Enforcement" from MCPD Function Code 1000

Officer Issues	Standard
Written Warning	"is appropriate when the violator commits a violation which is due to ignorance of a recently enacted law or where a minor equipment defect is apparent."
Warning Notice or Electronic ETIX Warning	"may be a proper alternative in response to a minor traffic infraction committed in an area where traffic collisions have been minimal."
Citation	"is applicable in the majority of cases where the violator has jeopardized the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, and parking violations."
Safety Equipment Repair Order (SERO)	"is applicable for the operation of unsafe and/or improperly equipped vehicles."
Physical Arrest	"for those violations listed in Section 26-202 of the Transportation Article. The decision to effect a physical arrest should be based upon sound legal judgment."

Source: MCPD FC 1000, at § VII

Physical Arrest of the Driver. FC 1000 indicates that a physical arrest may be used by an MCPD officer for violations of Section 26-202 of the Maryland Transportation Code. Section 26-202 lists the following vehicle or traffic law violations for which an officer can arrest a driver without a warrant. Note that to physically arrest a driver, an officer must show "probable cause" that a violation of law occurred. This is a higher standard of proof than "reasonable articulable suspicion," the standard that officers generally need to meet to stop a driver.

[19] MCPD Function Code 1000, Traffic Management System (2021).
[20] MCPD Function Code 300, Department Rules (2020).
[21] MCPD Headquarters Memorandum 14-02, Race-Based Stops (2014).

Table 2-2. Violations Subject to Physical Arrest without Warrant under the Maryland Vehicle Law

A person has committed or is committing a violation in the view or presence of a police officer…
• Violations of Maryland Code related to transportation of hazardous materials • Violations of Maryland Code related to maximum weight of vehicles • Person does not furnish satisfactory evidence of identity • Officer has "reasonable grounds to believe a person will disregard a traffic citation
Office has probable cause to believe that a person committed a violation…
• Driving or attempting to drive under the influence of alcohol • Driving or attempting to drive while impaired by any drug or controlled dangerous substance • Failure to stop, give information, or render assistance following an accident resulting in bodily injury or death • Driving or attempting to drive with a suspended or revoked driver's license • Failure to stop or give information following an accident resulting in damage to a vehicle or other property • Fleeing or attempting to allude a police officer • Driving or attempting to drive without a valid driver's license • Actions relating to the falsification of a vehicle title, registration card, license plate, or other official documentation • Driving in a race or speed contest that results in serious bodily injury to another person
When a person is a nonresident and an officer has probable cause to believe that a person committed a violation…
• And the violation contributed to an accident
Office has probable cause to believe that a person committed a violation…
• A person issued a traffic citation refuses to acknowledge its receipt by signature

Source: Maryland Code Ann., Transportation Article, § 26-202

2. State and Local Prohibition Against Race-Based Traffic Stops

The Motor Vehicle Law requires law enforcement agencies in the State of Maryland to adopt policies that prohibit race-based traffic stops "as a management tool to promote nondiscriminatory law enforcement and in the training and counseling of its officers."[22]

Montgomery County Prohibition of Race-Based Traffic Stops. Two MCPD Function Codes and one departmental memorandum prohibit officers from engaging in discrimination in their police duties. FC 300, Department Rules, states that "[e]mployees of the department will not discriminate against, harass, or use derogatory language in referring to any other employee or citizen on the basis of race, color, national origin, religion, sex, or any other basis as prohibited by county, state, and federal law."[23]

Headquarters Memorandum 14-02, which is filed with Function Code 300, prohibits race-based stops in all situations (not limited to traffic enforcement):

> The purpose of this policy is to reaffirm the Montgomery County Police Department's commitment to unbiased law enforcement in all encounters between officers and the community. It is the policy of the Montgomery County Police Department to treat all persons having contact with this agency in a fair,

[22] Maryland Code Ann., Transportation Article, § 25-113(g). The law also required data collection and reporting, see the following section.
[23] FC 300, at Rule 26.

> equitable, and objective manner, in accordance with law, and without consideration of their race, ethnicity, national origin, gender, religious dress or other individual characteristics.
>
> Discrimination in any form, including racial profiling, is strictly prohibited and the department will take immediate and appropriate actions to investigate all allegations concerning such actions. Racial profiling is defined as any law enforcement-initiated action (i.e. traffic stops, investigative stops, etc.) based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or information identifying the individual as having engaged in criminal activity. Officers will not stop or detain any individual(s) based exclusively on their race, ethnicity, or national origin, unless this information relates to a specific "look-out" regarding a suspect's physical description concerning a criminal investigation or other legitimate law enforcement action.
>
> This policy does not limit or alter the authority of an officer to make a legally sanctioned arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement duties when appropriate legal grounds exist.[24]

FC 1000, specifically addressing traffic management, prohibits officers from making race-based stops:

> Montgomery County Department of Police is [committed] to unbiased law enforcement in all encounters between officer and the community. Discrimination in any form, including racial profiling and bias policing is strictly prohibited and the department will take immediate and appropriate action to investigate all allegations concerning such actions. Officers will not stop or detain any individual(s) based exclusively on their race, ethnicity, or national origin, unless this information relates to a specific "look-out" regarding a suspect's physical description concerning a criminal investigation or other legitimate law enforcement action.[25]

3. Collection of Traffic Stop Data

For the purpose of collecting and analyzing data on the race of drivers in Maryland subject to traffic stops by law enforcement officers, in 2001, the Maryland legislature enacted a law requiring officers to record and report data on every traffic stop performed. Data required to be collected includes, among other things: date/time/location of a stop, alleged violation(s), if a search or arrest was made, and the race/ethnicity of the driver.[26] Specifically, the Motor Vehicle law requires:

- Officers to report data to their law enforcement agency related to every traffic stop;
- The law enforcement agency (e.g., MCPD) to report the data annually to the Maryland Statistical Analysis Center;
- The Maryland Statistical Analysis Center to analyze and report the data annually; and
- Law enforcement agencies to adopt policies against race-based traffic stops (see section above).[27]

[24] Headquarters Memorandum 14-02.
[25] FC 1000, at § VIII.A.
[26] Maryland Code Ann., Transportation Article, § 25-113(d).
[27] Maryland Code Ann., Transportation Article, § 25-113(d), (e), (f), (g).

The law excludes the following types of traffic stops from the reporting requirement:

- A checkpoint or roadblock stop;
- A stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes;
- A stop based on the use of radar, laser, or vascar technology; or
- A stop based on the use of license plate reader technology.[28]

Traffic Stop Data Collection in Montgomery County. In 2007, the prior County Executive negotiated a memorandum of agreement (MOA) with the Fraternal Order of Police, Montgomery County Lodge 35 (FOP)[29] that is still attached as an appendix to the FOP's current collective bargaining agreement with the County. While the MOA specifically states that "[a]ll traffic stops must be documented," the MOA also states: "In the event the officer does not issue a written document, the officer will provide the citizen with the officer's business card and verbally inform the citizen of the reason for the stop."[30]

In 2021, the current Chief of Police, appointed in 2019, issued Function Code 1000, Traffic Management System, that states that all traffic stops will be documented with either:

- A custodial arrest;
- A complaint or citation (written or electronic);
- A Safety Equipment Repair Order;
- A Warning (written or electronic);
- A Police Information Report; or
- A Field Interview Report.[31]

MCPD and other Executive Branch representatives report that beginning in January 2021, MCPD no longer trains officers that in lieu of issuing a written document for a traffic stop they can give a driver a business card. Based on this provision in the County's collective bargaining agreement with the FOP, Executive Branch representatives have told OLO that an unknown number of reportable traffic stops performed by MCPD officers from 2007 to January 2021 have occurred where data have not been collected, recorded, and reported to MCPD and the State, as required under state law.

4. New Procedural Standards for Traffic and Other Stops in Maryland

In the 2021 session of the Maryland General Assembly, the legislature enacted House Bill (HB) 670, which directs police officers on specific information they must provide when conducting a stop (the law covers traffic stops

[28] Maryland Code Ann., Transportation Article, § 25-113(a)(6).
[29] Employees in the County's police bargaining unit, which includes officers up to and including officers with the rank of police sergeant, choose a certified representative to represent the bargaining unit in contract negotiations with the County Government. The Fraternal Order of Police, Montgomery County Lodge 35 has represented the police bargaining unit in the County since the County established collective bargaining with police officers in 1982.
[30] July 1, 2007 to June 30, 2010 Collective Bargaining Agreement between Montgomery County and the FOP, Appendix U – Memorandum of Agreement, § (A)(5).
[31] FC 1000, at § VIII.C.

and "other" stops).[32] Governor Larry Hogan vetoed the bill and the legislature overrode the Governor's veto. The legislation goes into effect July 1, 2022. The bill adds to the Maryland Code Criminal Procedure Article a requirement that an officer provide the following at the "commencement of a traffic or other stop":

- The officer's "proper identification;"
- The officer's identification number;
- The name of the law enforcement agency the officer represents; and
- The reason for the traffic stop or other stop.

Officers who do not provide the required information can be subject to administrative disciplinary action.

B. Automated Traffic Enforcement

Maryland state law authorizes jurisdictions to use three types of automated traffic enforcement (ATE) devices, at a jurisdiction's discretion. They are:

- Speed monitoring systems (aka "speed cameras");[33]
- Traffic control signal monitoring (aka "red light cameras");[34] and
- School bus monitoring cameras (aka "school bus cameras").[35]

Montgomery County uses all three types of cameras for traffic enforcement in the County.

State law currently requires that local law enforcement agencies operate ATE systems.[36] That agency is MCPD in Montgomery County. Under state law, a local jurisdiction can use speed camera and bus camera systems only if authorized by the governing body in the jurisdiction.[37] The use of red light cameras in a jurisdiction does not require authorization from the local governing body.[38] The state has allowed jurisdictions to use red light cameras since 1997, speed cameras since 2009, and school bus cameras since 2014.[39] In Montgomery County, the local governing body is the County Council, which has authorized in County law the use of speed cameras and school bus cameras.[40]

State laws outlines many details on how jurisdictions must implement ATE systems if they use them. The law identifies, for example, requirements on locations of speed cameras, required notice to drivers, requirements for review of camera evidence, requirements for citations issued, and maximum penalties allowed. If an ATE system records a vehicle violating the law, the vehicle owner may receive a citation and be required to pay a

[32] Maryland House Bill 670, Section 3, § 2-109 (Enacted via Gubernatorial Veto Override, April 10, 2021).
[33] Ibid. § 21-809.
[34] Ibid. § 21-202.1.
[35] Ibid. § 21-706.1.
[36] Ibid. §§ 21-202(a)(2)(i); 21-706.1(c)(2); 21-809(a)(2)(i). Note that municipalities such as the City of Rockville and City of Gaithersburg also use automated traffic enforcement in their jurisdictions.
[37] Ibid. §§ 21-706.1(c); 21-809(b)(1).
[38] Ibid. § 21-202.1.
[39] *Automated Enforcement Survey Report*, Maryland Highway Safety Office, Maryland Department of Transportation, at p. 6-7 (2020).
[40] Montgomery County Code §§ 31-9A; 31-9B.

fine. Citations are issued by a law enforcement agency of a local jurisdiction.[41] State law requires that a citation for a speed camera violation must be signed by a law enforcement officer, whereas a citation for a red light or school bus camera violation may be signed by a technician who works for the local law enforcement agency.[42]

The following bullets provide examples of details outlined in state law regarding each type of camera system.

For speed cameras:

- All jurisdictions in the state may install speed cameras in school zones with a posted speed limit of at least 20 mph. State law also authorizes Montgomery County, specifically, to place speed cameras on streets in a residential district with a maximum posted speed limit of 35 mph.[43]
- Jurisdictions must publish notice of the location of a camera on its website and in a local newspaper before activating a speed camera;[44]
- Jurisdictions may not issue citations from speed cameras for 15 days after signage is installed;[45]
- Penalties for a speed camera violation may not exceed $40;[46]
- Violations are not considered moving violations for assessing points on a driver's license;[47] and
- Violations may not be considered in motor vehicle insurance coverage.[48]

Speed Cameras in School Zones. For speed cameras in school zones, a jurisdiction must post a sign indicating use of speed cameras in the school zone near a sign that specifies the existence of the school zone.[49] Speed cameras may only operate Monday through Friday from 6:00 am to 8:00 pm.[50] MDOT SHA has issued *Guidelines for Automated Speed Enforcement Systems in School Zones*, which contains guidance to jurisdictions on the placement, design, installation, and program components for speed camera use in school zones.[51]

For red light cameras:

- In order to issue citations at an intersection, the time that a traffic control signal at an intersection displays yellow before turning red must comply with regulations adopted by the Maryland State

[41] Maryland Code Ann., Transportation Article, §§ 21-202.1(a)(2), (e)(1); 21-706.1(a)(2), (f)(1); 21-809(a)(2), (d)(1).
[42] Ibid. §§ 21-202.1(e)(1)(viii); 21-706.1(f)(1)(viii); 21-809(d)(1)(viii).
[43] Ibid. § 21-809(b)(1)(vi).
[44] Ibid. § 21-809(b)(1)(viii)(1).
[45] Ibid. § 21-809(b)(1)(v).
[46] Ibid. § 21-809(c).
[47] Ibid. § 21-809(h).
[48] Ibid. § 21-809(h).
[49] Ibid. § 21-809(b)(1)(viii)(2).
[50] Ibid. § 21-809(b)(1)(ix).
[51] *Guidelines for Automated Speed Enforcement (ASE) Systems in School Zones*, Maryland Department of Transportation, State Highway Administration (2018).

Highway Administration, which must be consistent with standards issued by the Federal Highway Administration;[52]

- A civil penalty for a red light camera violation cannot exceed $100;[53] and
- As with speed cameras, violations cannot be considered moving violations and cannot be considered in motor vehicle insurance coverage.[54]

For school bus cameras:

- Local law enforcement agencies must consult with the County Board of Education when using school bus cameras;[55] and
- A civil penalty for a school bus camera violation cannot exceed $500.[56]

Enabling Legislation to Allow Montgomery County to Transfer Automated Traffic Enforcement from MCPD to DOT. In the 2021 session of the Maryland General Assembly, Montgomery County's delegation of representatives introduced House Bill 564 (HB 564) that would allow Montgomery County to transfer operation of the County's three automated traffic enforcement programs – speed cameras, red light cameras, and school bus cameras – from MCPD to the MCDOT, at the County's discretion. The County Executive and the County Council endorsed the bill. Ultimately, HB 564 was not enacted by the General Assembly and the County currently does not have legal authority to make these changes.[57]

The legislation would have authorized Montgomery County to designate MCDOT as the agency responsible for implementing the ATE programs. The bill would also have allowed an MCDOT employee, as opposed to a law enforcement officer, to sign citations for violations recorded by a speed camera.[58]

Many County elected officials and community stakeholders supported HB 564. Some within Montgomery County Government publicly expressed concern about HB 564. A November 23, 2020 staff report to the County Council about local bills being considered in the 2021 General Assembly noted that the Office of the County Attorney (OCA), MCDOT, and MCPD all expressed concern about HB 564. The OCA explained that "DOT is not a law enforcement agency and is not equipped to act as one."[59] The OCA noted that the bill would have Montgomery County as the only county in the state that did not require a police officer to review and sign off on speed camera citations.

[52] Maryland Code Ann., Transportation Article, § 21-202.1(b).
[53] Ibid. § 21-202.1(d).
[54] Ibid. § 21-202.1(i).
[55] Ibid. § 1-706.1(c)(2).
[56] Ibid. § 1-706.1(e)(2).
[57] http://mgaleg.maryland.gov/mgawebsite/Legislation/Details/HB0564?ys=2021RS
[58] See HB0564, at p. 2, 9. As described above, state law requires a local law enforcement agency to operate a speed camera program in a local jurisdiction and requires that a law enforcement officer sign a citation for a speed camera violation. Also as noted above, state law currently allows a civilian employee to sign citations for both red light camera and school bus camera citations.
[59] 11-23-20 Staff Report to the County Council, Item #1: Discussion: 2021 State Legislative Session Review of Local and Bi-County Bills, at p. 4.

Chapter 3. Traffic Enforcement Case Studies

In the United States, authority for both in-person and automated traffic enforcement are generally under the jurisdiction of police departments. To better understand alternative approaches to traffic enforcement, OLO researched 15 case study jurisdictions. This chapter describes focuses on models aimed at in-person and automated traffic enforcement. Of note, while jurisdictions tailor models to meet specific community needs, all jurisdictions propose alternative models to reduce systematic biases of traffic stops, reduce racial inequities, and improve community trust. See Appendix A for information on traffic enforcement in other countries.

This chapter is organized into three sections:

A. Removing In-Person Traffic Enforcement from Police Authority;
B. Managing Automated Traffic Enforcement in Transportation Departments; and
C. Reducing Traffic Stops or Using Un-armed Police/Civilians for Traffic Stops.

A. Removing In-Person Traffic Enforcement from Police Authority

Beginning in 2020, OLO found four jurisdictions that initiated moving traffic enforcement responsibilities from their police departments to non-law enforcement departments. As of this report's release, none of the jurisdictions have completed the transfer. The following table provides a high-level summary of each jurisdiction reviewed.

Table 3-1. Jurisdictions Considering Removal of Traffic Enforcement from Police Authority

City, State	Status	Transfer of Authority To (Existing/New Department)
Berkeley, CA	Study in Progress	Department of Transportation (New)
Brooklyn Center, MN	Adopted	Three new departments, including Department of Traffic Enforcement
Cambridge, MA	Study Requested	Traffic, Parking, and Transportation Department (Existing)
Washington, DC	Study Released	Department of Transportation (Existing)

1. Berkeley (CA)

Both the Mayor and City Council of Berkeley have engaged in separate efforts to review and reform police practices. Council efforts described below are still under consideration, while recommendations from the Mayor's Working Group on Fair and Impartial Policing were adopted in February 2021.

City Council Efforts. In July 2020, the City Council adopted a proposal to create a new Berkeley Department of Transportation with unarmed civilian workers and move traffic and parking enforcement responsibilities from the Berkeley Police Department to the new Department of Transportation.[1] The adopted proposal also would remove police officers from responses to mental health and homeless outreach calls (new Specialized Care Unit) and reallocate 50% of the police department's budget to other departments to undertake the reassigned work.[2]

[1] Annotated Agenda, Berkeley City Council Meeting, at p. 18 (July 14, 2020). See also Revised Agenda Material, Berkeley City Council, Item #23 (July 14, 2020) (describing the proposal).
[2] Ibid. The FY2020 budget for the Police Department is $75.0 million. FY2020 & FY2021 City of Berkeley Adopted Budget, at p. 294. Kawamoto, Jon, "Berkeley cops to stop issuing traffic tickets under sweeping police changes," *East Bay Times* (July 15, 2020).

The City Council authorized a comprehensive audit in December 2020 of police calls and responses and approved the hiring of the National Institute for Criminal Justice Reform to oversee a community task force on reimagining the police department, focusing on:

- The social determinants of health and changes required to deliver a holistic approach to community-centered safety;
- The appropriate response to community calls for help including size, scope of operation and power and duties of a well-trained police force;
- Limiting militarized weaponry and equipment;
- Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration;
- Options to reduce police contacts, stops, arrests, tickets, fines, and incarceration and replace these, to the greatest extent possible, with educational, community serving, restorative and other positive programs, policies, and systems; and
- Reducing the Berkeley Police Department budget to reflect its revised mandates, with a goal of a 50% reduction, based on the results of requested analysis achieved through programs such as the Specialized Care Unit.[3]

Mayor's Working Group on Fair and Impartial Policing. In February 2021, the Working Group on Fair and Impartial Policing recommended a reform package in which police are restricted to enforcing traffic stops for collision contributing traffic violations and recommended de-prioritizing low-level traffic offenses such as expired registration tags.[4] These reforms did not include a new Department of Transportation for traffic enforcement; rather traffic enforcement responsibilities would remain with the Berkeley Police Department. The following recommendations were adopted by the Berkeley City Council.

Table 3-2. Summary of February 2021 Recommendations Adopted by the Berkeley City Council Related to Traffic Enforcement and Police Reform[5]

New Evidence-Based Traffic Enforcement Model

- Focusing the basis for traffic stops on safety and not just low-level offenses.
- Reaffirming and clarifying that the Berkeley Police Department will use a clear, evidence-based definition for stops of criminal suspects.
- Reaffirming and clarifying that the Berkeley Police Department will use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria.
- Minimize or de-emphasize as a lowest priority stops for low-level offenses.

[3] Berkeley, CA Reimagining Public Safety Task Force; City of Berkeley City Council Consent Calendar Item #30 (Dec. 15, 2020).
[4] The Mayor's Working Group on Fair and Impartial Policing Policy Proposals, at p. 1-4; Powerpoint; Raguso, Emilie, "Berkeley Votes to Limit Low-Level Traffic Stops to Reduce Policing Disparities," Berkeleyside, (Feb. 24, 2021).
[5] City of Berkeley City Council Annotated Agenda (Feb. 23, 2021).

Table 3-2. Summary of February 2021 Recommendations Adopted by the Berkeley City Council Related to Traffic Enforcement and Police Reform (cont.)

Procedural Justice Reforms

- Refer amendments to existing Berkeley Police Department policy and the creation of an Early Intervention System related to traffic, bicycle, and pedestrian stops.
- Adopt a policy to require written consent for all vehicle and residence searches and update the consent search form in alignment with best practice and community feedback.
- Limit warrantless searches of individuals on supervised release status such as probation, or parole.
- Address profiling by proxy[6] through police policy development and training.
- Fire racist police officers identified through social media and other media screens.
- Require regular analysis of police stop, search, and use of force data.
- Make resources on police-civilian encounters more publicly available such as through raheem.org.[7]
- For any individual detained, officers shall provide a business card with information on the commendation and complaint process.

Source: Berkeley City Council Special Meeting, February 23, 2021.

Issue Impacting Further Reform in Berkeley. Among other issues, state law does not allow for the use of speed cameras in California and a bill in the legislature to allow them was killed in committee in May 2021.[8] Additionally, in transferring traffic enforcement to non-law enforcement personnel, California law (like Maryland law) does not allow traffic enforcement by civilians. According to the Reimagining Public Safety Task Force meeting in May 2021, the City of Berkeley plans on lobbying the state to change this restriction.[9] Despite these barriers, the City is still planning on creating a transportation department in the long term (either as an extension of the Public Works Department or a separate department).[10] The department would oversee street paving, school crossing guards, parking enforcement, traffic engineering, and sidewalk/streetlight repairs.[11] The Public Works Director indicated that a final new structure for the department may not be proposed until June 2024 and it is contingent on state law changes permitting civilian personnel to enforce traffic.[12]

[6] According to the Vera Institute of Justice, profiling by proxy is when an individual calls the police and makes false or ill-informed claims of misconduct about persons they dislike or are biased against—e.g., ethnic and religious minorities, youth, homeless people.

[7] According to the website, "Raheem is the independent service for reporting police in the United States, working to end police terror against Black people."

[8] Curry, Melanie, "California Won't Be Getting Speed Enforcement Cameras," StreetsBlogCal (May 21, 2021).

[9] Raguso, Emilie, "Plans Firm Up to Remove Police from Traffic Stops, but It's a Long Road Ahead," Berkeleyside, (May 25, 2021).

[10] "Reimagining Public Safety/BerkDOT," by Liam Garland, City of Berkeley Public Works Director (May 19, 2021).

[11] Raguso, "Plans Firm Up to Remove Police from Traffic Stops, but It's a Long Road Ahead."

[12] Ibid.

2. Brooklyn Center (MN)

In May 2021, the Brooklyn Center[13] City Council in Minnesota approved police reforms shortly after the April 2021 fatal shooting of Daunte Wright, an African American man, when an officer thought she was discharging her taser but instead discharged her handgun during a traffic stop.[14] The reform creates three new departments: (1) a department that will handle traffic enforcement (only non-moving violations, such as parking violations); (2) a department that will oversee responses to medical, behavioral, or social needs; and (3) a department that will oversee all emergency departments – police, fire, and the two new departments. Moving violations, such as speeding, driving while under the influence, and running a red light would still be enforced by the police department. The following table highlights key police reform changes adopted by the City Council. Brooklyn Center's mayor indicated that the first step in implementation will be to select members for the implementation committee, which will review current programs and best practices.[15]

Table 3-3. Summary of May 2021 Police Reform Recommendations Adopted by the Brooklyn Center City Council[16]

Create a Department of Community Safety & Violence Prevention	The department would oversee the Police Department, the Fire Department, the Traffic Enforcement Department (new), and the Community Response Department (new). All emergency calls will go to this department before being routed to the four departments to respond.
Create a Traffic Enforcement Department	An unarmed civilian department responsible for enforcing non-moving traffic violations.
Create a Community Response Department	An unarmed civilian department made up of trained medical and mental health professionals, social workers, and volunteers responsible for responding to incidents where a resident is experiencing a medical, mental health, disability-related, or other behavioral or social need.
Create a Community Safety & Violence Prevention Committee	Consisting of residents and public health experts, the committee will ensure community input into all implementation plans; review and provide comments on the police union contract before and during negotiations; make recommendations to change or create programs or polices to improve community safety and prevent violence; and review and make recommendations regarding police use of force during protests and otherwise.
Establish a Way to Send Civilian and Community-Based Responses	The civilian traffic enforcement and community response departments would send personnel to provide service in situations (e.g., non-moving violations and mental health distress) that do not need an armed law enforcement response.
Implement Immediate Safety-Oriented Police Policy Changes	A citywide "citation and summons" policy that requires police officers to issue citations only and prohibits custodial arrests[17] for low-level offenses. This would include any non-moving traffic violation, non-felony offense, or non-felony warrant.

Source: Brooklyn Center City Council

[13] Brooklyn Center is in the suburbs of Minneapolis, where the fatal shooting of Daunte Wright occurred.
[14] Rose, Andy, et al., "Brooklyn Center City Council Approves Sweeping Police Reforms in the Wake of Daunte Wright's Death," CNN (May 15, 2021).
[15] Goins, Sonya, "What's Next for Brooklyn Center After Police Reform Resolution?," CCX Media (May 17, 2021).
[16] Also known as the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution. Kobe Dimock-Heisler was fatally shot by responding Brooklyn Center officers in 2019 for a mental health call. Council Consideration Item "the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Resolution," by Curt Boganey, Brooklyn Center City Manager, May 15, 2021.
[17] Taken into police custody; brought to a police department.

3. Cambridge (MA)

On July 27th, 2020, the Cambridge City Council asked the City Manager to investigate transferring primary traffic enforcement responsibilities from the Cambridge Police Department to the Traffic, Parking, and Transportation Department using civilian personnel.[18] The proposal states that unarmed personnel would reduce the possibility of violence for routine traffic enforcement encounters. It also notes that the police would still be responsible for situations that go beyond routine traffic enforcement, such as apprehending known criminals and dangerous/erratic drivers.[19] As of July 2021, the City Manager had not publicly released a report in response to the Cambridge City Council's request.[20]

4. Washington (DC)

On April 1, 2021, the DC Police Reform Commission released a report titled, "Decentering Police to Improve Public Safety."[21] This report explores alternatives to current police responsibilities in the District, including traffic enforcement and includes several recommendations related to in-person traffic enforcement in the District. Some DC Councilmembers have expressed support for the recommendations, but no associated changes for traffic enforcement have been made.[22] The following are key topics discussed in the report:

- Transferring the authority to enforce traffic and vehicle regulations whose violation does not imminently threaten public safety from the Metropolitan Police Department (MPD) to the District Department of Transportation (DDOT) (e.g., driving with improper fenders/bumpers, excessive smoke, general mechanical issues) with DDOT hiring and training enforcement employees;
- Prohibiting traffic stops (through MPD or DDOT) that are solely based on vehicle operation infractions that are not an immediate threat to public safety;
- Prohibiting MPD pretextual stops unless an officer obtains supervisory approval and the reason for the stop is to investigate a violent crime;
- Repealing or revising traffic regulations where violations do not threaten public safety; and
- Prohibiting Traffic Safety Compliance Checkpoints except when responding to community complaints about traffic violations that pose a threat to public safety.

B. Managing Automated Traffic Enforcement in Transportation Departments

In some cities such as Baltimore, Chicago, and New York, the transportation department has always been responsible for administering automated traffic enforcement. In Washington, DC, the Metropolitan Police Department originally managed automated traffic enforcement until it was moved to the District Department of Transportation in recent years. The next table summarizes the jurisdictions where the department of transportation manages automated traffic enforcement.

[18] City of Cambridge City Council Agenda (July 27, 2020); MacNeill, Arianna, "Cambridge is considering shifting 'routine traffic enforcement' away from police. Here's what to know.," Boston.com (July 30, 2020).
[19] Ibid.
[20] Correspondence with the Cambridge City Council on June 15, 2021 indicated that the report is not yet available.
[21] *Decentering Police to Improve Public Safety: A Report of the DC Police Reform Commission* (April 1, 2021).
[22] Pascale, Jordan, "A Proposal Would Give Traffic Enforcement to DDOT, Not D.C. Police, WAMU (April 28, 2021).

Table 3-4. Jurisdictions Where Department of Transportation Manages ATE

City, State	Responsible Department	No. of Approved ATE Types	No. of Reviews Before Citation Issued	Violation Reviewed By
Baltimore, MD	Baltimore DOT	3	3	Program Contractor, City's Quality Assurance Analyst, Police Department
Chicago, IL	CDOT	2	2	Program Contractor and Department of Revenue
New York, NY	NYC DOT	2	1	NYC DOT staff
Washington, DC	DDOT	5	1	DDOT staff

1. Baltimore (MD)

The City of Baltimore's Department of Transportation has been administering its Automated Traffic Violation Enforcement System (ATVES) since the program's inception in 2017.[23] The program operates speed, red light, and commercial vehicle height-monitoring cameras. The commercial vehicle height-monitoring cameras identify when restricted commercial vehicles[24] are driving on a restricted local street. [25] The next table summarizes where and when Baltimore can use ATE.

Table 3-5. Types of ATE Used by the City of Baltimore[26]

Type of Camera	Placement	Operation	Fines
Speed	School and work zones	School zones – only 6 am – 8 pm on weekdays Work zones – continuous	$40
Red Light	Certain intersections	Continuous	$75
Commercial Vehicle Height-Monitoring	Certain local streets	Continuous	1st – warning 2nd – $125 3rd+ – $250

The camera placement for ATEVS is data-driven, considering the following:

- Traffic accidents;
- Traffic violations;
- Vehicle volume;
- Locations with a high number of accidents;
- Pedestrian use;
- Design restrictions;
- Congestion;
- Road delays;
- Access problems;
- Community input; and
- Baltimore City agencies' input.[27]

[23] "Baltimore City's Automated Traffic Violation Enforcement System Launches on June 26" (Press Release), Baltimore City Department of Transportation (June 22, 2017).
[24] Restricted commercial vehicles are those ¾ ton or greater.
[25] Commercial Vehicle Cameras and Locations, Baltimore City Department of Transportation.
[26] Speed Cameras and Locations and Red Light Cameras and Locations, Baltimore City Department of Transportation.
[27] Automated Traffic Violation Enforcement System FAQs, Baltimore City Department of Transportation.

As in other Maryland jurisdictions, when installing a new camera, Baltimore publishes notice of the camera location, installs signage, and allows a 30-day grace period before issuing citations from that camera.[28] In Baltimore, camera violations are first reviewed by the vendor, then reviewed by the City's quality assurance analyst, and finally approved by the Police Department before being sent for processing.[29]

Constituents in Baltimore City can request placement of a speed camera. The Department of Transportation will perform a site evaluation, which includes site visits and data collection/analysis. If Baltimore DOT determines that a camera is needed, the request is evaluated by the Location Evaluation Committee, which meets monthly. The Committee consists of representations from the Department of Transportation and the Police Department. If the Committee approves the request, the DOT Director signs off and cameras are often placed within six weeks.[30]

2. Chicago (IL)

The Chicago Department of Transportation (CDOT) manages the City's automatic traffic enforcement program that includes red light and speed cameras.[31] Chicago began its red light program in 2003 and the speed camera program started in 2012 and it has always been managed by CDOT.[32] The contractor that administers the camera programs initially review images/violations, which are then forwarded to the City's Department of Revenue for review and processing.[33]

Red Light Camera Program. Chicago has had approximately 300 red light cameras since 2015.[34] Red light cameras can be placed across the city based on crash data, especially "right-angle crashes" that are caused by a vehicle running a red light and hitting another vehicle.[35] CDOT monitors red light camera data on an annual basis to analyze whether driving behavior has changed due to the cameras and may remove cameras where they find behavior change. From 2013 to 2016, 78 red light cameras were removed from 39 intersections.[36]

Speed Camera Program. CDOT prioritizes placement of speed cameras using crash data in Child Safety Zones[37], speed studies, and engineering factors. No more than 20 percent of Child Safety Zones can be equipped with cameras.[38] Speed cameras can only be placed around schools and parks and can only be operated during school and park hours.[39] CDOT provides a grace period for citations when it installs a new speed camera. Following installment, in the first 30 days, drivers will only receive a warning notice for going seven or more miles over the speed limit. In the following two weeks, cameras do not generate citations. When ticketing begins after the two-week period, first-time violators receive a ticket with a fine of $0.[40]

[28] MD. Code Ann., Transportation Article, § 21-809.
[29] Email communication with Baltimore City's Department of Transportation, January 14, 2020
[30] Request for Automated Enforcement Cameras in Baltimore City (Speed, Red Light, Commercial), Baltimore City Department of Transportation.
[31] *City of Chicago 2019 Automated Enforcement Program Annual Report*, Chicago Department of Transportation.
[32] Ibid. at p. 2.
[33] Red Light Camera Enforcement, Chicago Department of Transportation.
[34] Ibid. at p. 1.
[35] Red Light Camera Enforcement, Chicago Department of Transportation.
[36] City of Chicago 2019 Automated Enforcement Program Annual Report, at p. 1.
[37] Defined as an area 1/8th of a mile from parks or schools.
[38] City of Chicago 2019 Automated Enforcement Program Annual Report, at p. 2.
[39] Ibid., at p. 3.
[40] Ibid., at p. 13

3. New York (NY)

New York City's (NYC) automated traffic enforcement program is run by its Department of Transportation (NYC DOT). The program consists of red light and speed cameras, with red light cameras first installed in 1994 and speed cameras first installed in 2014. For both speed and red light cameras, violations are first reviewed by a NYC DOT staff technician for accuracy and then a citation is sent to the vehicle's registered owner.[41]

Red Light Program. NYC's red light program is the longest operating program in the United States.[42] On average, the City has over 200 red light cameras operating at 150 intersections, along with several hundred non-functioning/dummy cameras used as a deterrent. The fine for violations at red light cameras is $50.[43] The number of cameras operating at any given time varies due to maintenance.[44] NYC's DOT installs red light cameras based on factors that include crash history at intersections, engineering decisions, and requests from elected officials and constituents.[45] Red light camera locations are listed in their reports on NYC DOT's website.

Speed Camera Program. NYC currently has at least one speed camera in each of its 750 school zones. When placing speed cameras in school zones (both fixed and mobile), NYC DOT examines roadway geometry, crash history, and speed data.[46] NYC does not publicly report speed camera locations, rather NYC residents must rely on local organizations, blogs, and other websites to track the locations of speed cameras.[47] Drivers receive a $50 ticket from a speed camera when going more than ten miles above the speed limit.[48]

Expansion of NYC's Speed Cameras in 2019. In the summer of 2019, NYC expanded its speed camera program to include at least one camera in each of its 750 school safety zones.[49] Camera use expanded from only during school hours to year-long operation from 6 am to 10 pm. Camera placement also expanded from placement within a quarter mile of a school's entrance or exit along an abutted street to placement within a quarter-mile radius of a school.[50]

The City added 169 cameras in 2019 and is installing an additional 40 speed cameras per month.[51] Once completed, NYC claims that it will have "the largest automated enforcement program in the United States, and one of the largest in the world," with over 2,000 cameras.[52]

4. Washington (DC)

As of October 2019, District Department of Transportation (DDOT) manages the City's automated traffic enforcement program (the program was previously administered by the Metropolitan Police Department (MPD)). By executive order, the Mayor realigned the ATE program to improve DC's Vision Zero strategy by bringing together multiple safety programs together under DDOT, including highways, bicycle, and pedestrian,

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[41] FAQ's – Speed Cameras, NYC Department of Transportation.
[42] New York City Red Light Camera Program: Program Review 1994-2017 & 2018 Report, NYC Department of Transportation, at p. 2.
[43] Ibid., at p. 5.
[44] Ibid., at p. 6.
[45] Ibid., at p. 7.
[46] FAQ's – Speed Cameras, NYC Department of Transportation.
[47] Example of a map of speed camera locations across the US at "America's 4,150 traffic cameras, in one map," Vox (2015).
[48] Automated Speed Enforcement Program Report 2014-2019, NYC Department of Transportation, at p. 7.
[49] Hue, Winnie, "2,000 Cameras Will Be Watching How You Drive in New York City," *The New York Times* (July 1,2019).
[50] Ibid.
[51] Ibid.; Enforcement, NYC Vision Zero.
[52] Ibid.

along with engineering, education, and enforcement.[53] The City could also use the data from automated enforcement to inform other safety efforts in DDOT's Highway Safety Improvement Program.[54] Of note, the DC Council expressed doubts about whether program efficiency would increase under the move and concerns about whether DDOT-issued citations would carry the same significance as citations from MPD.[55]

The transfer of the program moved 20 personnel from MPD to DDOT and, significantly, DDOT gained the authority to decide where to deploy automated enforcement cameras. DDOT uses several types of technology in the automated enforcement program.[56] When a camera records a violation, violation images are reviewed, the registered vehicle owner identified, and any extenuating circumstances are examined. A citation is then mailed to the vehicle owner.[57]

Table 3-6. Automated Traffic Enforcement Technology Used in Washington, DC

Type	Description	Fines
Speed Camera	Uses photo radar to photograph the rear license plates of vehicles that exceed the speed limit by 11 MPH or more. Though rarely applied, drivers can receive tickets for going up to 10 MPH over the speed limit.	$50-$200, depending on excess of speed limit
Red Light Cameras	Activates when motion is detected just prior to the cross walk after the traffic signal has turned red. The camera captures two images of an alleged violation, taken from the rear of the vehicle.	$150
Stop Signs Cameras	Uses photo radar to detect if a vehicle stopped at, rolled through, or ran a stop sign.	$50
Oversized Vehicle Cameras	Uses radar and lasers to detect whether a vehicle is too large to drive legally on a residential street.	Warning for first offense; ticket issued on subsequent offense

Source: District Department of Transportation

DDOT reviews available data and performs studies to determine speed camera placement, including:[58]

- Field assessments by DDOT staff at existing speed camera locations;
- Review of accident reports, speed data, signal timing data, traffic data, and speed camera data; and
- A safety analysis, reviewing speed data at existing and proposed camera locations.

[53] Rogers, Jonathan, et al., Using Automated Enforcement Data to Achieve Vision Zero Goals: A Case Study, (Aug. 1, 2016).
[54] Ibid. at p. 14.
[55] Lazo, Luz, "Bowser does an end around D.C. Council, transfers traffic camera program to DDOT," *The Washington Post*, (October 1, 2019)
[56] DDOT did a pilot program for bus lane cameras from February 2021 to April 2021. This automated enforcement identifies unauthorized vehicles using bus lanes when operational. During the pilot, DDOT only collected data and it will be used to help determine what system would be needed for automated bus lane enforcement. DDOT plans on installing 10 bus lane enforcement cameras by January 1, 2022.
[57] When asked about the administration of the program (specifically about the steps, who performs them, and the grace period for new speed cameras) in multiple attempts by OLO in January 2021, DDOT's Vision Zero Director did not respond with details.
[58] "Speed Limit & Safety Nexus Studies for the Automated Enforcement Locations in the District of Columbia," Parsons Brinckerhoff (2014).

Members of the public can request placement of a speed camera. With a request, DDOT performs a Traffic Safety Assessment that includes a resident questionnaire. DDOT also requires a letter of support from an Advisory Neighborhood Commissioner (ANC). If DDOT determines that safety mitigation is needed, DDOT will work with the community to identify solutions, which may include speed cameras.[59]

Expansion of DC's Automated Traffic Enforcement Program. In the fall of 2020, the DC Council passed The Vison Zero Enhancement Omnibus Amendment Act of 2019, which will increase the use of automated traffic enforcement in the District (subject to funding). [60] The new cameras include:

- 75 red light cameras by January 1, 2022;
- 10 bus lane enforcement cameras by January 1, 2022;
- Minimum of 30 stop sign cameras by January 1, 2024; and
- Minimum of 125 red light cameras by January 1, 2024.

Other changes to traffic enforcement in the Act include issuing warnings to drivers going eight or more miles per hour over the speed limit, negotiating agreements with Maryland and Virginia so their drivers face consequences when breaking traffic laws in DC, and eliminating right turns on red at more intersections.[61]

Criticism of DC's Automated Traffic Enforcement Program. The District's automated enforcement program has faced more criticism than what many in the traffic enforcement and transportation communities considered "typical," including:

- Fines are excessively high compared to other jurisdictions (e.g., fines of up to $200 in DC compared to $40 in Maryland);
- Program revenue increases each year compared to other jurisdictions, where revenues often spike when new cameras are installed but then level out as drivers adapt to the cameras;
- Heavy placement of speed cameras on commuter routes;[62]
- Errors in processing violations/tickets;[63]
- Confusing speed limit signage at camera locations;[64] and
- Regarding revenues, speed and red light camera revenue in the District was $104.5 million[65] in FY18 and $174 million[66] in FY19. Due to the COVID-19 pandemic with fewer people driving, revenues dropped to $148 million in FY20.

[59] Traffic Safety Assessment, District Department of Transportation.
[60] D.C. Act 23-451 (Vison Zero Enhancement Omnibus Amendment Act of 2019).
[61] Lazo, Luz, "D.C. Council unanimously approves Vision Zero bill aimed at reducing traffic fatalities," *The Washington Post* (Sept. 22, 2020).
[62] "Speed Cameras in D.C.," by Simone Roy, D.C. Policy Center (June 28, 2018).
[63] "DC DMV Computer Glitch Affects 70K Tickets; Erroneously Sends Nearly 2K to Collections," ABC7 WJLA (Feb. 6, 2018).
[64] Speed Cameras in D.C., by Simone Roy, D.C. Policy Center.
[65] Howell, Melissa, "DC Speed Camera Citations on Track to Break Record," WTOP (October 22, 2019).
[66] Medici, Andy, "D.C.'s Speed Camera Revenue has Dropped Significantly as a Result of COVID-19,"*Washington Business Journal* (October 7, 2020).

C. Reducing Traffic Stops or Using Un-armed Police/Civilians for Traffic Stops

Several jurisdictions across the United States are reorganizing or looking at ways to reorganize their traffic enforcement practices. Two approaches include (1) efforts to reduce the number of police stops and/or (2) using un-armed public safety personnel to enforce traffic laws. The next table summarizes the status, policy change, and observed impacts for seven jurisdictions.

Table 3-7. Jurisdictions Using or Proposing Reduction of Traffic Stops or Use of Un-armed Police/Civilians for Traffic Enforcement

City, State	Status	Policy or Law Change	Observed Impact
Reducing Traffic Stops			
Fayetteville, NC	No longer in effect	Prioritized traffic stops for collision contributing violations	Decrease in traffic fatalities, use of force, and racial disparities
Lansing, MI	Currently in Effect	Prohibit traffic stops for secondary offenses	Not available at this time
Madison, WI	Currently in Effect	Prioritized serious traffic offense (e.g., drunk driving) due to insufficient staffing	Increase in speeding and traffic fatalities; continued racial disparities
Oakland, CA	Currently in Effect	De-prioritization of stops for traffic violations least likely to contribute to collisions	Improved, but continued racial disparities
State of Virginia	Enacted	Reclassified certain traffic violations from primary violations to secondary violations, reducing officers' authority to make traffic stops for those violations	Not available at this time
Using Un-armed Personnel for Traffic Enforcement			
Los Angeles, CA	Request for Proposals	Use of civilian enforcement of traffic laws	Not available at this time
Philadelphia, PA	Approved, hiring to start in FY22	Use of un-armed public safety enforcement officers	Not available at this time

Reduce Traffic Stops. The following examines jurisdictions from the above table that de-prioritized traffic stops for traffic violations that are less likely to contribute to collisions.

1. Fayetteville (NC)

From 2013 to 2016, the Fayetteville Police Department only focused on moving violations of immediate concern to public safety: speeding, stop sign/light violations, driving while under the influence, and reckless driving.[67] As for non-moving violations (equipment issues, expired registrations, etc.), the police force decided to avoid them or minimize them whenever possible. As a result, non-moving violations went down, traffic fatalities decreased, speeding stops increased dramatically (up 254%), complaints against officers lessened, use of force went down, and the number of Black drivers stopped decreased by 49% compared to the previous four years.[68]

2. Lansing (MI)

Lansing, Michigan chose to no longer make traffic stops for secondary traffic violations such as cracked taillights, a loud exhaust, inoperable license plate lights, etc.[69] The only time these types of violations will be enforced is when a driver is pulled over for a primary violation such as impaired driving, reckless driving, speeding, etc.

3. Madison (WI)

Due to the COVID-19 pandemic, Madison, Wisconsin focused on serious traffic violations. With fewer sworn police officer positions in 2020, along with social distancing needs and more police to cover the protests after the death of George Floyd, the police department shifted officers from traffic enforcement to patrol. The remaining traffic enforcement officers focused on serious traffic violations, such as drunk driving.[70]

To account for the fewer police officers in traffic enforcement, the City reduced speed limits by 5-10 mph.[71] So far, the traffic enforcement data has reflected the change in priorities. As of October 2020, only 2,377 traffic stops were made in 2020, along with 1,693 citations.[72] For the same period in 2019, 6,467 traffic stops were made, along with 3,951 citations.[73]

Critics of the changes claim the police force's changes have led to more speeding (on track for issuing fewer tickets than 2019) and may have led to more traffic fatalities (15 through October, the most since 2007).[74] Furthermore, 29.4 percent of the traffic citations in 2020 were given to Black drivers; Black residents only comprise 7.0 percent of the population in Madison.[75] It should be noted that the increase in speeding and traffic fatalities during the pandemic was seen nationwide. It is difficult to assess the efficacy of a program change during the pandemic.

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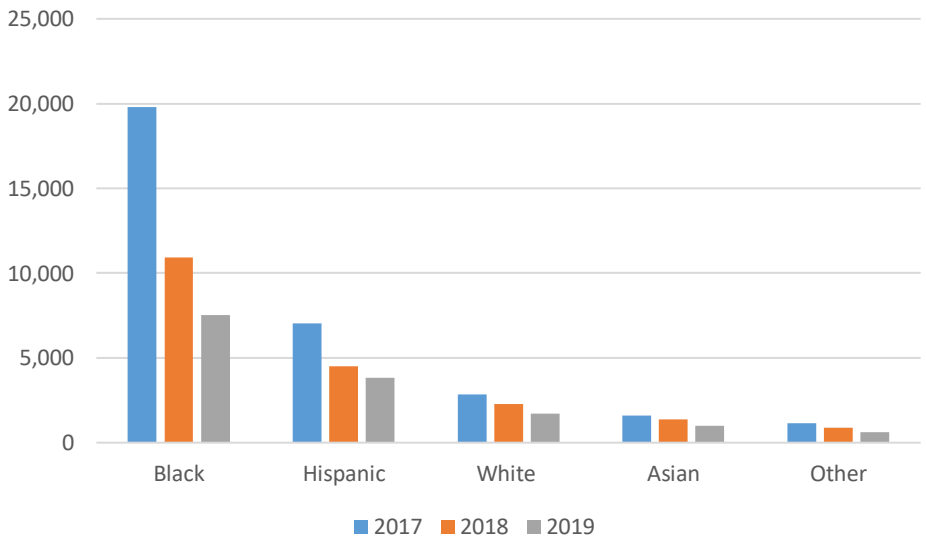
[67] Jallow, Ahmed, "What would happen if cops didn't make certain traffic stops? This North Carolina city offers a case study," *USA Today* (April 15, 2021).
[68] Ibid.
[69] "Lansing Police Department Will No Longer Stop Motorists for Secondary Traffic Violations," WLNS 6 (July 2, 2020).
[70] Rickert, Chris, "Traffic Enforcement Down Sharply in Madison Due to Pandemic, Protests, Police Cuts," *Wisconsin State Journal* (October 27, 2020).
[71] Ibid.
[72] Traffic Stop Data, City of Madison Police Department.
[73] Ibid.
[74] Rickert, "Traffic Enforcement Down Sharply in Madison."
[75] US Census Data for the City of Madison, WI (as of July 1, 2019).

4. Oakland (CA)

The City of Oakland, California worked directly with Stanford University on reducing traffic stops for minor traffic violations. Since 2018, the Oakland Police Department does not stop motorists for most minor traffic infractions, such as a broken taillight. The police focus their non-dispatch calls on intelligence (evidence-based), which can be linked to a source that leads to the initiation of a stop.[76] This intelligence may include information about a crime trend tied to locations or individuals.[77]

As a result of the new policy, traffic stops for minor traffic violations stops were dramatically reduced by 38.4 percent – from 32,407 in 2017 to 19,971 in 2018.[78] They dropped even further in 2019 to 14,644 stops – a difference of 26.7 percent from 2018. However, racial disparities remained the same, even with fewer traffic stops for minor traffic violations. Black drivers were still more likely to be pulled over more than Hispanic, White, and Asian drivers, even though Black residents comprise 23.8 percent of the City's population.[79]

Chart 3-1. City of Oakland Police Stops for Minor Traffic Violations by Race, 2017-2019



Source: 2019 Annual Stop Data Report, Oakland Police Department

[76] 2019 Annual Stop Data Report, Oakland Police Department, at p. 4.
[77] Ibid.
[78] Ibid.
[79] US Census Data for the City of Oakland, CA (as of July 1, 2019).

5. Commonwealth of Virginia

In the fall of 2020, the Commonwealth of Virginia proposed a bill that would prevent police from pulling over drivers with vehicle equipment violations (e.g., tinted windows, objects that obstruct a driver's view, expired vehicle registrations or safety inspections, loud mufflers, or smoking with a juvenile inside.)[80] The Virginia legislature amended the bill due to safety concerns about non-functioning headlights or brake lights out during the night. The bill was signed by the Governor in November and became effective on March 1, 2021.[81]

Un-armed Civilians in Traffic Enforcement Roles. The following examines jurisdictions from Table 3.7 that propose using un-armed civilians to enforce minor traffic violations.

6. Los Angeles (CA)

Los Angeles, California is exploring removing armed police officers from traffic enforcement. The city asked the Department of Transportation, the City Administrative Officer, the Police Department, the City Attorney, and legislative staff to issue a Request for Proposals for a consultant to "conduct a study on the feasibility of utilizing civilian enforcement of traffic laws for motorist, cyclists, and other forms of transportation…"[82]

7. Philadelphia (PA)

In 2019 the City of Philadelphia's voters approved "public safety enforcement officers" to assist existing police officers by focusing on traffic enforcement and other quality-of-life laws.[83] Besides not carrying guns, these officers cannot make arrests, but they can issue citations and will patrol designated city zones, enforce parking regulations, help regulate the flow of traffic, and other related duties required by the City Managing Director or the Council.[84]

These public enforcement safety officers were included in the City's FY2021 budget, but the program is not slated to start hiring until the FY2022 budget due to revenue shortfalls caused by the COVID-19 pandemic.[85]

[80] Dujardin, Peter, "Bill Would Block Police from Stopping Cars for No Headlights, Brake Lights. Northam Says That Part Goes Too Far.," *Daily Press* (October 21, 2020).
[81] Carlton, Brian, "Traffic Stops Will Change Once Gov. Northam Signs This Bill," Dogwood (Nov. 10, 2020); State of Virginia HB 5058 Marijuana and certain traffic offenses; issuing citations, etc..
[82] Los Angeles City Council Agenda (February 23, 2021).
[83] Murphy, Darryl, "New Traffic Enforcement Officers to Hit Philly Streets," WHYY (May 22, 2019).
[84] City of Philadelphia Bill No. 180818; Madei, Patricia, "In Mayor Jim Kenney's Budget, $1.9 million Designated for New Traffic Enforcement Officers," *The Philadelphia Inquirer* (March 5, 2020).
[85] Madei, Patricia, "Philly May Delay Hiring of Traffic Enforcement Officers Until Next Year," *The Philadelphia Inquirer* (May 1, 2020).

Chapter 4. MCPD Organizational Structure and Key Strategies

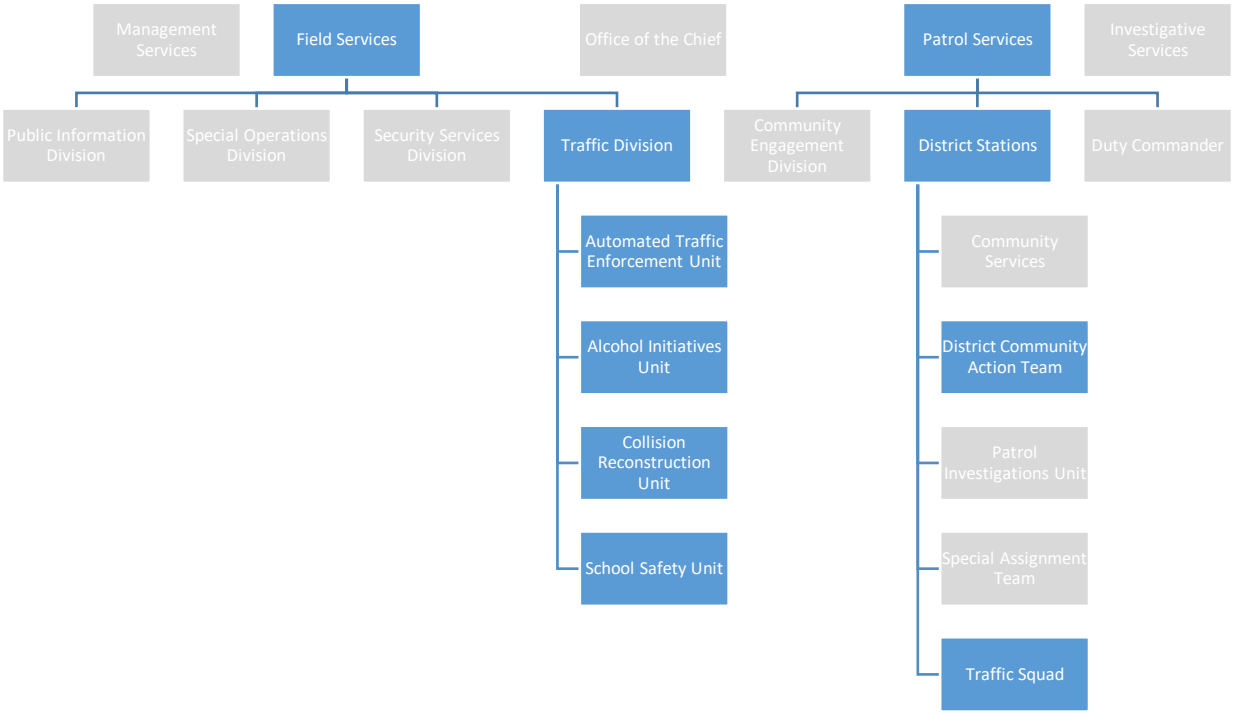
The Montgomery County Police Department (MCPD) is the primary law enforcement agency that performs traffic enforcement in the County.[1] This chapter describes the MCPD's traffic enforcement organizational structure, key strategies, and is organized as follows:

A. Structure for Montgomery County's Traffic Enforcement;
B. Traffic Enforcement Organizational Reforms; and
C. Traffic Management System Directive.

A. Structure for Montgomery County's Traffic Enforcement

MCPD contains four bureaus: Patrol Services, Field Services, Investigative Services, and Management Services. As shown by the organizational chart below, traffic enforcement is performed by both the Field Services Bureau-Traffic Division and the Patrol Services Bureau – District Stations.

MCPD Traffic Enforcement Bureaus, Divisions, and Units



Note: Blue fields denote Bureaus, Divisions, and Units responsible for traffic enforcement.

[1] The Office of the County Sheriff may also enforce Maryland motor vehicle laws, but only in rare instances. They do not patrol for traffic violations, but if they do notice a serious violation that creates a significant hazard to people or property in the County, they will intervene. "Office of the County Sheriff General Operating Procedures, Traffic Enforcement No. 310," (Nov. 9, 2020).

1. Field Services – Traffic Division

The Traffic Division focuses on enforcement of traffic laws, investigation of serious traffic collisions, safety education, and coordinating major traffic impact events, such as larger funerals and Presidential visits. The Traffic Division's main office includes four positions – one captain, one lieutenant, one office services coordinator, and one police officer (LIDAR[2] Coordinator). The Traffic Division has four specialized units.

Automated Traffic Enforcement Unit – (32 positions and 1 contractor: 1 management level supervisor, 1 police officer (citation approver), 1 statistician (contractor), 1 administrative supervisor, 11 police aides, 1 program manager, and 14 technicians). This unit consists of two offices:

- Front office - responsible for Maryland Public Information Act (MPIA) requests, managing fleet vehicles, and handling first responders' citations. The unit is responsible for the approval and dismissal of automated traffic citations for speed enforcement, red-light enforcement, and for vehicles passing a stopped school bus with its lights on while picking up or dropping off school children.
- Field/Operations office - responsible for the selection, activation, and evaluation process of automated enforcement cameras and for operating speed enforcement vans.

Alcohol Initiatives Unit – (8 positions: 1 sergeant, 1 corporal, 6 police officers). The goal of this unit is to reduce the incidents of alcohol/drug related problems in the County through the following:

- Providing community-based training on recognizing substance abuse and prevention strategies/resources available to County residents;
- Training MCPD personnel on DUI (driving under the influence) detection techniques to increase the quantity and quality of related arrests; and
- Establishing and performing sobriety checkpoints.

This unit also forms the County Police Alcohol Task Force during the holiday season (mid-November until early January), which includes 20 additional patrol officers and officers from the City of Gaithersburg Police Department, the City of Takoma Park Police Department, the Maryland-National Capital Park Police Department (Montgomery County Division), troopers from Maryland State Police, Maryland Department of Transportation Administration Police, and deputies from the Montgomery County Sheriff's Office.[3]

Collision Reconstruction Unit – (9 positions: 1 sergeant, 1 corporal, 5 detectives, and 2 truck inspectors). This unit conducts in-depth fatal collision investigations, including interviews with drivers and witnesses, obtaining evidence at the accident, inspecting vehicle damage, reviewing contributing conditions (e.g., weather, speed, impairment, etc.), and determining criminality.

School Safety Unit – (174 positions: 1 sergeant, 1 corporal, 3 police officer supervisors, 3 office services coordinators, and 166 part-time civilian crossing guards). This unit provides safe transit for elementary and middle school children to and from school through staffing, supervising, and training of school crossing guards. The Unit also administers MCPS' 5th grade school safety patrol program, with approximately 7,000 students.

[2] LIDAR stands for Light Detection and Ranging. Commonly referred to as a police laser gun. It is the most precise speed monitoring option available to traffic enforcement officers. The devices use light to calculate a vehicle's speed and the speed is reported to the officer quickly.

[3] "Montgomery County Holiday Task Force Results in 262 Arrests for Driving Under the Influence of Alcohol and/or Drugs; No DUI-Related Fatal Collisions Occurred During Eight-Week Period," Montgomery County Press Release (Jan. 14, 2021).

2. Patrol Services – District Stations

Patrol Services is responsible for in-person traffic enforcement in each of the six police districts.[4] As shown below, MCPD reports that patrol officers conduct the majority of traffic enforcement in each district, with Traffic Squad Officers engaging in enforcement activities on major arterial roads. [5]

Responsible Party	Staffing	% of Enforcement
Patrol Officers	716 positions: 76 sergeants and 640 police officers	80%
Traffic Squad Officers	42 positions: 6 sergeants, 4 corporals, and 32 police officers	20%

In addition, the District Community Action Teams (DCAT) from each district station (excluding Rockville and Bethesda) conduct targeted enforcement operations for identified crime increases, crime trends, and traffic issues. The teams work with the public on community policing efforts to sustain improvements achieved through partnership efforts.[6] Each DCAT has seven to eight positions (one sergeant, one master police officer, and five to six police officers).

B. Traffic Enforcement Organizational Reforms (2020)

On November 10, 2020, MCPD created the Coordinated Enforcement Section to have a unified command structure that standardizes traffic enforcement duties and deployment across all six districts. This change created a new section under Field Services – Traffic Division by moving traffic squad officers from district stations to the new Centralized Traffic Unit. This move is effective July 2021. With this change, MCPD will keep one traffic officer (two in the 2nd District) at each district station to handle community complaints.

The goal of this organizational change is to increase resource efficiency through a centralized, data-driven approach to traffic officer deployment, with consistent scheduling, and standardized performance goals. The responsibilities of the new Centralized Traffic Unit include:

- Using High Visibility Enforcement in High Incident Networks focusing on the four serious violations that cause collisions: aggressive, distracted, pedestrian, and occupant protection.
- Conducting self-initiated enforcement on other important violations, including but not limited to failure to obey a traffic signal, reckless driving, negligent driving, suspended/revoked driver permits, speeding, following too close, and emergency repair orders.
- Focusing on outreach and education to help change the dangerous behavior of drivers, pedestrians, and bicyclists.

[4] MCPD states that all police officers receive over 100 hours of training on traffic enforcement while cadets at the police academy.
[5] District stations include Rockville(1st), Bethesda (2nd), Silver Spring (3rd), Wheaton (4th), Germantown (5th), and Montgomery Village (6th). See Appendix B for a map of the district stations.
[6] Bureaus – Patrol Services, MCPD.

Table 4-1. New MCPD Centralized Traffic Unit Staffing Levels (effective July 2021)

District/Division	Total Staffing Levels		Sergeants		Corporals		Officers	
	Current	New	Current	New	Current	New	Current	New
#1 Rockville	9	1	1	0	1	--	7	1
#2 Bethesda	7	2	1	0	1	--	5	2
#3 Silver Spring	6	1	1	0	--	--	5	1
#4 Wheaton	8	1	1	0	1	--	6	1
#5 Germantown	7	1	1	0	1	--	5	1
#6 Montgomery Village	5	1	1	0	--	--	4	1
Central Motor Squad – Day	--	13	--	1	--	1	--	11
Central Motor Squad – Evenings	--	13	--	1	--	1	--	11

Source: MCPD
Note: Due to budget constraints, the Executive Branch reduced the number of Traffic Complaint Officers from six officers (one for each district and two in the 2nd District). These staff will handle traffic complaints that are not associated with major arterial roadways.

MCPD anticipates the new Centralized Traffic Unit will still perform approximately 20 percent of traffic enforcement in the County with district patrol officers performing the other 80 percent of enforcement. District patrol officers will not be required to focus their traffic stops on traffic stops for collision contributing violations like the officers in the new Centralized Traffic Unit.[7]

C. Traffic Management System Directive

The MCPD developed a standardized, department-wide Traffic Management System to "facilitate the safe and expeditious flow of vehicular and pedestrian traffic and to reduce traffic collisions and their resultant fatalities and injuries."[8] The System utilizes the strategies below to help meet its goals.

MCPD Traffic Management System Strategies

Driver-Focused
- Enforcement of motor vehicle laws
- Selective traffic enforcement
- Collision investigation
- Automated photo traffic enforcement
- Impaired driver countermeasures
- Community-oriented traffic policing
- Parking enforcement
- Motor Carrier Safety Program

Pedestrian and Community-Focus
- Pedestrian safety/enforcement
- School traffic safety/crossing guards
- Traffic Safety and education programs
- Liaison with traffic safety groups
- Media coverage/use of social media

Traffic Management/Other
- Police traffic management
- Traffic incident management system
- Traffic engineering
- Traffic ancillary services

[7] MCPD is working across the department to highlight the most dangerous driving behaviors and their impacts on safety.
[8] Function Code 1000 – Traffic Management System, MCPD (Jan. 28, 2021).

Traffic Management Reporting. As required under the Traffic Management System Directive (Function Code 1000), each district is required to create a yearly written report of traffic activities; this report is also summarized for the County. This information focuses on collision data and is used as a resource for traffic enforcement deployment. The report contains the following:

- A district map showing the collision hotspots;
- The date, time, location, and fatality count for each fatality collision;
- The top collision locations and frequency for those where driver substance abuse was a factor;
- The top collision locations and frequency for non-motorist vehicle related collision locations (e.g., pedestrians, cyclists, skaters, etc.);
- The top overall vehicle collision locations and frequency;
- Further analysis of substance-related collisions, including whether it was due to the driver or a non-motorist, when the collisions happened by month, and the most common hour of the collisions; and
- Detailed analysis of the top three overall vehicle collision locations, showing total collisions by month, days of the week, and by hour. The analysis also includes what types of collisions happened for each top location such as head on left turn, single vehicle, same direction rear end, and same direction right turn. Finally, the top location analysis includes the weather conditions and a map of the location.

Examples of the District 1 (Rockville) yearly report and the overall County yearly report are in Appendix C.

This OLO report focuses on MCPD traffic enforcement strategies pertaining to drivers. Chapter 5 discusses MCPD polices, and data related to in-person traffic enforcement - conducted by the Patrol Services Bureau. Chapter 6 outlines MCPD use of automated traffic enforcement technologies and key data points – managed by Field Services – Traffic Division.

Chapter 5. MCPD In-Person Traffic Enforcement and Data

This chapter summarizes MCPD in-person traffic enforcement strategy and examines recent citation/violation data. As noted in Chapter 4, MCPD Patrol Service Bureau is primarily responsible for in-person traffic enforcement. Additionally, MCPD is in the process of realigning staff to create a more centralized, data-driven approach to in-person traffic enforcement. This chapter is organized as follows:

A. MCPD Selective Traffic Enforcement Strategy and Purpose;
B. Traffic Stop Citation and Violation Data; and
C. Vision Zero In-Person Traffic Enforcement Focus Areas and High-Injury Hotspots.

A. MCPD Selective Traffic Enforcement Strategy and Purpose

MCPD uses selective traffic enforcement for its in-person enforcement strategy.[1] Selective traffic enforcement is a data-driven approach to targeted in-person enforcement based on traffic accident and violation data.[2] MCPD selected the following goals for its selective traffic enforcement strategy.[3]

Goals	Description
Reducing Traffic Collisions	High level, high quality traffic enforcement efforts reduce the number and severity of traffic collisions
Protecting Life and Property	Lowering hazardous traffic violations reduces the number and severity of traffic-related collisions, deaths/injuries, and property damage losses
Expediting the Flow of Traffic	Smooth traffic flows help eliminate collisions resulting from "stop and go" traffic caused by inattention or poor driver judgement during changing speeds, stops and starts, and frequent lane changes
Addressing Community Complaints	Identification of chronic or occasional traffic-related issues such as speeding and unsafe driving behavior

1. Selection of Site-Based, In-Person Traffic-Enforcement

MCPD uses data to identify time/location or a specific problem for in-person traffic enforcement (i.e., traffic analysis, citizen complaints, needs identified by MCPD staff, and needs identified by other County personnel). Once the time/location or problem have been identified, MCPD uses one or more of the following techniques:[4]

[1] "Guidelines for Developing a High-Visibility Enforcement Campaign to Reduce Unsafe Driving Behaviors Among Drivers of Passenger and Commercial Motor Vehicles, A Selective Enforcement Program Based on the Ticketing Aggressive Cars and Trucks Pilot Project," US Department of Transportation, National Highway Traffic Safety Administration, at p. 1.
[2] "Selective Law Enforcement," National Criminal Justice No 48171, US Department of Justice, Office of Justice Programs (1976).
[3] MCPD Traffic Management System
[4] Ibid.

- High Visibility Enforcement;[5]
- Traffic checkpoints;
- Saturation patrols;
- Stationary observation of intersections;
- Use of speed measuring devices; and
- Other approved techniques.

2. Traffic Stop Actions

As noted in Chapter 2, MCPD officers enforce traffic rules based on state and local laws and procedures. MCPD procedures require the officers to perform unbiased law enforcement for traffic stops. MCPD's January 2021, Function Code for its Traffic Management System states:

> Discrimination in any form, including racial profiling and bias policing is strictly prohibited and the department will take immediate and appropriate action to investigate all allegations concerning such actions. Officers will not stop of detain any individual(s) based exclusively on their race, ethnicity, or national origin, unless this information relates to a specific "look-out" regarding a suspect's physical description concerning a criminal investigation or other legitimate law enforcement action.

Officers have discretion over the outcome of a traffic stop depending on the violation. Officers may give drivers a warning (written or electronic), a citation, a safety equipment repair order, or perform a physical arrest in the case of serious violations, described below. In a single traffic stop, a driver could receive multiple warnings and multiple citations based on the violation(s) that occurred.

Action	Applied when:
Warning	Appropriate when the driver commits a violation that is due to ignorance of a recently enacted law or where a minor equipment defect is apparent. Can also be used in response to a minor traffic violation in a minimal traffic collision area.
Citation	Applicable when the driver has jeopardized the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, and parking violations.
Safety Equipment Repair Order	Applicable when a driver is operating an unsafe and/or improperly equipped vehicle.
Arrest	Applicable for violations listed in the Maryland Transportation Article § 26-202, such as driving when impaired by alcohol and/or a drug, driving when a license is suspended or revoked, any offense that caused bodily injury to another individual, etc.

Since 2015, MCPD has used the State of Maryland's Electronic Traffic Information Exchange Program (E-Tix) to review a driver's prior driving history when they are pulled over for a traffic violation.[6] Typically, if a driver has a good driving history in the E-Tix database and the violation for which the driver was stopped is not significant or

[5] According to the National Highway Traffic Safety Administration, High Visibility Enforcement (HVE) is a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors. HVE combines highly visible and proactive law enforcement targeting a specific traffic safety issue (e.g., signs, message boards, visible patrols). Law enforcement efforts are combined with visibility elements and a publicity strategy to educate the public and promote voluntary compliance with the law.

[6] 2014 was the last, most recent year in which citations (106,989) were greater than warnings (102,872).

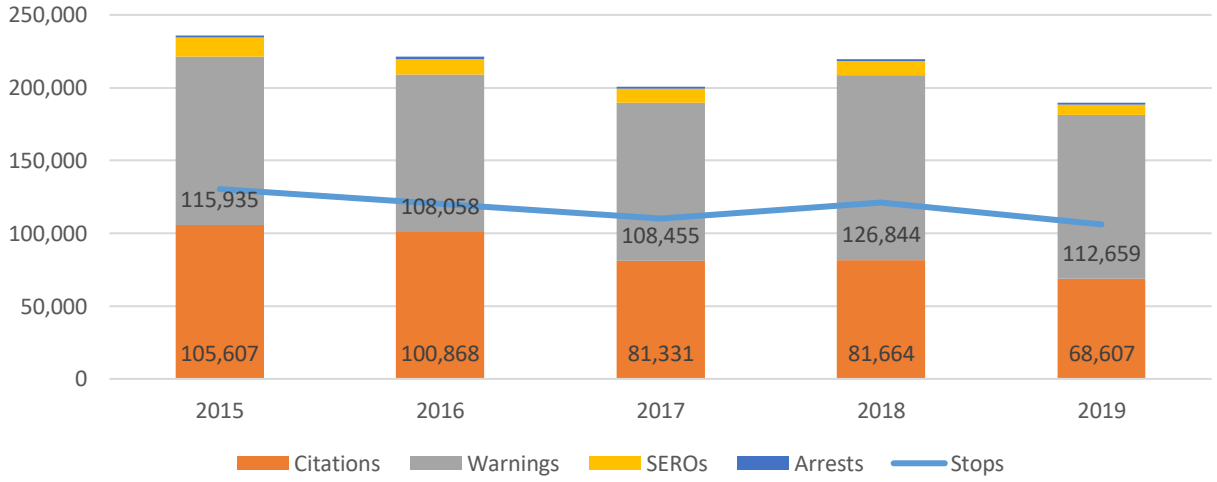
an immediate danger to public safety, MCPD officers will give the driver a warning as opposed to a citation.[7] MCPD representatives reports (and MCPD data support) that since MCPD began using E-Tix in 2015, officers' ability to immediately see a driver's prior driving history has resulted in a decrease in the number of citations issued and an increase in the number of warnings issued.

3. Total Stops and Actions Taken, 2015-2019

Between 2015 and 2019, MCPD data show the department averaged 117,610 traffic stops per year. MCPD data in the chart below show the number of warnings, citations, safety equipment repair orders (SEROs), and arrests from 2015 to 2019 along with the number of traffic stops. MCPD data show:

- Issuing warnings and citations comprised the majority of actions taken by officers during traffic stops in this time period. MCPD attributes the decline in citations to use of the E-Tix system, described above.
- Arrests performed during traffic stops averaged 1,476 per year, occurring, on average, in 1.3% of all traffic stops (excludes DUI arrests).
- MCPD averaged 10,229 Safety Equipment Repair Order (SERO) stops per year.

Chart 5-1. MCPD Traffic Stops from 2015 to 2019, by Outcome



Source: MCPD
Note: Does not include data from 2020 or 2021 due to significant decrease in driving during the COVID-19 pandemic.
Note: One traffic stop may result in multiple citations that have different levels of charges. With different levels of charges, if a case goes to court, a judge will have flexibility to impose penalties with varying levels of severity.
Note: Arrest data does not include arrests for driving under the influence (DUI), which MCPD tracks in a separate EJustice crime database. On average, MCPD officers conducted 3,159 DUI arrests per year from 2015 to 2019.

[7] Montgomery County Council Public Safety Committee Worksession, presentation by MCPD (October 29, 2020).

Spotlight: Safety Equipment Repair Orders vs. an Annual Vehicle Safety Inspection

Because the State of Maryland does not require an annual state inspection program for vehicles,[8] police officers in Maryland are responsible for identifying safety issues with vehicles. MCPD officer are responsible for stopping vehicles with specific issues and issuing Safety Equipment Repair Orders (SEROs). On average, MCPD officers stopped vehicles and issued over 10,000 SEROs annually from 2015-2019.

By contrast, the Commonwealth of Pennsylvania requires vehicles registered in the state to undergo an annual inspection and emissions test. The Pennsylvania Department of Motor Vehicles partners with automotive repair shops, who perform both the vehicle inspections and emission tests. The costs for both services vary, but the cost is as low as $40.[9] A 2009 study on the Pennsylvania inspection program found that the program not only reduced all crashes attributed to vehicle failure but also reduced between 127 and 187 crash fatalities each year.[10]

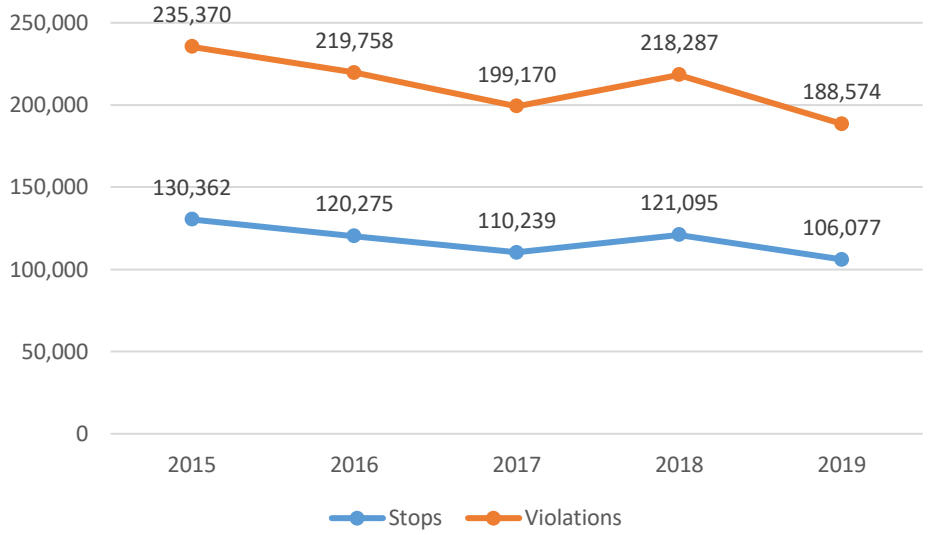
B. Traffic Stop Citation and Violation Data

This section includes MCPD data on traffic stops, violations, and citations in Montgomery County from 2015 to 2019. Note that a "violation" refers to a violation of a traffic law and data for one traffic stop can include multiple violations. An officer can issue a citation or a warning for each violation identified during a traffic stop, primarily at the officer's discretion. MCPD's data on violations on the following pages includes both citations and warnings but does not include safety equipment repair orders. Overall, MCPD data show that:

- A motorist can be pulled over for multiple traffic code violations – with an average of 1.8 violations found during each traffic stop.
- In 2019, MCPD conducted 106,077 traffic stops that resulted in 188,574 violations.
- Five violations, identified as most dangerous by MCPD, account for two-thirds of the violations cited during traffic stops (speeding, impaired driving, reckless driving, distracted driving, aggressive driving, seat belt use, and violating yielding-right-of-way (especially for pedestrians)).
- Violations for exceeding the posted speed limit and failure to obey traffic control devices are the most frequently cited violations, on average (24,040 violations and 18,051 violations respectively, on average).

[8] Vehicles in Maryland must undergo a safety inspection before a car is registered for the first time. Otherwise, vehicles emissions are periodically tested under the Vehicle Emissions Inspection Program. See "Vehicle Inspections."
[9] Found by a search for state inspection and emission costs on Google.
[10] "Pennsylvania's Vehicle Safety Inspection Program Effectiveness Study," by Cambridge Systematics, Inc. (2009).

Chart 5-2. Number of Traffic Stops and Violations in Montgomery County, 2015-2019



Source: MCPD and Vision Zero Coordinator

Table 5-1. Most Frequent Traffic Violations in Montgomery County, 2015 to 2019, by Average Number of Violations per Year

Violation	Avg. Violations/Year	MCPD-Identified "Dangerous Violation"
Exceeding the Posted Speed Limit	24,040	✓
Driver Failure to Obey Properly Placed Traffic Control Device Instructions	18,051	✓
Failure to Display Registration Card Upon Demand by Police Officer*	9,693	
Driver Failure to Stop at Stop Sign Line	6,793	✓
Driver Using Hands to Use Handheld Telephone While Motor Vehicle is in Motion	6,093	✓
Failure of Individual Driving on Highway to Display License to Uniformed Police on Demand*	5,579	
Driving Vehicle on Highway with Suspended Registration	5,568	
Displaying Expired Registration Plate Issued by Any State	5,465	
Driving Vehicle in Excess of Reasonable and Prudent Speed on Highway	3,988	✓
Person Driving Motor Vehicle on Highway or Public Use Property on Suspended License and Privilege	3,978	

Source: MCPD and Vision Zero Coordinator
* For these violations, the driver is stopped for another violation and also did not have their vehicle registration or their license. MCPD representatives report that officers consistently will write a citation for, e.g., lack of registration or license, and give the driver a warning for the reason they were initially stopped.

2019 Traffic Citations by Type of Violation. OLO reviewed MCPD data for the number of citations issued in 2019 by the type of violation cited. The table below shows MCPD data for citations issued in 2019. MCPD data show that:

- Officers do not issue citations for every driving violation. For example, officers stopped an average of over 24,000 drivers in 2019 for Exceeding the Posted Speed Limit (Table 5-1) and issued 8,519 citations for that violation.
- Comparing the top traffic violations (2015-2019), exceeding the speed limit, failure to obey traffic control devices, and driving using hands for handheld phones were among the most cited driving violations.

Table 5-2. Most Frequent Traffic Citations, by Violation, 2019

Violation	# of Citations	MCPD-Identified "Dangerous Violation"
Exceeding the Posted Speed Limit	8,519	✓
Driving Motor Vehicle on Highway Without Required License and Authorization	3,909	
Failure to Obey Properly Placed Traffic Control Device Instructions	3,062	✓
Person Driving Motor Vehicle on Highway or Public Use Property on Suspended License and Privilege	2,898	
Person Driving Motor Vehicle While License Suspended Under [Various Rules]	2,687	
Failure of Individual Driving on Highway to Display License to Uniformed Police on Demand	2,327	
Failure to Display Registration Card Upon Demand by Police Officer	2,239	
Driving Vehicle on Highway with Suspended Registration	2,234	
Driver Using Hands to Use Handheld Telephone While Motor Vehicle is in Motion	2,207	✓
Driving Vehicle While Impaired by Alcohol	2,198	✓

Source: MCPD
Note: Examples of other violations identified by MCPD as dangerous but not listed above include Reckless Driving, Negligent Driving, Following Too Close, and Emergency Repair Orders.

C. Vision Zero In-Person Traffic Enforcement Focus Areas and High-Injury Hotspots

MCPD has used crash data and hot spot analysis for traffic safety enforcement for many years. In 2020, MCPD and Vision Zero fine-tuned the County's traffic stop program to focus on the most significant and dangerous driver behaviors. Executive branch staff report that reducing the most dangerous driver behaviors reduce collisions and resulting injuries/fatalities. Modeling the County's program on San Francisco's "Focus on the Five" program,[11] MCPD's Traffic Squad Unit re-focused traffic enforcement efforts on five of the most dangerous driving violations found on arterial roads in the County.[12] MCPD's reorganization of its traffic enforcement officers from positions in district stations to positions in the new Centralized Traffic Unit in July 2021 is a continuation of its efforts to refocus the department's traffic enforcement (See Chapter 4).

[11] Enforcing Traffic Laws, Vision Zero San Francisco.
[12] As noted in Chapter 4, the Traffic Squad performs 20% of MCPD traffic stops and is primarily responsible for enforcement on arterial roads.

Table 5-3. Five Violation Areas Targeted for Enforcement by MCPD and Vision Zero

Distracted Driving	Any activity that diverts attention from driving, including talking or texting on the phone, eating and drinking, talking to people in a vehicle, fiddling with the stereo, entertainment, or navigation system.
Occupant Protection	Failure to use seat belts, child car seats, and occupant protection systems (e.g., air bags).
Impairment	Use of substances – legal or not legal – that impair driving, including alcohol, marijuana, opioids, methamphetamines, or any potentially impairing drug – prescribed or over the counter.
Aggressive Driving	Exhibiting dangerous on-the-road behaviors, including following too closely to a vehicle, driving at excessive speeds, weaving through traffic, and running stop lights and signs, among other acts.
Pedestrian Safety	Violating driving laws that promote pedestrian safety such as yielding to pedestrians in crosswalks, passing vehicles stopped at crosswalks, passing a stopped school bus with its stop arm extended, etc.

Source for emphasis areas: MCPD and Vision Zero Coordinator
Source for definitions: National Highway Traffic Safety Administration

High-Injury Hotspots. Building on MCPD's selective, site-based enforcement strategy (discussed in Section A), MCPD and Vision Zero employ a data-driven approach to identify for increased enforcement specific locations that contribute to high numbers of injuries (also called "high injury networks"). MCPD's senior analyst and the Vision Zero Coordinator review collision data to understand why an area is resulting in a high number of injuries. MCPD also uses:

- Maryland Highway Safety Office's data analysis and High Visibility Enforcement (HVE) model,[13] which "fuels funding toward program areas that are predicted by data analysis to have the greatest impact in reducing fatalities and serious injuries resulting from crashes."[14]
- Maryland Highway Safety Office's HVE Calendar, which helps police plan operations during HVE periods.
- CountyStat data on crash hot spots.[15]

The information is then communicated to the Traffic Squad, who are deployed accordingly to enforce traffic laws. As part of MCPD's traffic enforcement centralization starting July 2021 (see Chapter 4), MCPD believes their "purposeful policing" will be even more efficient, providing more consistency, oversight, and accountability in outcomes.[16]

As mentioned in Chapter 7, MCPD also works closely with the Montgomery County Department of Transportation (MCDOT), sharing data and discussing the "high injury networks." With this information, MCDOT and MCPD representatives report that they coordinate on traffic safety education, outreach, and prevention efforts in specific areas of the County. MCDOT also utilizes traffic data to help identify roadways that need engineering improvements to reduce injuries. MCPD, MCDOT, and Vision Zero all acknowledge that the education and enforcement are a stopgap for roads susceptible to traffic injuries until engineering on roads is complete. Once the engineering is complete, the Vision Zero Coordinator reports that spot education and enforcement will still be needed to keep the gains from the road improvements.

[13] According to the National Highway Traffic Safety Administration, High Visibility Enforcement is a universal traffic safety approach designed to create deterrence and change unlawful traffic behaviors.
[14] "2018 Annual Report," Maryland Department of Transportation, Maryland Highway Safety Office, at p. 54 (2018).
[15] Montgomery County Council Public Safety Committee Worksession, presentation by MCPD (Oct. 29, 2020).
[16] "Police: FY22 Operating Budget and CIP Amendments" for the Public Safety Committee, by Susan Farag, Montgomery County Council (April 15, 2021).

Chapter 6. MCPD Automated Traffic Enforcement and Data

As noted in Chapter 2, Maryland state law authorizes jurisdictions to use three types of automated traffic enforcement (ATE) devices – speed cameras, red light cameras, and school bus cameras. MCPD's ATE Program is operated by the Field Bureau – Traffic Division. The following summarizes the MCPD's Automated Traffic Enforcement Program and is organized as follows.

A. Types of Automated Traffic Enforcement Technology in Use in the County
B. Speed, Red Light, and School Bus Camera Operation
C. Automated Traffic Enforcement Citation Process
D. Montgomery County's Automated Traffic Enforcement Contract
E. Studies on Montgomery County's Automated Traffic Enforcement

A. Types of Automated Traffic Enforcement Technology in Use in the County

MCPD primarily utilizes speed cameras, red light cameras, and school bus cameras. The goal of the automated enforcement use is to achieve voluntary compliance with speed limits, to ensure safety on the roadways, and to help reduce the frequency and severity of collisions. MCPD operates speed and red light cameras, while school bus cameras are jointly managed by MCPD and MCPS.

Table 6-1. Montgomery County Automated Traffic Enforcement Types

Type	Description	#	Fines
Speed Cameras	• For use only on residential roads with a maximum posted speed limit of 35 MPH • Uses photo radar/Lidar to photograph the rear license plates • Vehicles must exceed the speed limit by 12 MPH or more	38 fixed-pole 34 portable 5 mobile van	$40
Red Light Cameras	• Activates when motion is detected just prior to the stop line/stop bar after the traffic signal has turned red • Camera captures video of an alleged violation, taken from the rear of the vehicle	51	$75
School Bus Cameras	• When a school bus extends its stop arm, the camera detects any vehicle passing the stopped school bus • Camera captures video showing the violating vehicle, the vehicle's license plate, and the extended stop arm	1,382[1]	$250

Note: Fines are collected by the County Department of Finance and the County uses revenues help expand funding for the Pedestrian Safety Initiative and Vision Zero. However, the revenue goes to the General Fund without an explicit earmark.

Other Technologies. MCPD employs additional technologies to assist with traffic enforcement.

- Variable Message Sign (VMS). Signs attached to trailers produce messages promoting safety to motorists, including caution warnings for dangerous roads or requests to slow speeds. Radar picks up vehicles approaching, and the sign will flash a message to motorists. There are seven signs in use in the County with each MCPD district station managing its own VMS.

[1] Figure taken from MCPS' bus camera contract with Bus Patrol America, which was renewed in February 2020.

- SpeedAlert Boards. Smaller than VMS trailers, radars detect approaching vehicles speeding and the boards will flash the driver's speed when it exceeds the speed limit. The County has three boards which are deployed by the Traffic Division.
- RADAR and Light Detection and Ranging (LIDAR) Speed Measuring Devices. MCPD officers use 184 RADAR and LIDAR devices to measure vehicle speed. LIDAR is more accurate for busy roads because the device can measure individual car speed in heavy traffic.[2] The devices can be handheld or mounted on car dashboards. Every MCPD officer is trained and certified to use the devices when they go through their academy training. According to MCPD, this reinforces the concept that traffic enforcement is the responsibility of every patrol officer.[3]

MCPD uses VMS and SpeedAlert Boards to collect data in areas with numerous complaints prior to conducting in-person or automated traffic enforcement. These technologies collect data to help MCPD determine the types of resources to deploy and where to locate speed cameras. The following highlights the type of data collected.

Compliance and Risk Report

- Number of vehicles (and their speed) that were compliant within the speed limit by hour.
- Number of non-compliant vehicles (and their speed) and depending on the severity of the speed, rates them as low risk (< 10 mph over the speed limit), medium risk (> 10 mph and < 20 mph), and high risk (> 20 mph).

Enforcement Priorities

- Displays hourly speed data for those vehicles at least going over 10 mph.
- Prioritize the data into five categories: average speed, average violator speed, 85th percentile speed[4], average number of vehicles, and average number of violators.

Extended Speed Summary

- Summarizes vehicles travelling 10 mph over the speed limit over a period, including the days studied, the average speed, the 50th percentile speed, the 85th percentile speed, the pace speed range, the number of vehicles that slowed when approaching the sign/board, the percentage of violators, and the sign/board effectiveness.

Speed Effectiveness Report

- Shows change in speed after the sign/board was placed and how individual risks changed (low, medium, and high).

Volume by Speed

- Presents the volume of vehicles by speed ranges, by hour.

Volume by Time

- Displays the volume of vehicles by hour and days of the week.

Source: MCPD

[2] Neal, Ann, "Sensors Insights," Fierce Electronics, (April 24, 2018).
[3] Interviews with MCPD.
[4] According to MCPD, 85th percentile speed is "the speed at or below 85% of all vehicles are observed to travel under free-flowing conditions past a monitored point."

B. Speed, Red Light, and School Bus Camera Operation

The following sections highlight each of the three major types of ATE used in the County. For each camera type, OLO identifies camera placement, number of cameras and citations, and annual revenue.

1. Speed Cameras

Following state authorization in 2006, Montgomery County began the Safe Speed Program in 2007.

a. Speed Camera Placement

The County is permitted by state law to use speed cameras in school zones and in residential zones. Presently, Montgomery County is the only County in the State that can place cameras in residential zones.[5] Cameras in residential zones operate 24 hours a day, seven days a week. Cameras in school zones are only allowed under state law to operate Monday through Friday from 6 am to 8 pm. Cameras capture vehicles traveling 12 miles per hour (mph) over the posted speed limit. MCPD representatives report that residents' requests for new cameras outweigh requests to remove cameras by 20 to 1.[6]

Corridor Approach. As the County's speed camera program grew, drivers became more aware of camera locations. Drivers would decrease speed at the camera location and increase speed after passing the camera. To account for this behavior, the County began rotating speed camera locations and implemented a corridor approach for camera placement.[7] Based on European models, the corridor approach is when multiple cameras are placed along a segment of a road that has been identified by traffic data as a high collision zone, mainly due to driver behavior.[8] Camera locations are periodically moved along the identified road. Signage notifies motorists that they are entering a "Speed Camera Corridor." The Insurance Institute for Highway Safety (IIHS) studied the County's corridor approach in 2015 and found that the approach drastically decreased the likelihood of drivers exceeding the speed limit by more than 10 miles per hour. The County currently has 80 Speed Camera Corridors that encompass 1,032 blocks. For the current list of Speed Camera Corridors and individual camera locations in Montgomery County, see Appendix D.

Data Used to Evaluate Locations. The locations of the speed cameras are determined through citizen or community requests[9] or based on collision data showing a need for a camera. MCPD reviews potential camera locations based on the following criteria:

- Traffic studies that encompass vehicle speeds
- Crash data
- Road geography
- Right-of-way
- 85th percentile speed
- Roadway geography
- The presence of crosswalks, churches, schools, libraries, or other venues that would attract pedestrian traffic
- The presence of on-street parking (may block a camera)
- Road grade and elevation
- Whether it is a state or county road
- Other pertinent information

[5] Since 2007; MD Code Ann., Transportation Article, § 21-809.
[6] MCPD representatives also report the department routinely gets constituent requests for speed camera placement in zones where the County is not authorized to use speed cameras, such commercial and agricultural zones.
[7] "Suggest a Speed Camera," Montgomery County Police Department.
[8] "Safety Corridors," Arizona Department of Public Safety.
[9] According to MCPD, residents' requests for new cameras outweigh requests to remove cameras by 20 to 1.

MCPD Speed Camera Site Location Process and Documentation. The County has authority to place speed cameras on County-owned roads without needing approval from the State of Maryland.[10] Under state law, the Maryland Department of Transportation's State Highway Administration (MDOT SHA) must approve County placement of speed cameras on state-owned roads. The County began placing speed cameras on arterial roadways (generally owned by the state) in FY15.[11]

The following pages document the process MCPD uses to select speed camera locations and how MCPD documents its decision-making process for public review. Note that MCPD uses this same decision-making process to select locations for placement of red light cameras, discussed later in this chapter.

MCPD Process Used for Selecting a Speed Camera Location on County-Owned Roads[12]

Step One: Pre-Enforcement Verification

1.1. Requests from residents, Homeowners Associations (HOAs), police officers, government officials, and Police Department Traffic Division personnel.
1.2. Collision data showing collisions near the stretch of road where injuries and fatalities occurred.
1.3. Additional factors such as site surveys, pedestrian activity, community and environmental concerns, points of interest in the area to include places of worship, schools, public facilities, swim centers, etc.

Step Two: Data Collection

2.1. Several sources of data collection (see the assessment report below) are culled and narrowed to stretches of roadways where there is believed to be a concentration of speeding problems.

Step Three: Data Analysis

3.1. Collected data is analyzed and reviewed by Automated Traffic Enforcement Unit personnel, the Safe Speed Program manager, and the Director of the Police Department's Traffic Division.

Step Four: Program Manager Site Visit

4.1. Once a potential camera location has been evaluated, a site visit is made to determine whether the location will be presented to the Director of the Police Department's Traffic Division for review. This visit may include a review and consideration of the following:
- *Location* - residential, school zone, or commercial
- *Roadway grade* - curve, hill, straight
- *Proper signage* (Is the speed limit posted, are there signs noting a change in speed limit, are there photo-enforced signs posted? etc.).
- *Crash endangerment* – number of crashes in the designated area
- Speed endangerment – metro counts, etc.
- *Environmental factors* – areas where the equipment can be safely set up, operated, and maintained
- *Traffic-volume metrics* – total number of vehicles passing through a selected survey location between rush hour and non-rush hour periods

[10] As mentioned in Chapter 7, 67 percent of roads in the County are owned by the County, 17 percent are owned by the State, and 16 percent are owned by municipalities, the Federal Government, and other local/state agencies.
[11] Major arterial roadways such as 16th Street and Georgia Avenue in Silver Spring, and Route 108 in Olney.
[12] MCPD documentation and "Suggest a Speed Camera."

- *Prioritization of the suggested camera location/roadway by contributing factors* – What is the pedestrian proximity on a potential speed enforcement road/deployment location? What additional factors exist? For example: schools, bus stops, playgrounds, pools, sidewalks, retirement facilities, crosswalks.

Step Five: Final Approval

5.1. The Automated Traffic Enforcement Program Manager confers with the Director of the Traffic Division. The Traffic Division Director has final approval. Once final approval is given the site must be advertised in a newspaper of general circulation prior to conducting enforcement. If the camera is on a state road, MDOT SHA must also approve the camera.

MCPD Documentation Process. To document the process, MCPD authors a speed camera assessment report, which looks at six critical areas: speed endangerment, accident endangerment, pedestrian proximity, traffic volumetric, roadway design, and endangerment history.

Speed Camera Assessment Report Content

Speed Endangerment	• Reviews percentage of vehicles travelling 12-15 mph, 16-20 mph, and greater than 21 mph over the posted speed limit.
Accident Endangerment	• Reviews property damage, injuries, and fatalities for a stretch of road over a period. For the assessments reviewed, the period was three years.
Pedestrian Proximity	• Reviews whether the following are within 500, 1,000, or 2,500ft within the site: school/daycare, bus stop, playground/park, pool, no sidewalk, retirement facility, crosswalk, community center, library, and religious facility.
Traffic Volumetric	• Reviews the traffic volume during the weekday rush-hour, the weekday non-rush hour times, and the weekend.
Roadway Design	• Reviews the grade of a road (downhill or uphill, level, and curve), road type (major arterial and primary or secondary residential road), number of intersections with yield or stop signs, if there is a bike lane, if there is a wide shoulder, if there are separate turn lanes, and if there is a median divider.
Endangerment History	• Reviews whether this stretch of road has had individual concerns or multiple concerns and over how many years these concerns have been received.

b. Number of Speed Cameras and Locations

Speed camera placement may be fixed, mobile van, or portable. As shown in the tables below, MCPD had 77 speed cameras in operation in FY19 at over 420 locations in the County. About two-thirds of speed camera locations are in Bethesda, Germantown, and Wheaton. Working with Montgomery County's Department of Transportation and Vision Zero, MCPD is in the process of reviewing new sites – with the anticipation of adding new cameras under the new automated enforcement contract (new vendor in FY22). MCPD representatives anticipate that MDOT SHA will approve locations on University Boulevard (State Route 193 and Route 29).

Table 6-2. Number of Speed Cameras and Locations in Montgomery County, by Year

	# of Cameras			
Year	Fixed	Mobile Van	Portable	# of Locations
FY07	12	6	0	66
FY08	23	6	0	116
FY09	34	6	0	162
FY10	45	6	0	199
FY11	56	6	0	201
FY12	56	6	0	289
FY13	56	6	0	330
FY14	56	6	0	353
FY15	38	6	0	392
FY16	38	5	34	396
FY17	38	5	34	403
FY18	38	5	34	418
FY19	38	5	34	428

Source: MCPD
Note: The location and camera figures are estimated based on MCPD and its contractor's implementation schedule. For FY20, the camera totals remain the same and the locations increased to 434.

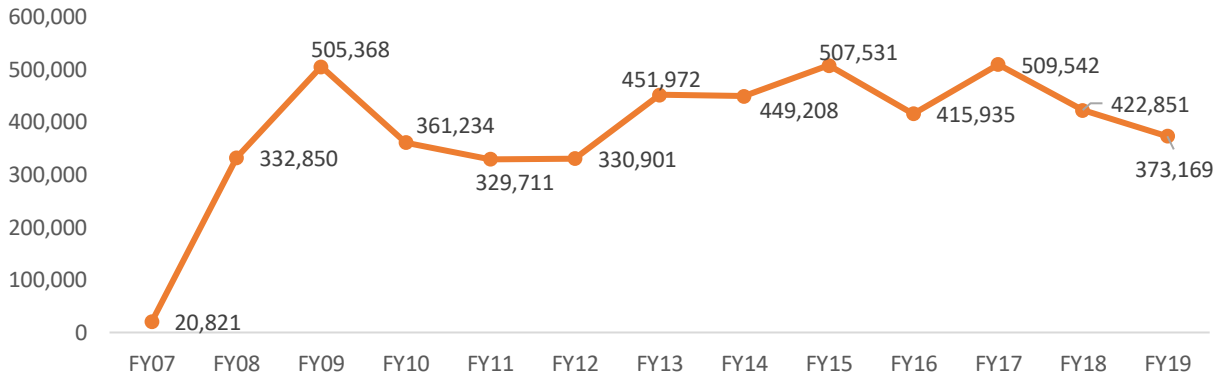
c. Speed Camera Citations

MCPD representatives report the department works to help drivers know the required speed limit, when new cameras will be active, and that drivers will not immediately be penalized when new cameras are placed. Per state law, the County advertises in the local newspaper when new cameras will be active.[13] State law also requires the County to give a 30-day grace period when placing new speed cameras so that drivers can get used to their presence.[14] Although not required by state law, the County ensures that speed limit signs are posted before every fixed speed camera.[15] OLO reviewed speed camera citation data and found:

- Speed camera citations peaked in FY17 with 509,542 citations. In FY19, drivers received 373,169 speed camera citations.
- In recent years, while the number of cameras has not increased, the number of citations has decreased as drivers adjust driving behaviors.[16]
- Citation data closely mirrors revenue data (discussed below) except for FY16, when citations decreased by 91,596 (18.0%) from FY15. MCPD attributes the decrease to contract modifications.

[13] MD Code Ann., Transportation Article, § 21-809.
[14] Ibid.
[15] Update – Speed and Red Light Camera Program for Montgomery County Public Safety Committee Meeting, by Susan J. Farag (Sept. 13, 2012).
[16] This is consistent with information from an OLO interview with Trevor Hall, a leading expert in traffic enforcement technology. Mr. Hall indicated that a program's effectiveness can be measured after the initial peak in citations from new camera placements decreases or plateaus out, along with reductions in speed, injuries, and fatalities.

Chart 6-1. Number of Montgomery County Speed Camera Citations, by Year



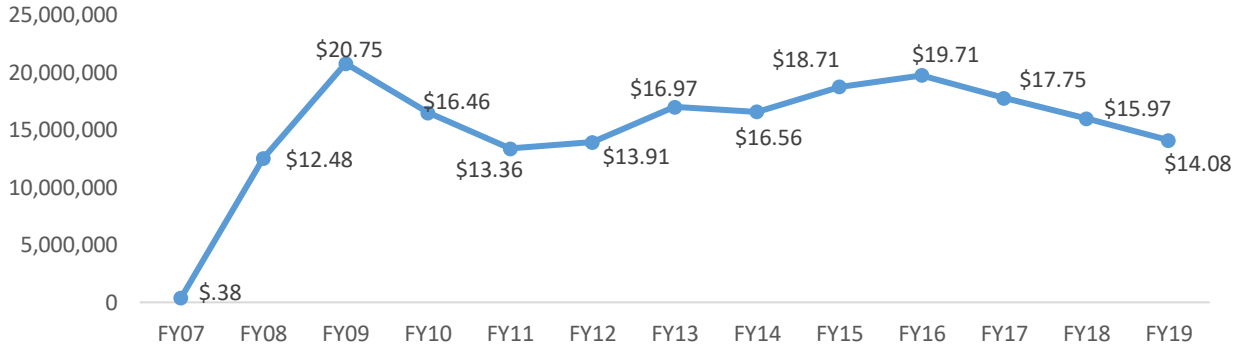
Source: MCPD

d. Speed Camera Revenue

The data in the next chart show that since the program's inception in FY07, speed camera revenue peaked in FY09 at $20.7 million. The most recent, pre-Covid-19 complete year, FY19, saw $14.1 million in revenue. MCPD attributes changes in revenue to increases in the number of cameras and number of locations, changing driver behavior, and placement of the cameras:

- MCPD attributes the dramatic increase in revenue from FY07 to FY09 to the large increase in the number of camera locations (from 66 to 162) and the increase in the number of cameras (from 18 to 40).
- Although MCPD increased the number of cameras in FY09 to FY11 (from 40 to 62) and the number of locations (from 162 to 201), the revenue decreased to its lowest level in FY11. MCPD attributes this to drivers changing their behavior in response to cameras.
- Revenues increased from $13.4 million in FY11 to $19.7 million in FY16. MCPD attributes this change to the County's implementation of the corridor approach, the introduction of 34 portable cameras, and the increase in the number of camera locations.

Chart 6-2. Montgomery County Speed Camera Revenues, by Year ($ in millions)



Source: MCPD

2. Red Light Cameras

Montgomery County began the Red Light Enforcement program in 1997 to improve safety at intersections.

a. Red Light Camera Placement

Red light cameras can be placed on all County intersections deemed hazardous based on collision data.[17] County data have shown that the greatest need for red light cameras is on state-owned roadways. Recall that 58 percent of serious injuries and 56 percent of fatal crashes occurred on state roads in the County. To place a red light camera in a state-owned intersection, MCPD first conducts its local evaluation process (documented above under speed cameras) followed by an approval process by the MDOT State Highway Administration. Once MCPD applies to the state for a permit for a red light camera on a state intersection, it can take up to 65 days to complete the process (documented later in this section). Currently, 33 of the 51 red light cameras in Montgomery County are located at state-owned intersections; 18 are at County-owned intersections.

State Authority and Level of Review required for red light cameras. MDOT SHA uses a similar process for reviewing and approving County requests to place a red light camera at a state-owned intersection as for County requests for a speed camera on a state-owned road. MCPD disagrees that MDOT SHA should have the same level of approval (decisions/strategy and technical requirements[18]) for red light cameras as speed cameras. At present, the Maryland Code explicitly details MDOT SHA's decision-making role regarding the placement of speed cameras. This same designation of authority is absent in the red light camera statute. MCPD believes that the SHA should only review County red light camera requests for technical requirements. In 2012, the Office of the County Attorney wrote a memorandum supporting MCPD's position that that the State should only be reviewing requests for technical requirements.[19]

However, MDOT SHA does not agree with the OCA and since 2011, MDOT SHA has rejected County applications for red light cameras at 16 state intersections that have met MCDOT and MCPD requirements. Since the red camera program began, MDOT SHA has approved 33 County applications for red light cameras on state-owned intersections.[20]

[17] MD Code Ann., Transportation Article, § 21-202.1.
[18] The technical requirements are to ensure the proposed red light camera is compatible with the traffic control signal of the proposed intersection. And, as noted in Chapter 7, since 1968, the County has maintained all traffic signals along state highways except for those within the limits of Rockville, Takoma Park, and Gaithersburg.
[19] "Does the SHA have the ability to join with the County Police Department in making 'law enforcement' decision about the use of 'red light' cameras?," Memorandum by David Stevenson, Office of the County Attorney (March 23, 2012).
[20] Where a state-owned road crosses a county-owned road, the intersection is considered a state intersection.

Rejected MDOT SHA Red Light Camera Locations

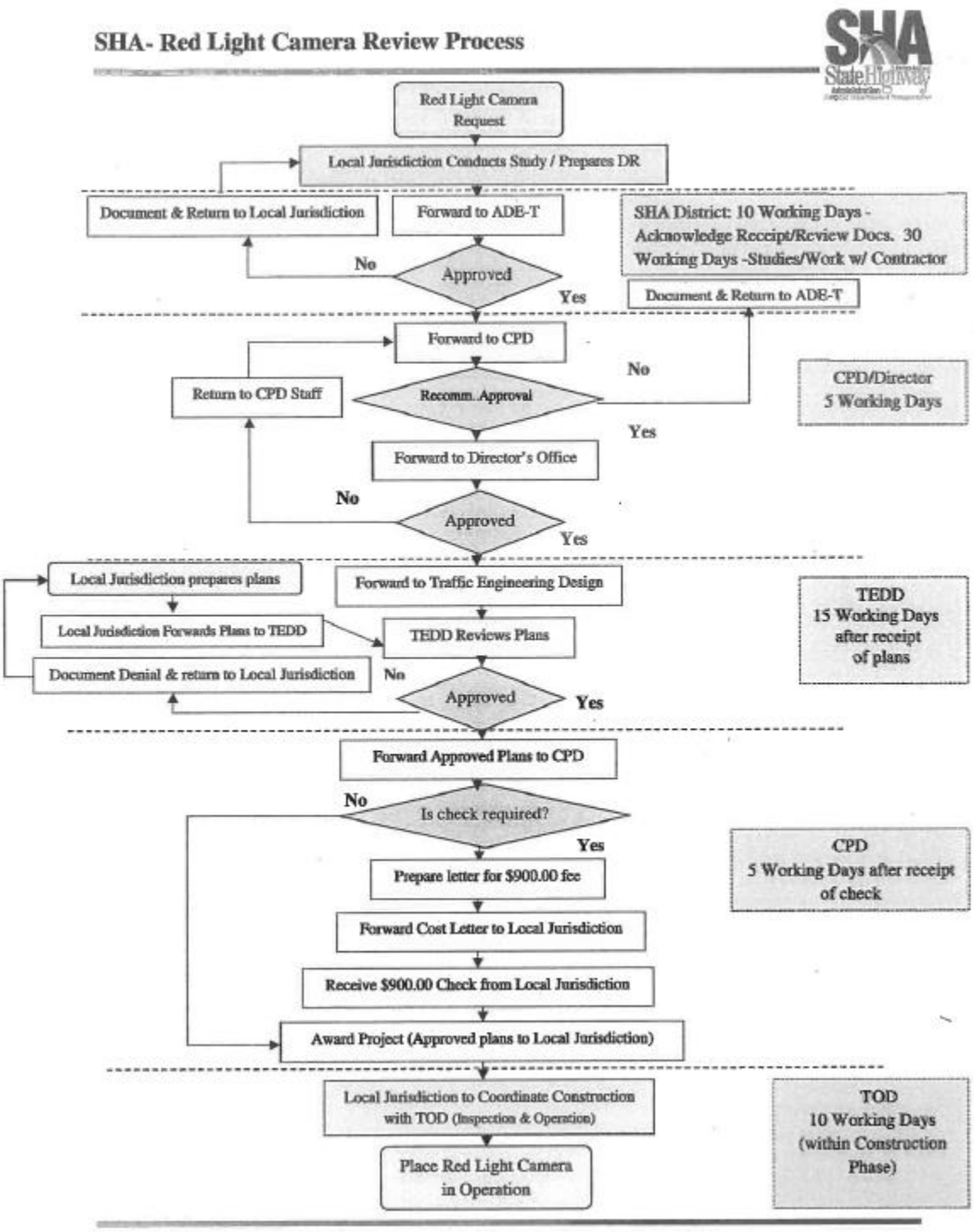
- Veirs Mill Rd & Newport Mill Rd NB
- Veirs Mill Rd EB & Connecticut Ave
- MD 355 Rockville Pike & Tuckerman Ln
- New Hampshire Ave NB & Oakview Dr
- Georgia Ave NB & Forest Glen Rd
- Columbia Pk (US 29) NB & Greencastle Rd
- Colesville Rd (US 29) NB & Fenton St
- Frederick Rd (MD 355) NB & Middlebrook Rd
- Rockville Pike (MD 355) NB & Halpine Rd
- Georgia Ave NB & Old Baltimore Rd
- Rockville Pike (MD 355) NB & Grosvenor Ln
- Rockville Pike (MD 355) & EB Old Georgetown Rd
- Connecticut Ave NB & Aspen Hill Rd
- University Blvd (MD193) NB & Piney Branch Rd
- New Hampshire Ave NB & Powder Mill Rd
- Columbia Pk (US 29) SB & Burnt Mills Ave

Source: MDOT SHA Red Light Camera rejection memos and MCPD compilation of requests and rejections.

MDOT SHA has based its rejections on the County's decision making and strategy and Executive Branch representatives report that this hinders the County's ability to fully implement Vision Zero. MDOT SHA's rejections assert that the County lacks data justifying red light cameras in these locations (e.g., not a significant left turn crash issue; not a significant number of crash angles; high number of rear-end collisions; no discernable crash pattern or problems that would be correctible by the installation of a red light camera).[21] Without the use of red light cameras at these state road intersections, MCPD relies on in-person traffic enforcement. MCPD representatives report that in-person enforcement for red light violations exposes officers to increased dangerous traffic conditions and it limits the number of violators able to be caught.

The diagram on the next page outlines MDOT SHA's red light camera review process.

[21] MDOT SHA Red Light Camera rejection memos/emails and MCPD compilation of requests and rejections.



Source: Maryland Department of Transportation State Highway Administration
ADE-T – Assistant District Engineer-Traffic
DR – Design Report
CPD – Collision Property Damage
TEDD – Traffic Engineering Design Division
TOD – Transit Oriented Development

b. Number of Red Light Cameras and Locations

By 2005, the County had installed 40 red light cameras and remained at that number through 2012.[22] The County added 11 cameras between 2013 and 2016, bringing the total number to 51 – the current figure. The majority of red light cameras in the County are located in Silver Spring and Wheaton.[23]

Table 6-3. Montgomery County Red Light Camera Locations, by Police District

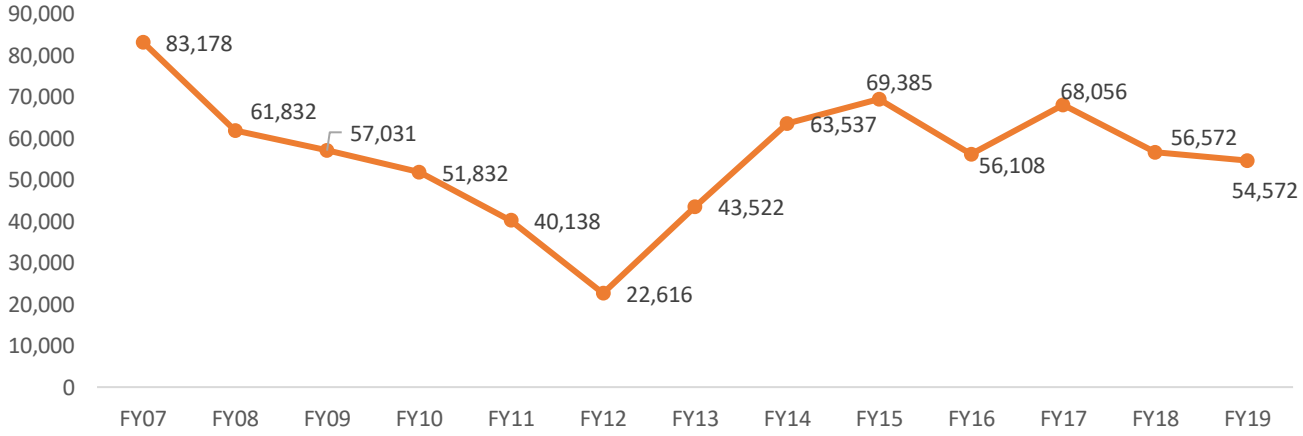
District #	District	# of Locations
1D	Rockville	6
2D	Bethesda	8
3D	Silver Spring	18
4D	Wheaton	10
5D	Germantown	2
6D	Montgomery Village	4
6D & 1D*	Montgomery Village & Rockville	3
TOTAL		**51**

*Crosses both districts.
Source: MCPD

c. Red Light Camera Citations

MCPD installs signage notifying drivers of intersections with red light cameras and MCPD does not issue citations for 30-days after installation of a new camera (required by state law).[24] The data in the next chart show the number of red light camera citations, by year. The citation data closely mirrors the revenue data shown on the following page.[25]

Chart 6-3. Number of Red Light Camera Citations, by Year



Source: MCPD

[22] Update – Speed and Red Light Camera Program for Montgomery County Public Safety Committee Meeting, by Susan J. Farag, September 13, 2012. The original 40 cameras were updated in 2012, as part of a new contract with the vendor performing the camera administration.
[23] "Red Light Camera Locations," MCPD.
[24] MD Code Ann., Transportation Article, § 21-809.
[25] Except for FY16, in which the citations decreased by 13,277 or 19.1%. MCPD notes this is due to a contract modification.

d. Red Light Camera Revenues

County red light camera revenue reached a high of $6.6 million in FY07, the first year of operation, and a low of $1.9 million in FY12. Red light camera revenue was $3.8 million in FY19, the most recent, pre-Covid-19 complete year. MCPD representatives attribute the changes in revenue to increases with the number of cameras and locations and changed driver behavior. The data show:

- Red light camera revenues showed the biggest drop from FY07 to FY12, a decrease of $4.7 million or 71% while the number of cameras remained constant at 40. MCPD attributes the revenue decrease to changed driver behavior because of the cameras.
- As the County increased the total number of cameras to 51 between FY13 and FY16, revenues increased each year. Revenues then decreased from FY17 to FY19, which MCPD attributes, again, to changed driver behavior.

Chart 6-4. Montgomery County Red Light Camera Revenue, by Year ($ in millions)

Source: MCPD

3. School Bus Cameras

School bus stop-arm cameras are placed on the outside of school buses to record video of motorists who pass a stopped school bus picking up or dropping off students. Maryland law requires all traffic to stop when a school bus's stop-arm is extended, except for cars on the opposite side of a road that is divided by a median.[26]

The County began the stop-arm, school bus camera program as a pilot in 2014 with cameras on 25 Montgomery County Public Schools' (MCPS) buses, using the County's contract with Conduent State and Local Solutions.[27] In 2016, MCPS contracted with Force Multiplier Solutions (bought by BusPatrol America (BPA) in 2017) to provide its Bus Patrol School Bus Safety System, installing each school bus with monitoring cameras inside and stop-arm

[26] MD Code Ann., Transportation Article, § 21-706. See also MCPD Press Release "It's Back to School – Know Laws Regarding a Stopped School Bus; School Bus Camera Safety Enforcement Program Expands," (August 26, 2016).
[27] Interview with MCPD.

cameras outside buses, and providing camera maintenance.[28] MCPS manages the inside monitoring cameras and MCPD manages the stop-arm cameras.

Revenue Sharing. All revenue initially generated through citations went to BPA until the company recouped the installation costs for the cameras after which BPA and MCPS/Montgomery County share citation revenue.[29]

Contract Modification. In September 2019, BPA had installed cameras on all 1,382 MCPS operating school buses. At that point MCPS and the County commissioned an external audit to determine BPA's total investment costs.[30] As a result of that audit, the contract was amended in February 2020 with the following changes:

- For revenue sharing, 40% of the revenues go to MCPS/the County[31] and 60% of the revenues go to BPA;
- BPA agreed to pay MCPS/the County $1,568,385.60 to reimburse any costs that MCPS/the County may have incurred in connection with the School Bus Safety Program;
- BPA agreed to pay $25,000 to assist with public education activities to promote awareness of the program;
- BPA will continue to install, operate, and maintain its Bus Patrol School Bus Safety System on the existing school buses and replace any cameras using BPA's revenue share; and
- If the school bus fleet increases, the cost of new cameras will come from gross revenues until the costs are recouped, at which point BPA and Montgomery County/MCPS will resume sharing revenues.

Recent Citation History. Citation data for the stop-arm cameras show:

- The number of bus camera citations has increased annually.
- Prior to the COVID-19 pandemic, the County issued an average of 5,460 citations in the previous school year.[32]
- The number of citations peaked in January and February 2020 with 6,900 and 6,332 citations issued respectively (prior to MCPS closing schools due to COVID-19 in mid-March 2020).

Table 6-4. Number of Montgomery County School Bus Camera Citations per Year, 2016-2020

School Year	# of Citations
2016-2017	16,256
2017-2018	33,477
2018-2019	54,603
2019-2020	87,830

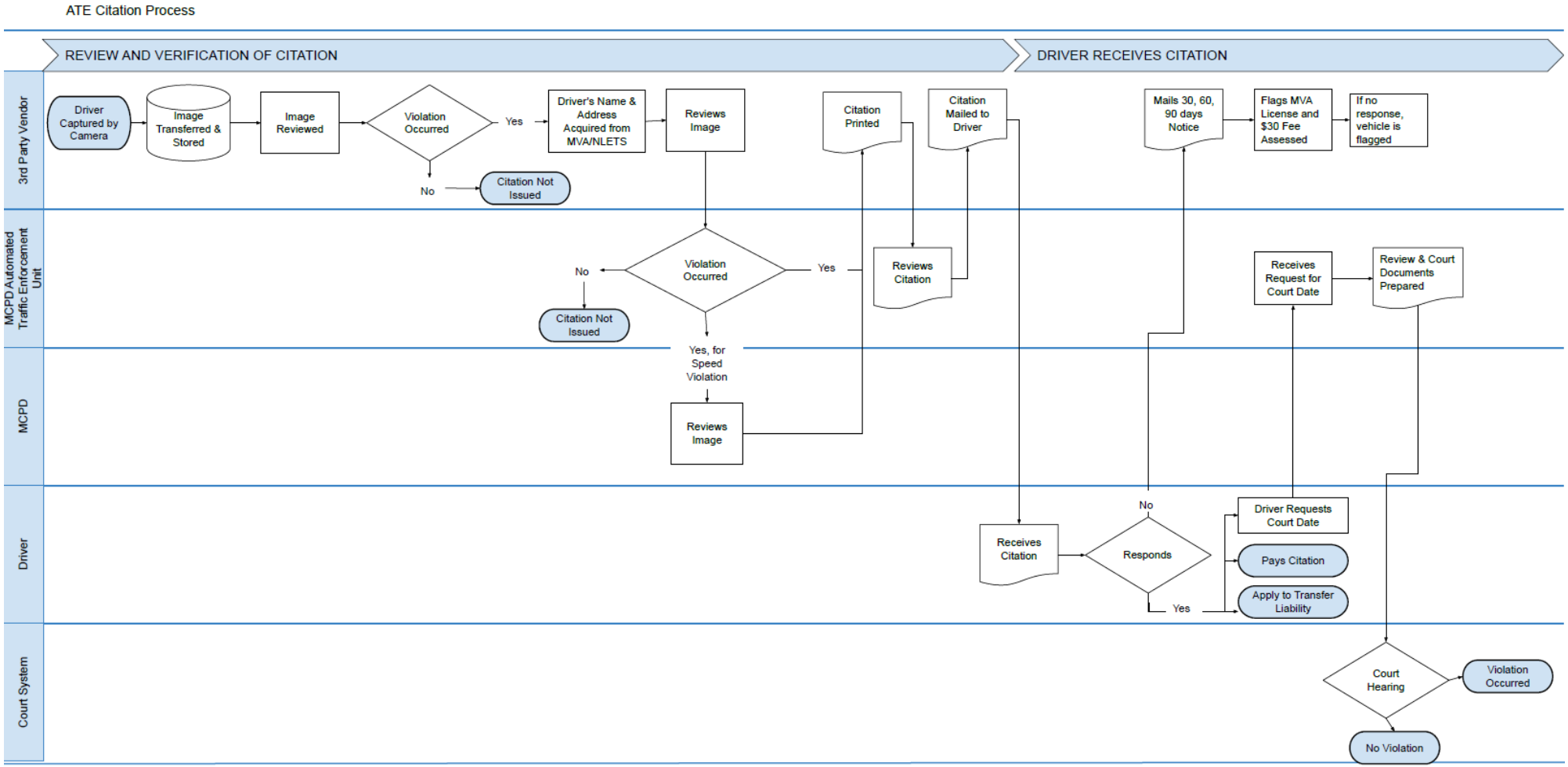
Source: MCPD

[28] MCPS Board of Education Action Item 12.4 – Contract Approval for RFP No. 22-10, School Bus Safety Camera Program, (February 10, 2020).
[29] Ibid.
[30] The audit responded to a report from the Montgomery County Office of the Inspector General (OIG) on the school bus safety camera program. *Memorandum of Understanding Regarding the School Buse Safety Camera Program*, OIG (June 28, 2019).
[31] From the 40% of total revenue that goes to the County and MCPS, MCPS receives 90% and the County receives 10%.
[32] MCPD presentation to the Montgomery County Council Public Safety Committee (October 2020).

C. Automated Traffic Enforcement Citation Process

Data show that the County's speed and red light cameras have a high accuracy rate when issuing citations against the "events" or photos captured by cameras. MCPD reports that in FY19, the automated systems issued citations for 94% of recorded speed camera events and 87% of recorded red light camera events. MCPD's process for reviewing each speed camera, red light camera, and bus cameras violation includes five checkpoints for accuracy, described above. As a comparison, the other speed camera programs in the jurisdictions reviewed in Chapter 3 had, at most, three accuracy checkpoints in their processes. The flow chart on the next page documents the MCPD review process, including checkpoints and motorist options once a citation is issued.

Chart 6-5. MCPD Automated Traffic Enforcement Citation Process



D. Montgomery County's Automated Traffic Enforcement Contract

The County entered into a contract with Conduent State and Local Solutions on September 20, 2011, to provide for the replacement, upgrade, expansion, and merging of MCPD's automated traffic enforcement programs.[33] When the contract was initiated, the County had 40 red-light cameras, 60 fixed speed cameras, 10 portable speed camera units, and 6 mobile speed camera systems (vans). The County and vendor have amended the contract eight time (mainly contract extensions). The contract currently expires on November 9, 2021, and the contracted amount for FY21 is $8.9M (the annual costs are consistently close to $9.0M).

1. Contract Deliverables

While MCPD operates the speed camera and red light camera system, the vendor is required to perform the following contract deliverables.

Contract Deliverable	Description
Automated Enforcement	Initial Conversion: replace all current red light camera systems with new camera systems. Initial Expansion: provide 10 additional portable speed camera systems and 20 additional red light camera systems during the first contract year. Additional Expansion: during the first two contract years, the County may require the installation of up to 80 red light camera systems and up to 34 portable speed camera systems. After the first two years, the County may require an additional 12 red light camera systems and 5 speed camera systems (mobile, fixed, or portable). Relocation: the County may require the relocation of any combination of up to 12 red light or speed fixed pole cameras per contract year. Violations: capture all types of red light and speed violations.
Maintenance	All cameras and equipment must be fully functional, maintained, and perform to required, minimum functional requirements. Contractor must fix or replace non-operational cameras (within 48 hours for fixed cameras; 4 hours for mobile/portable cameras).
License Plate Readers	The license plate reader system must collect, analyze, and manage all data from each individual site for real-time monitoring and alerting for intelligence needs and for notifying the Emergency Communications Center during a critical incident.
Back Office & Processing	Prosecutable Issuance Rate: the cameras and systems in operations – including back office processing – must deliver a monthly prosecutable citation issuance rate of at least 90% for speed violations and 80% for red light violations (excluding uncontrollable events such as missing license plates, a funeral procession, obstructed car, etc.). Processing: contractor must process violations within five business days; contractor's system must interface with County systems; provide two payment kiosks and Short Message Service text violator notification. Customer Service: maintain an average response time of three minutes or less for incoming calls
Training & Education	Ensure that a manufacturer-certified trainer trains County personnel and the contractor's personnel on the speed and red light camera radar and laser equipment.
Reporting	Assist the County in preparing all reports required by state law, including but not limited to, the annual report to the Maryland Police Training Commission.

[33] Pursuant to Maryland Code Ann., Transportation Article, § 21-202.1 (red-light cameras) and § 21-809 (speed cameras).

2. Current Vendor Compensation Rates

Conduent State and Local Solutions receives $29.34 for each paid red light citation, $7,565 per month for each active speed camera, and $675 per month for each license plate reader.[34] The County reimburses Conduent for the credit card merchant fee for citations paid by credit card, not to exceed two percent of the monthly invoice. The County can also pay for the following:

- Provide speed enforcement through a traffic signal (used for red light enforcement) - $9.90 per citation.
- Install additional red light or speed fixed pole camera system - $74,950.
- Install additional portable speed camera system - $7,500.
- Relocate a fixed pole camera system - $74,950.

3. FY21 Request for Proposals

Montgomery County issued a Request for Proposals (RFP) in FY21 for a new ATE contract. With contract renewals, the contract period can extend to 10 years. MCPD plans on selecting a vendor for the new contract in summer 2021 and signing a new contract before the existing contract expires in November 2021.

MCPD representatives report that the County has not been able to expand the number of cameras in the County for the past two years because the current contract is expiring. The RFP for a new contract requires the vendor to install and service 25 new speed cameras and 25 new red light cameras within the first five years of the contract. MCPD expects to work with the new vendor to accelerate this installation. MCPD anticipates using the additional cameras to further the Vision Zero initiative and to supplement in-person traffic enforcement.

E. Studies on Montgomery County's Automated Traffic Enforcement

Many sources describe Montgomery County's automated speed program as a model ATE program.[35] The County's speed camera program was reviewed by the Insurance Institute for Highway Safety (IIHS) in 2008[36] and 2015[37] and by the Office of Legislative Oversight in 2009.[38]

2008 IIHS Report. The IIHS studied vehicle speeds on Montgomery County roads before and after the County installed speed cameras and posted warning signs. IIHS also reviewed speed data on a sample of roads with and without cameras and conducted telephone surveys. The IIHS found the County's program was effective at reducing speeding on targeted streets and changing driver behavior. Drivers travelling more than 10 mph above the posted speed limits declined by almost 70% for locations with warning signs and speed cameras. Following recommendations from the IIHS study, the County worked with partners in the United Kingdom and researched other European countries' camera programs to augment the County's program.

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[34] On average, it requires approximately 190 citations per month to cover the $7,565 operating costs for a speed camera.
[35] Halsey III, Ashley, "Study Says Montgomery Speed Camera Program is Model for the Nation," *The Washington Post* (Sept. 1, 2015).
[36] Retting, Richard, et al., "Evaluation of Automated Speed Enforcement in Montgomery County, Maryland," Insurance Institute for Highway Safety (2008).
[37] Hu, Wen, et al., "Effects of Automated Speed Enforcement in Montgomery County, Maryland, on Vehicle Speeds, Public Opinion, and Crashes," Insurance Institute for Highway Safety (2015).
[38] Trombka, Aron, et al., Report 2010-3, *Evaluation of Montgomery County's Safe Speed Program*, Montgomery County, MD Office of Legislative Oversight (2009).

2015 IIHS Report. Between the IIHS' 2008 study and its 2015 report, the County made key changes in its ATE program. MCPD placed cameras in school zones for the first time in 2009 and implemented the County's corridor approach to camera placement. IIHS' 2015 study included a longitudinal analysis, looking at from data six months before (Fall 2006) to seven and half years after the program began (Fall 2014). The IIHS' findings bolstered the evidence that the County's speed cameras "can reduce speeding, speeding-related crashes, and crashes involving serious injuries or fatalities." In particular, the study found that since the program's inception:

- Speed cameras were associated with a 10% reduction in mean speeds and a 59% reduction of vehicles travelling more than 10 mph above the speed limit.
- Following the program's expansion in 2009 (school zones added) and implementation of the County's corridor approach, data showed a 39% reduction in the likelihood that a crash resulted in a fatal or incapacitating injury.
- Data for the original program (without the expanded scope and programmatic changes) showed that speed cameras alone resulted in a 19% decrease in crashes that resulted in a fatal or incapacitating injuries. Adding cameras in school zones decreased these types of crashes by an additional 8% (27% total reduction). Also adding the corridor approach decreased these types of crashes by an additional 30% (57% total reduction).

2009 OLO Report. OLO's 2009 report on the County's Safe Speed Program (automated speed enforcement) included similar findings on changing driver behavior and safety. Looking at data from the start of the program in 2007, OLO found:

- Two-thirds of drivers that received one citation did not receive another citation. Of the one-third of drivers that received multiple citations, only 2% received more than five citations.
- The number of citations dropped significantly after the first year of implementation (78%), pointing to changing driver behavior.
- Collisions near speed cameras decreased by 28% compared to the year before cameras were installed.[39]

[39] Ibid.

Chapter 7. Implementing Vision Zero in Montgomery County

As generally described in Chapter 1, Vision Zero (VZ) "is a strategy to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all." In February 2016, the Council adopted Resolution 18-390 establishing a Vision Zero plan for Montgomery County.[1] Subsequently, Montgomery County has released several documents outlining implementation plans:

- *Vision Zero Two-Year Action Plan* (November 2017);[2]
- *Vision Zero 2020 Action Plan* (January 2020);[3]
- *Vision Zero January – June 2021 Workplan* (January 2021);[4] and
- *Vision Zero 2030 Action Plan and FY22-23 Work Plan*, Public Comment Draft 1.0 (April 2021).[5]

The County Government's coordination of its Vision Zero plan is undertaken by the Vision Zero Coordinator, who works out of the Office of the County Executive and closely coordinates with County and state government staff and community stakeholders. The *Vision Zero 2030 Action Plan* outlines seven "guiding principles":

- Transportation-related deaths and serious injuries are preventable and unacceptable;
- Human life takes priority over mobility and other objectives of the road system;
- Equitably prioritizing funding, resources and outreach;
- The transportation system should be designed so that mistakes do not lead to serious injury or death;
- Speed at the time of a collision is a fundamental predictor of crash survival;
- Policies and resources at all levels of government need to align; and
- All road users have a responsibility to respect one another.[6]

This chapter is organized as follows:

- A. Vision Zero 2030 Action Plan;
- B. Vision Zero, MCDOT, and MCPD; and
- C. Proposal to Move Traffic Enforcement from MCPD to MCDOT.

[1] Council Resolution 18-390, "Resolution to adopt Vision Zero in Montgomery County and urge the State of Maryland to also adopt Vision Zero," (Feb. 2, 2016).
[2] *Vision Zero Two-Year Action Plan*, (November 2017).
[3] *Vision Zero 2020 Action Plan*, (January 2020).
[4] *Vision Zero January – June 2021 Workplan*, (January 2021).
[5] *Vision Zero 2030 Action Plan – FY22-23 Work Plan*, Montgomery County Government, at p. 1 (April 2021 Public Comment Draft 1.0) [hereinafter "*Vision Zero 2030 Action Plan*"]. Note that this document is a draft for public comment. The Vision Zero Coordinator expects the final report to be released in Summer 2021. Given the current draft is for public comment, the final report may have some differences from the public comment draft.
[6] *VZ 2030 Action Plan*, at p. 1.

A. Vision Zero 2030 Action Plan

Vision Zero's core philosophy is that serious and fatal traffic crashes are unacceptable, preventable, and the design, construction, and maintenance of the roadway system can minimize the consequences of human error. County Vision Zero data from 2015-2019 show that:

- There were 997 crashes where a motorist[7] was seriously injured or killed;
- There were, on average, 30 fatal collisions a year;
- 58% of serious injuries and 56% of fatal crashes occurred on state roads in the County;
- 57% of serious injuries and 48% of fatal crashes occurred in intersections;
- In 33% of fatal crashes, a motorist was not restrained or wearing a seat belt; and
- In 54% of crashes with serious injuries, a motorist was distracted.[8]

Over 30% of Roads in Montgomery County are Not County-Owned Roads

An important consideration in the discussion of Vision Zero and traffic enforcement on County roads is that County Government does not own all the roads in the County. Entities such as the Maryland Department of Transportation State Highway Administration (MDOT SHA), the National Park Service, local municipalities, and private homeowner associations own and are responsible for a portion of the roads in the County. The County Government's authority to design, oversee, and set standards (e.g., speed limits) for roads is limited, primarily, to County-owned roads. **The County Government does not have unilateral authority to design, set the speed limit, or place speed or red light cameras on federal-, state-, or municipal-owned roads in the County**. The table below summarizes road ownership when measuring the length of roads by miles of road.

	Road Miles+	
Road Ownership	**#**	**%**
County	2,361	67%
MDOT SHA	609	17%
Municipalities	365	10%
Other Local Agencies	122	3%
Other State Agencies	43	1%
Federal Government	38	1%
Total*	**3,537**	**100%**

Source: MCDOT
* These data do not include HOA- and privately-owned roads in the County
+ Totals may not add up due to rounding

Roads that have a number as well as a name are owned and maintained by the MDOT State Highway Administration.

Examples include:

- Maryland 29 (Colesville Rd);
- Maryland 121 (Clarksburg Rd); and
- Maryland 355 (Wisconsin Ave/Rockville Pike/Frederick Rd).

Note that MCPD has authority to conduct in-person traffic enforcement on virtually all roads in the County, including state roads.

[7] A motorist is a driver or passenger of a vehicle or motorcycle. *Vision Zero 2030 Action Plan*, at p. viii.
[8] *Vision Zero 2030 Action Plan*, at p. 1.

In Montgomery County, Vision Zero approaches its goals based on the idea that the "roadway" hosts a variety of users – motor vehicles, bicycles, pedestrians, and other conveyances – and includes more than just the road. The roadway "includes general travel lanes, adjacent shoulders, sidewalks, and bike facilities."[9] The *Vision Zero 2030 Action Plan* sets out the County's work for the next decade to reach zero serious injuries or deaths by 2030.

As noted in the sidebar, the County Government only owns and has authority over 67 percent of road miles. State law dictates that MDOT SHA does not have power or responsibility over roads that are not state highways and, similarly, the County Government can only perform work on state highways only if issued a permit to do so by MDOT SHA.[10]

Recently, MDOT SHA lowered the speed limits on several roadways in the County, including Georgia Avenue (Maryland 97) and University Boulevard (Maryland 193). MCDOT representatives report that the County supported the lower speed limits and adjusted the timing of traffic signals and installed signage to help implement this. MCDOT representatives report these changes will support the County's Vision Zero initiatives because the lower speed limits will reduce the likelihood that crashes will lead to fatalities.

The *Vision Zero 2030 Action Plan* outlines 45 action items for implementation by the County Government by 2030, establishing the County's current vision for the work needed over the next decade to fully implement Vision Zero. The fundamental goals are:

- Systematically updating road and transit networks;
- Creating safe speeds on all roads;
- Elevating racial equity and social justice;
- Ending impaired driving deaths;
- Making the County Government a leading employer in safety; and
- Prompt emergency medical care.[11]

1. Implementation Plan

The *2030 Action Plan* categorizes the 45 action items under three pillars: Complete Streets, Multimodal Future, and Culture of Safety.[12] The *2030 Action Plan* explains that the pillars depart from the categorization of action items in prior County Action Plans:

> The departure from the traditional "3 E's" (engineering, education, and enforcement) approach for traffic safety planning was intentional to highlight the primary role roadway design and operation has on reducing traffic deaths. Enforcement and education remain a critical aspect of the safe system but work as compliments to safe street design.[13]

[9] Ibid. at p. viii.
[10] MD Code Ann., Transportation Article, § 8,633; 8-646(b). Under a 1968 agreement between MDOT SHA and the County Government, the County maintains all traffic signals along state highways except for those within the limits of Rockville, Takoma Park, and Gaithersburg.
[11] *Vision Zero 2030 Action Plan*, at p. 3.
[12] Ibid. at p. 21.
[13] Ibid. at p. 21.

Each action item in the *2030 Action Plan* identifies the County or state department(s) that will lead implementation, contributing departments, work plan items for FY22 and FY23, and the source of funds. MCDOT and MCPD are the lead departments or share the lead role for many of the action items, summarized below.

Table 7-1. Number of Vision Zero Action Items Led by MCDOT and MCPD

Pillar	Total Action Items	MCDOT-Led	MCPD-Led
Complete Streets	20	18	2
Multimodal Future	13	8	
Culture of Safety	12	5	6
Total	**45**	**31**	**8**

Source: *Vision Zero 2030 Action Plan*

Other entities that serve as leads or contributors for action items include MDOT's State Highway Administration, the Montgomery County Planning Department, Montgomery Parks, Montgomery County Public Schools, County Urban Districts, and within the County Government: the Department of General Services, Department of Environmental Protection, Department of Permitting Services, Montgomery County Fire and Rescue Services, and the Office of Management and Budget.

Pulling items from all three pillars, the plan also identifies the ten action items that "have the potential to have the highest impact on reducing serious and fatal injuries, can be applied across the transportation network, and support safe travel for all modes."[14]

Table 7-2. Montgomery County Vision Zero Priority Action Items

Action Item #	Action Item
S-1	High Injury Network Projects
M-1	Examine Speed Limit on all Projects
S-3	Frequent, Protected Crossings
T-1	Pedestrian and Bicycle Infrastructure Improvements Along New Transportation Projects
S-4	Signal Timing and Phasing
S-7	Separated, Low-Stress Bicycle Facilities
S-13	Sidewalk Construction and Upgrades
T-2	Transit Stop Safety
S-10	Provide Safety Upgrades During Routine Maintenance
P-4	Ending Impaired Driving Deaths

Source: *Vision Zero 2030 Action Plan*

The *2030 Action Plan* calls for updates to its short-term work plan in every even numbered year with a major review of the plan's implementation in 2025.[15]

[14] Ibid. at p. 24.
[15] Ibid. at p. 23.

As stated above, roadway design and operation play the fundamental role in achieving the County's Vision Zero goals, with traffic enforcement and education as important compliments to safe street design. The County's current road network was designed decades ago and "planned and built for 50-60 years with the goal of moving cars long distances at high speeds."[16] Highlighting the work involved in Vision Zero, the Vision Zero Coordinator has stated that "the ultimate goal [of Vision Zero] is self-enforcing roads based on design, but … those are decades and billions of dollars away. Until then, [traffic] enforcement is still necessary, and by focusing on the most dangerous behaviors we see better safety outcomes and fewer racial disparities." [17]

2. Racial Equity and Social Justice in Vision Zero

A prime component of the County's Vision Zero plan focuses on racial equity and social justice (RESJ). Data show that in Montgomery County, "severe and fatal traffic crashes are not distributed evenly across our neighborhoods." Among other things, data show higher collision rates in communities with higher rates of poverty and people of color and higher traffic fatality rates among people of color. In 2019, the County Government and the Pedestrian, Bicycle, Traffic Safety Advisory Committee created the Vision Zero Equity Task Force to advance multiple County goals, including:

- To identify opportunities to close the gaps described above;
- "To change current policies and practices to ensure more equitable outcomes;"
- To "lay out an equity framework for building the County's long-term Vision Zero Strategy;" and
- To identify actions to incorporate in the County's Racial Equity and Social Justice Action Plan.[18]

Accordingly, each action item in the *2030 Action Plan* is rated for its impact on racial equity and social justice. The action items are also rated for their impact on accessibility for people with disabilities. The next table summarizes the rating scheme. The plan's ten priority action items each have a racial equity and social justice rating of 2 or 3 – indicating action is likely to have a greater positive impact on RESJ.

[16] Ibid. at p. 3.
[17] Staff Report to the County Council from Susan Farag, Legislative Analyst, on the MCPD FY22 Operating Budget, Agenda Item #32, at p. 2 (May 13, 2021).
[18] *Vision Zero 2030 Action Plan*, at p. 3.

Table 7-3. RESJ and Accessibility Rating Schemes in the *Vision Zero 2030 Action Plan*

Criterion	Rating	Impact
Racial Equity and Social Justice Positive impact the action item would have on reducing the disparate traffic safety outcomes between race and ethnic groups	N/A	Enabling step: action itself will not impact racial equity; will help implement VZ
	1	Without careful consideration for racial equity, implementation could further the gap or planned expenditures do not address the existing gap
	2	Implementation makes some efforts of closing the gap
	3	Implementation addresses existing inequalities and works to close the gap
Accessibility Impact Positive impact on safe travel for people with disabilities in the County	N/A	Enabling step: action itself will not impact accessibility; will help implement VZ
	1	Without careful consideration for accessibility, implementation could negatively harm accessibility for people with disabilities. Includes introduction of new designs to the County
	2	Would not largely affect accessibility compared to current state
	3	Would positively affect accessibility compared to current state

Source: *VZ 2030 Action Plan*

3. Vision Zero FY22 Budget

Funding for implementation of Vision Zero is found in both the County's capital budget and operating budget. The next table summarizes the Council's approved funding related to Vision Zero in FY22.

Table 7-4. Summary of FY22 Approved Funding for Vision Zero Implementation

Department	FY22 Recommended
Capital Improvements Program	
M-NCPPC	$2,200,000
MCDOT	$45,115,000
Total CIP	**$47,315,000**
Operating Budget	
MCDOT	$29,117,660
MCPD	$18,649,071
Total Operating	**$47,766,731**
FY22 Total	**$95,081,731**

Source: CE's FY22 Recommended Capital and Operating Budgets

The largest portion of funding in the above budgets include:

- $32.0 M in MCDOT's CIP budget for pedestrian facilities/bikeways;
- $12.1 M in MCPD's operating budget for automated traffic enforcement; and
- $16.0 M in MCDOT's operating budget for transportation infrastructure construction and maintenance.

In addition to the above funding, the CE's FY22 recommended budget includes $180,171 in a non-departmental account to fund the personnel costs of the Vision Zero Coordinator and operating costs for the Vision Zero program in the Office of the County Executive – with $130,702 in personnel costs and $49,469 in operating costs.[19]

B. Vision Zero, MCDOT, and MCPD

The following subsections provide examples of work that MCDOT and MCPD are undertaking, individually, to implement Vision Zero and then examples of the two departments coordinating efforts.

1. MCDOT

The majority of the 31 action items for which the Montgomery County Department of Transportation is lead are related to Vision Zero goals to redesign the County's road and transit networks to improve safety. One key piece of MCDOT's efforts has been the development of *Montgomery County Complete Streets*, a design guide jointly developed between MCDOT and the Montgomery County Planning Department "to provide policy and design guidance to government agencies, consultants, private developers, and community groups on the planning, design, and operation of roadways for all users."[20]

Montgomery County Complete Streets currently is in draft form – it has been reviewed and approved by the Montgomery County Planning Board and has been sent to the County Council for review. MCDOT representatives report that the current processes for designing and building roadways in the County already incorporate many of the principles of Vision Zero, as outlined in the design guide. Some parts of the County Code would need to be changed to implement all the provisions in the design guide and Executive Branch staff are in the process of identifying needed changes.

Vision Zero's *January-June 2021 Workplan* highlights numerous MCDOT Vision Zero-related engineering projects that are in the design process or are moving or into the construction phase. These include:

- High injury network evaluations and upgrades;
- Safe Routes to School walkability audits, design, and construction;
- Intersection and spot improvements;
- Bicycle facility projects;
- Sidewalks and shared use path projects;
- Park train crossings;
- Traffic calming projects; and
- Installation of traffic signals and pedestrian hybrid beacons (signals that pedestrians can activate when they need to cross a roadway).[21]

[19] Staff Report to the T&E Committee from Glenn Orlin, Senior Analyst, on the FY22 Vision Zero NDA, Item #2F (April 15, 2021).
[20] *Montgomery County Complete Streets*, Montgomery County Department of Transportation, at p. 10 (February 2021 Draft) [hereinafter "*Montgomery County Complete Streets*"].
[21] *Vision Zero January – June 2021 Workplan*, at p. 2-6.

2. MCPD

Described more fully in Chapters 4 and 5, two primary undertakings by MCPD related to Vision Zero are the centralization of an MCPD traffic unit and expanding automated traffic enforcement in the County.

Centralization of Traffic Enforcement. A primary MCPD-related action item in the County's *Vision Zero 2020 Action Plan*, released January 2020, recommended that MCPD focus high visibility enforcement against dangerous driving behaviors: occupant protection (seat belt use), speeding and aggressive driving, not yielding right of way, impaired driving, and distraction.[22] Vision Zero and MCPD refer to this type of enforcement as "Focus on the Five" – and it is one of the action items led by MCPD in the *2030 Action Plan*. MCPD is centralizing its traffic enforcement efforts in FY22 under a unified command structure with dedicated officers who will "focus on the five."

The new staffing structure will include 22 patrol officers in the Central Traffic Unit. Seven patrol officers will remain in the districts to respond to complaints that are not associated with major arterial roadways – two in District 2 and one in each of the other five districts).[23] Before this reorganization, MCPD traffic enforcement has been decentralized, with 32 patrol officers stationed in MCPD's six districts and each district directing its traffic enforcement efforts. However, because of recommended cuts in MCPD positions by the County Executive in the FY21 Savings Plan and in the Executive's recommended FY22 operating budget, there will be fewer officers in the County focused specifically on traffic enforcement following this reorganization. As described more fully in Chapter 5, all MCPD officers will still be authorized to enforce traffic laws in the County as part of their general duties.

The *Vision Zero January – June 2021 Workplan* describes several safety education and enforcement campaigns that MCPD has undertaken in the first half of 2021 related to Focus on the Five and other safety-related driving issues. MCPD joined the Maryland Highway Safety Office, the Metropolitan Washington Council of Governments, and the National Highway Traffic Safety Administration in these outreach and enforcement efforts. These campaigns focused on:

- Impaired driving (January-February);
- Speed and aggressive driving (March);
- Distracted driving (April);
- Pedestrian and bicycle safety (April/May);
- Occupant protection/seatbelt use (May); and
- Motorcycle safety (June).[24]

[22] *Vision Zero 2020 Action Plan*, at p. 17.
[23] See 11-10-20 Memorandum from Captain David McBain, Director, Traffic Division to Marcus Jones, Chief of Police, at p.1; 5-13-21 Farag Staff Report, at p. 1-2. In the FY22 budget, the County Executive again recommended cutting 27 MCPD positions that were first proposed for cut in the first round of the FY21 Savings Plan. Nine of these positions were traffic officer positions. The Council's public safety analyst recommended that the Council restore these nine positions in the FY22 budget to further the County Government's efforts to implement Vision Zero goals and for racial equity purposes – highlighting that "traffic-related serious injuries and deaths … disparately impact people of color in the County." See 5-13-21 Farag Staff Report, at p. 1-2. The Council's Public Safety Committee and the Council did not recommend restoring these positions in FY22. See Appendix B for a map of the MCPD districts.
[24] *Vision Zero January – June 2021 Workplan*, at p. 8.

Automated Traffic Enforcement. Another action item in the *VZ 2030 Action Plan* led by MCPD is the expansion of the County's automated traffic enforcement (ATE) efforts.[25] MCPD is in the process of rebidding the County's contract for automated traffic enforcement and the new contract will allow the County to expand the number of speed cameras and red light cameras in use.

As noted in Chapter 2, state law limits where the County is authorized to use automated traffic enforcement cameras. State law allows all counties in the state to place speed cameras in school zones but operation of the cameras is limited to 6 am – 8 pm, Monday through Friday. Montgomery County is additionally authorized to place speed cameras on streets in residential districts but only on streets that have a maximum posted speed limit of 35 MPH.

The *Vison Zero 2030 Action Plan* recommends the County support legislation to change state law to allow the County to expand its use of speed cameras "to include areas identified as high crash risk and documented speeding problems and remove time limits for ATE around school zones."[26] County Government representatives from Vision Zero, MCPD, and MCDOT all support these types of amendments to state law.

3. MCDOT and MCPD Coordinated Efforts

The County's Vision Zero implementation of also includes examples where MCDOT and MCPD collaborate:

- **Deployment of Speed Monitoring Awareness Radar Trailer (SMART)**. MCPD has a trailer that monitors vehicle speed and then displays the speed for drivers to see. It is an educational component that does not record data but can be placed in locations where there are concerns about excessive speed. MCDOT and MCPD work together to evaluate data and identify locations in the County for deployment of the trailer.

- **Residential Traffic Calming**. MCDOT and MCPD "have cooperatively implemented a comprehensive residential speed control program which enlists community residents in helping to solve the speeding problem and improve the residential environment."[27] The process includes evaluating speed and traffic volume on residential streets and, where needed, deploying traffic calming strategies that can include education, engineering, and enforcement components, based on the volume of traffic on a given street.

[25] *Vision Zero 2030 Action Plan*, at p. 57.
[26] Ibid.
[27] See MCDOT Traffic Engineering and Operations: Residential Traffic Calming.

C. Proposal to Move Traffic Enforcement from MCPD to MCDOT

The Office of Legislative Oversight spoke with Executive Branch representatives from MCPD, MCDOT, and Vision Zero about the proposal to move traffic enforcement from MCPD to MCDOT. Representatives from MCDOT report they have given consideration on how MCDOT could undertake traffic enforcement. The following describes initial thinking by MCDOT and other County representatives.

Regarding automated traffic enforcement, MCDOT representatives report they do not foresee changing the County's ATE program in any significant way if it were moved to MCDOT. They report that MCPD's implementation of the program is sound (and MCPD's program has helped establish best practices for ATE programs in other jurisdictions across the country). The County's Vision Zero Coordinator also has reported to OLO that MCPD operates the County's ATE program well. He highlighted research findings by the Insurance Institute for Highway Safety found that speed camera use in Montgomery County in the first seven years of the program "led to long-term changes in driver behavior and substantial reductions in deaths and injuries."[28]

Additionally, MCDOT does not envision that placement of cameras would change should the ATE program be moved to MCDOT because (1) MCDOT would not have any additional authority under state law to place speed cameras in locations where MCPD cannot, and (2) MCPD and MCDOT use the same data. MCDOT representatives do not believe that evaluations of camera placement by MCDOT would result in significantly different results or decisions about camera placement than decisions from evaluations by MCPD. MCPD and MCDOT have also told OLO that both departments receive requests from residents and stakeholders for placement of speed cameras in: (1) locations that are not permitted under state law, and (2) locations where the data do not support placement of a speed camera.

Regarding in-person traffic enforcement, MCDOT recognizes there have been no proposals in Maryland to change state law to allow the County to move in-person traffic enforcement out of MCPD. However, given that looking at the feasibility of moving in-person traffic enforcement to MCDOT is a component of this report, OLO had conversations with MCDOT representatives about considerations that would go into making such a move.

MCDOT representatives report that in their preliminary thinking, they likely would not undertake in-person traffic enforcement in the same manner as MCPD because MCDOT employees are not sworn law enforcement officers. In its initial considerations, MCDOT representatives indicate they would not want MCDOT employees to do in-person stops of drivers for traffic code violations due to safety considerations for the employees. MCDOT would likely look for ways to undertake traffic enforcement that involved additional use of cameras – using employees or dash-mounted cameras to record traffic code violations and then mailing citations to drivers. MCDOT is also aware that state law does not authorize this type of enforcement. MCDOT representatives report the department would likely focus on enforcing safety-related traffic laws (e.g., Focus on the Five) as opposed to enforcement for traffic violations that do not typically result in crashes with fatalities or serious injuries.

[28] "Speed cameras reduce injury crashes in Maryland county, IIHS study shows," Insurance Institute for Highway Safety (Oct. 1, 2015). Hu, Wen, et al., "Effects of Automated Speed Enforcement in Montgomery County, Maryland, on Vehicle Speeds, Public Opinion, and Crashes," Insurance Institute for Highway Safety (August 2015).

With respect to MCDOT's preliminary ideas about in-person traffic enforcement, both MCDOT and MCPD representatives highlighted several ways that forgoing in-person enforcement could negatively impact traffic safety in the County. For example:

- The County would not have a way to stop impaired drivers;
- The County would lose the ability to issue warnings to drivers for violation of traffic laws (ATE systems only issue citations), which currently play a role in MCPD's efforts to correct dangerous driving behaviors;
- Drivers receive ATE citations weeks after a violation occurred; the County would not have the ability to make drivers aware of dangerous driving behaviors as they are happening;
- Based on current Maryland law on the use of speed and red light cameras, the County would only be able to issue a citation to a vehicle owner for a traffic violation;
- Based on current Maryland law, the County would lose the ability to assess points to individual's driver's licenses for certain driving offenses (the County cannot assess points for ATE citations), which can ultimately result in a (arguably unsafe) driver losing her license; and
- The County would lose the ability to identify and submit for medical referral drivers who may be losing the ability to self-regulate the operation of a vehicle.

Chapter 8. Traffic Enforcement and Racial Bias

The Council asked OLO to report on the feasibility and implications of moving routine enforcement of traffic and pedestrian safety laws from the Montgomery County Police Department (MCPD) to the Montgomery County Department of Transportation (MCDOT).

Recall the discussion in Chapter 2 that, based on Maryland Code and caselaw, police officers have wide-ranging discretion to stop drivers. Multitudes of federal, state, and local government data and academic research show evidence of racial disparities in traffic enforcement across the country.

This chapter describes:

A. Research and Findings on Racial Disparities in Traffic Enforcement;
B. Information on Racial Disparities in Traffic Enforcement in Montgomery County;
C. Strategies being used or proposed to reduce racial disparities in traffic enforcement; and
D. Feedback from stakeholders on moving traffic enforcement from MCPD to MCDOT.

A. Research and Findings on Racial Disparities in Traffic Enforcement

Chapter 1 describes two relevant types of traffic enforcement – (1) in-person enforcement where police officers stop drivers for traffic law violations, and (2) automated traffic enforcement that uses cameras to record when drivers violate the law. In general, research on racial disparities in traffic stops shows that disparity is seen primarily in in-person traffic enforcement, not in automated traffic enforcement.[1]

Social science research on in-person traffic enforcement, described below, distinguishes between two categories of traffic stops: (1) traffic stops for driving behaviors that are the most dangerous – the most likely to lead to serious or fatal collisions or crashes, and (2) traffic stops for "other traffic violations."[2] OLO will refer to the first category as stops for "collision contributing violations," which are discussed in the context of MCPD traffic enforcement in Chapter 5 and in the context of Vision Zero in Chapter 7. Stops for collision contributing violations include stops for driving behaviors like speeding, not using seat belts, failure to obey signals at intersections, and impaired driving.

[1] The primary opportunity for racial bias in use of automated traffic enforcement lies in the placement of cameras in locations such that one or more groups receive a disproportionate percentage of citations issued. See, e.g., Farrell, William, "Predominately black neighborhoods in D.C. bear the brunt of automated traffic enforcement," D.C. Policy Center (June 28, 2018) (finding that "analysis of moving violations citations and crash data suggests that the racial geography of D.C. does play into in the enforcement of traffic violations: census tracts with higher proportions of black residents are associated with a higher incidence of traffic fines, despite not experiencing a greater number of crashes" and calling for additional data and analysis of the issue). OLO has received no information from any County Government staff or from local stakeholder groups suggesting that the County's automated enforcement program locates cameras in a biased manner.

[2] Police officers also perform other types of in-person traffic enforcement functions, including responding to traffic accidents and directing traffic. This discussion focuses on traffic stops where officers stop a driver for violation of some part of the traffic code.

OLO will refer to the second category of traffic stops as stops for "other traffic violations" and will include the term in quotation marks to clarify the references. These stops include situations where police stop drivers for, among other things, minor driving violations, expired registrations, and/or equipment malfunctions, where an officer had authority to make a stop because of a technical violation of the traffic code but not because drivers were driving in a dangerous or unsafe manner. Stops for "other traffic violation" are referred to in research by a variety of names depending on the reason for the stop, including investigatory traffic stops (aka "pretextual stops") where an officer stops a driver for a technical violation of traffic law to look for evidence of other crimes, and economic traffic stops, where an officer stops a driver for, e.g., a mechanical problem with the car or for an expired registration (stops that are associated with a cost beyond a potential traffic citation).[3]

Social science research on traffic enforcement shows disproportionate racial disparity in traffic stops for "other traffic violations." Conversely, research shows little or less racial disparities in traffic stops for collision contributing violations.[4] As stated before, traffic stops are the most common interaction between police and residents in the United States.[5] The following data points and accompanying information in the footnote highlight a small example of research findings on traffic stops for "other traffic violations":

- Black and Latino drivers are stopped at disproportionately higher rates than White drivers; and
- Black and Latino drivers are searched during traffic stops at disproportionately higher rates.[6]

[3] Conner, Marco, "Traffic Justice: Achieving Effective and Equitable Traffic Enforcement in the Age of Vision Zero," 44 *Fordham Urban Law Journal*, at p. 980 (2017) [hereinafter Conner, "Traffic Justice"]; Fliss, Mike Dolan et al., "Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities," *Injury Epidemiology* 7, 3, at p. 2-3 (2020); Roach, Kevin, et al., "At the Intersection: Race, Gender, and Discretion in Police Traffic Stop Outcomes," forthcoming 2021 in *Journal of Race, Ethnicity, and Politics*, at p. 3, 20 (Sept. 13, 2020). See also, Welty, Jeff, "Traffic Stops," University of North Carolina School of Government, at p. 1-2 (2010).

[4] Gordon, Daanika, et al., "Linking Racial Classification, Racial Inequality, and Racial Formation: The Contributions of *Pulled Over*," 44 *Law & Social Inquiry*, at p. 265 (2019) (discussing Epp, Charles, et al., *Pulled Over: How Police Stops Define Race and Citizenship*, University of Chicago Press (2014)) [hereinafter "Gordon, 'The Contributions of *Pulled Over*'"]; Fliss, "Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities, at p. 3.

[5] Davis, Elizabeth, et al., "Contacts Between Police and the Public, 2015," Bureau of Justice Statistics, U.S. Department of Justice, at p. 4 (July 2018).

[6] Conner, "Traffic Justice," at p. 982 ("In contrast to traffic safety violations and traffic injury responses, discretionary, or investigatory, traffic stops exhibit widespread racial disparities…. Several studies show that Black drivers in the United States are more likely than White drivers to be searched during stops, even though those Black drivers are less likely to possess contraband…."); Gordon, "The Contributions of *Pulled Over*," at p. 264 ("[The researchers] find that 25 percent of black drivers are stopped in a year, compared to 12 percent of white drivers, even though black drivers do not typically violate traffic laws more than white drivers and, on average, black drivers speed less than white drivers. White drivers report being stopped for traffic-safety violations while black drivers are often pulled over for ambiguous or unstated reasons consistent with the tactics associated with investigatory stops."); Pierson, Emma, et al., "A large-scale analysis of racial disparities in police stops across the United States," *Nature Human Behavior* Vol. 4, at p. 740-741 (July 2020) (Analyzing around 95 million traffic stops in 2011-2018 from 21 state patrol agencies and 35 municipal police departments, data showed persistent racial bias in police stops and searches of drivers.); Baumgartner, Frank R., et al., "Racial Disparities in Traffic Stop Outcomes," 22 *Duke Forum for Law & Social Change*, at p. 42, 47 (2017) ("But the most politically and legally relevant point of variation in [traffic stop] search rates is the demographic characteristic of the driver. With over 649 annual observations in more than a dozen states, we show huge variability by the race of the driver, with Hispanic and black drivers searched, on average, at more than double the rate of whites. In our multivariate analysis, we control for possible rival hypotheses such as the purpose of the stop, and we show consistent and dramatic racial disparities."); Baumgartner, Frank R., et al., "Targeting young men of color for search and arrest during traffic stops: evidence from North Carolina, 2002–2013," *Politics, Groups, and Identities*, at p. 18 (2016) (finding that "young men of color are indeed targeted for harsher

B. Information on Racial Disparities in Traffic Enforcement in Montgomery County

OLO is aware of two publicly available sources that address racial bias in traffic enforcement in the County.

1. Department of Justice (DOJ) Memorandum of Agreement.

In 2000, the U.S. Department of Justice, Montgomery County, and the Fraternal Order of Police, Montgomery County Lodge 35 entered into a Memorandum of Agreement (MOA) to settle an allegation that County police officers engaged in racially discriminatory conduct in violation of federal law. The MOA did not include any admission, acknowledgement, or evidence of liability by the County, MCPD, or the FOP regarding racially discriminatory conduct of officers alleged in a complaint to the DOJ. In the MOA, however, the County agreed to begin collecting data on all traffic stops, including data on the race and ethnicity of drivers. The County was also required to "develop and implement a protocol for conducting analyses of the data contained in the computerized traffic stop data system.... In developing the data analysis protocol, the MCPD, the FOP and the County will build a framework for analyses to identify methods for assuring nondiscriminatory law enforcement in connection with traffic stops," and the MOA required the DOJ to review and approve the data collection and analysis system prior to its use.[7] The MOA was in effect for five years.

Chapter 2 describes the Maryland law that requires Maryland police officers to record and report, among other things, data on the race and ethnicity of drivers during traffic stops. When the Maryland legislature enacted House Bill 303 in 2001, the Fiscal Note for the bill drafted by the Maryland Department of Legislative Services cited numerous examples of racial profiling in traffic stops around the country as background information for the bill. The Fiscal Note included the County's MOA with the DOJ and the allegations of racial profiling in traffic stops as part of the background information.

2. OLO Report 2020-9, *Local Policing Data and Best Practices*

Office of Legislative Oversight Report 2020-9, *Local Policing Data and Best Practices*, analyzed publicly-available MCPD data from 2019 on, among other things, traffic stops and found "wide disparities in police interactions by race and ethnicity."[8] OLO concluded the disparities found in the data analysis merits additional research to identify whether the disparities were due to racially-biased policing:

> These racial and ethnic disparities in police interactions with the public suggest that disparities may characterize other measures of police-community interactions. In turn, pervasive disparities

outcomes (searches and arrest)" during traffic stops and that the disparities are not correlated to police finding contraband during a traffic stop); Rushin, Stephen, et al., "An Empirical Assessment of Pretextual Stops and Racial Profiling," 73 *Stanford Law Review*, at p. 637, 697 (2021) (finding that a 2012 Washington State Supreme Court decision loosening restrictions on police making pretextual traffic stops "is associated with a statistically significant increase in traffic stops of drivers of color relative to white drivers."); Roach, "At the Intersection: Race, Gender, and Discretion in Police Traffic Stop Outcomes" ("Looking at more than 40 million traffic stops across four states, we asked a simple question: Are police using the pretext of expired registration tags or broken tail lights as an excuse to conduct a criminal investigation based on a stereotype that makes young black male drivers particularly vulnerable to investigation? The answer is yes."); Davis, "Contacts Between Police and the Public, 2015," at p. 4.

[7] Montgomery County/DOJ Memorandum of Agreement, at p. 7-9.

[8] Bonner-Tompkins, Elaine, et al., OLO Report 2020-9, *Local Policing Data and Best Practices*, at p. 4, 64-65 (2020).

in police-community interactions may signal biased policing. While disparities do not prove biased policing, they signal that unconstitutional policing could be a problem that merits investigation.[9]

3. MCPD Audit

Currently, the organization Effective Law Enforcement for All (ELE4A) is undertaking an audit of MCPD that includes an assessment of whether data on MCPD law enforcement shows evidence of racial bias.[10] Among other things, the audit includes:

- An assessment of the "impact of enforcement operations on historically marginalized and discriminated against populations;"
- Investigation of "[p]atterns and trends in encounters with the public – particularly field contact and pedestrian stops, traffic stops, and investigatory stops;" and
- Investigation of "outcomes of stops: diversion, questioning, warning, frisks, searches and seizures, ticketing, arrests, and use of force."[11]

MCPD representatives report that results of the audit should be complete sometime in the Fall of 2021.

C. Strategies to Reduce Racial Disparities in Traffic Enforcement

The above research and analysis have led to several suggestions for changing police traffic enforcement practices with the goal of reducing racial disparities in enforcement. This section describes recommendations from other sources that include:

- Increasing use of automated traffic enforcement;
- Reducing the number of traffic stops by police officers for "other traffic violations;" and
- Removing responsibility for traffic enforcement from police departments.

The commonality among all these propositions is reducing the number of police contacts with residents in the United States by reducing traffic stops.

1. Increase Use of Automated Enforcement

In contrast to research that shows racial disparities in in-person traffic enforcement, data show generally that citations generated via automated traffic enforcement (ATE) do not reflect disparate racial enforcement – because the means of recording violations are automated. Consequently, researchers and policy makers recommend that jurisdictions use ATE in place of some in-person enforcement to try to reduce the racial disparity of drivers stopped for traffic violations.[12]

[9] Ibid. at p. 4.
[10] Effective Law Enforcement for All.
[11] "Scope of Work for Reimagining Public Safety in Montgomery County, Maryland."
[12] Rushin, "An Empirical Assessment of Pretextual Stops and Racial Profiling," at p. 704.

In "Traffic Justice: Achieving Effective and Equitable Traffic Enforcement in the Age of Vision Zero," Marco Conner analyzes traffic enforcement in the context of Vision Zero to identify the types of traffic enforcement measures to achieve Vision Zero goals in an equitable manner. Citing research findings as described above, Conner argues that there is little evidence of racial disparities in police stops for collision contributing violations and police responses to traffic injuries; the primary source of racial bias in traffic enforcement comes from stops for "other traffic violations" – where police stop drivers for minor violations such as failing to properly signal, broken brake lights, defective equipment, and ill-working mufflers.[13]

Arguing that increased use of automated traffic enforcement should displace police stops for other traffic violations, Conner asserts that widespread use of automated traffic enforcement technology "may be the only viable tool currently available to achieve the type of widespread, uniform, and sustained enforcement necessary to deter the most prevalent and dangerous traffic [collision contributing] violations…."

Conner's assertions should be viewed in the context of the Vision Zero Network's emphasis on equity. The Vision Zero Network states:

> It is important that promoters of Vision Zero in U.S. communities acknowledge that officer-initiated traffic stops allow for higher-than-average levels of individual discretion and can be a slippery slope for racial bias and even aggressive police action. The broader Vision Zero community has a role and responsibility in improving, not exacerbating, these problems.[14]

2. Reduce the Number of Traffic Stops for "Other Traffic Violations"

Another approach to reducing racial disparity in traffic stops relies on reducing traffic stops for "other traffic violations" – the type of traffic stops where data show the most racial disparity in enforcement. Some jurisdictions have achieved reductions in these traffic stops by having police officers prioritize traffic stops for collision contributing violations. Other jurisdictions are prohibiting police officers from stopping drivers for low-level driving offenses that do not fall into the category of collision contributing violations. The goal of these types of measures is to reduce the number of traffic stops for "other traffic violations" by police officers.

a. Prioritizing Enforcement of Traffic Stops for Collision Contributing Violations

Conclusions from studies have shown that prioritizing traffic stops for collision contributing violations and reducing (or eliminating) traffic stops by police officers for "other traffic violations" can reduce the number and proportion of Black and Hispanic drivers subject to traffic stops. One research study examined changes to traffic stop enforcement in Fayetteville, North Carolina when a new chief of police directed officers to "highly prioritize" traffic stops for collision contributing violations both to reduce traffic crashes and racial disparities in traffic stops.[15]

Called the "Fayetteville Intervention" in the study, researchers compared pre-intervention data in Fayetteville to data during the intervention (from 2013 to 2016). The researchers also compared data from the Fayetteville

[13] Conner, "Traffic Justice," at p. 971, 980-982 (citing Charles R. Epp, et al., *Pulled Over: How Police Stops Define Race and Citizenship*, at p. 59 (University of Chicago Press, 2014)).
[14] "Vision Zero Equity Strategies for Practitioners," at p. 10.
[15] Fliss, "Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities, at p. 4.

intervention to data from other control jurisdictions. The data showed that during the Fayetteville intervention of highly prioritized traffic stops for collision contributing violations:

- Disparities in Black non-Hispanic traffic stops were reduced compared to the control jurisdictions;
- Traffic fatalities were reduced 28%, injurious crashes were reduced 23%, and all crashes were reduced 13% compared to the control jurisdictions;
- Non-traffic-related crime measures did not change; and
- Economic and investigatory traffic stops decreased.[16]

The research study of the Fayetteville Intervention found that decreased use of traffic stops for "other traffic violations" did not lead to increased crime rates. This finding echoes other research that has found reductions in the use of pretextual traffic stops does not lead to higher crime rates.[17]

The researchers also found that when the police chief retired in 2016, the percent of traffic stops for collision contributing violations decreased and the percent of stops of Black drivers increased.[18] The researchers concluded:

> These results suggest redesigning a traffic stop program for public health impact may reduce negative motor vehicle crash outcomes, simultaneously reduce some negative consequences of traffic stop programs (e.g., race-ethnic disparities, reduced economic stop burden on communities), and the relative de-prioritization may not have a significant impact on crime rates. [Collision contributing] traffic stops, especially when directed at high crash areas using regular review and traffic stop GPS data for evaluation, may be a more effective public safety tool than economic or investigatory stops.[19]

b. Ending Traffic Stops for Low-Level Traffic Offenses

A few jurisdictions, including the Commonwealth of Virginia (in 2021) and Lansing, Michigan (in 2020) – have taken steps to end traffic stops secondary traffic offenses or other low-level traffic offenses.[20] These fall into the category of traffic stops for "other traffic violations," as defined above, where research shows the most racial disparity in enforcement. These stops are often pretextual stops – where police stop a driver with the hope of finding evidence of other crime.

[16] Fliss, "Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities, at p. 6-8.
[17] Chohlas-Wood, Alex, et al., "An Analysis of the Metropolitan Nashville Police Department's Traffic Stop Practices," Stanford Computational Policy Lab (2018). See also, Mercer, Marsha, "Police 'Pretext' Traffic Stops Need to End, Some Lawmakers Say," Pew Trusts *Stateline* (Sept. 3, 2020).
[18] Ibid. at p. 8.
[19] Ibid. at p. 8.
[20] Commonwealth of Virginia; Lansing, MI; See also, Rushin, "An Empirical Assessment of Pretextual Stops and Racial Profiling," at p. 702-703 (discussing "the decoupling of criminal investigations and traffic enforcement.").

Examples of low-level traffic violations that jurisdictions are addressing include:

- Failing to signal while turning
- Loud exhaust
- Cracked windshields
- Cracked taillights
- Non-illuminated license plates
- Dangling ornaments from rear view mirror
- Tinted windows
- Rolling stops when no other cars present
- Safety inspection or registration stickers expired for less than four months

In Virginia, the legislature changed the law to reclassify certain offenses that were primary offenses as secondary offenses. In Virginia, as in Maryland, officers must observe a primary traffic offense in order to stop a driver for a traffic violation. Changing the law in this way lessened the number of possible reasons that drivers can be stopped by police in Virginia. Additionally, Virginia law now prohibits the use of evidence in court and other proceedings discovered during a stop if the driver was stopped for a secondary offense.[21]

In 2020, Lansing, Michigan expressly changed its internal police department policy to end officers' authority to stop drivers for secondary traffic violations (e.g., cracked windshields or taillights, dangling ornaments, loud exhaust, window treatments, inoperable license late lamp). The Mayor of Lansing said the change was in response to reports of bias by police officers and that 15 percent of traffic stops in the prior year were initiated based on secondary violations.[22] The new guidelines state:

> The intent of following traffic stop guidelines are consistent with our overall constitutional policing model that is focused on protecting the individual constitutional rights of our citizens while eliminating any aspect, inferred or otherwise, of bias-based traffic policing practices. Policing methodology, other than using the constitutional policing model, could damage police legitimacy and improperly disrupt the lives of those that live, visit and work in the City of Lansing.[23]

In addition to these examples, in September 2020 the New York State Office of the Attorney General (OAG) issued a report recommending the City of New York remove the New York City Police Department (NYPD) from routine, non-criminal traffic enforcement.[24] The recommendation stemmed from the death of a driver from a police shooting during a traffic stop for failure to wear a seat belt and echoed a recommendation from the OAG in a July 2020 report on the NYPD's response to demonstrations following the death of George Floyd.[25] That report stated that "armed police officers are not needed for traffic enforcement, particularly when the underlying conduct in question is not criminal, such as a broken taillight, speeding, or not wearing a seatbelt" and the September report echoed the assertion, citing the death of Allen Feliz during a stop for failure to wear a seatbelt. Additionally, the report following the death of George Floyd also recommended decriminalizing minor offenses, particularly ones with a history of "alleged disparate and discriminatory enforcement" (e.g., jaywalking, bicycle operation on sidewalks, loitering).

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[21] HB 5058 – Marijuana and certain traffic offenses; issuing citations, etc., Virginia Legislative Information System, 2020 Special Session I.

[22] "New Guidelines for Traffic Stops," Lansing Police Department (July 1, 2020); Lavery, Kevin, "Lansing police will no longer stop motorists for secondary violations," www.michiganradio.org (July 1, 2020).

[23] "New Guidelines for Traffic Stops," Lansing Police Department.

[24] "Report on the Investigation into The Death of Allen Feliz," New York State Office of the Attorney General, Special Investigations and Prosecution Unit, at p. 10 (2020).

[25] "Preliminary Report on the New York City Police Department's Response to Demonstrations Following the Death of George Floyd," New York State Office of the Attorney General, at p. 39 (2020).

Stopping Drivers for Vehicle Mechanical Issues. Different states approach the identification and repair of mechanical issues with vehicles differently. Virginia, for example, requires vehicle owners to submit their vehicles for an official inspection for mechanical and equipment problems every year.[26]

The State of Maryland does not require vehicle owners to undergo similar inspections. In Maryland, law enforcement officers can stop vehicles and issue a Safety Equipment Repair Order (SERO) for any vehicle registered in Maryland not meeting state equipment requirements.[27] A SERO requires a vehicle owner to have the vehicle repaired within 10 days and certify to the law enforcement agency that the vehicle has been repaired.[28]

Lansing Police Department's policy includes a narrow exception for stops for secondary violations related to defective equipment on a vehicle where the defect is so severe that it poses a safety threat to the driver and/or other community members. In those cases, the officer can initiate a traffic stop for the equipment violation and issue a verbal or written warning. The officer must also alert their supervisor to review the traffic stop and ensure it is consistent with these guidelines.[29]

Ending traffic stops for enforcement of secondary offenses in Montgomery County (or anywhere in Maryland) would require consideration of the state's system for regulation of vehicle maintenance.

3. Move In-Person Traffic Enforcement Out of Police Departments

Some researchers and community stakeholders are advocating that jurisdictions remove in-person traffic enforcement duties from police officers altogether and give those responsibilities to non-sworn government employees. As described in Chapter 3, to OLO's knowledge, while some jurisdictions have initiated steps in that direction (e.g., Berkley, CA; Cambridge, MA; Brooklyn Center, MN), no jurisdiction in the United States has begun the process of transferring in-person traffic enforcement responsibilities from its police department to a non-law enforcement department.

A primary article cited in many other articles about and discussions of removing traffic enforcement responsibilities from police was written by Jordan Blair Woods, an Associate Professor of Law at the University of Arkansas School of Law. In "Traffic Without Police," Woods argues for jurisdictions removing police officers from the vast majority of in-person traffic enforcement and transferring the responsibilities to non-law enforcement government employees because "Black and Latinx motorists in particular are disproportionately stopped as well as questioned, frisked, searched, cited, and arrested during traffic stops. Traffic enforcement is also a common gateway for funneling over-policed and marginalized communities into the criminal justice system."[30]

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[26] Virginia Code Ann., § 46.2-1157; 46.2-1158.
[27] Maryland Code Ann., Transportation Article, § 23-105.
[28] See "Safety Equipment Repair Order (SERO)," Maryland Department of Transportation, Motor Vehicle Administration.
[29] "New Guidelines for Traffic Stops," Lansing Police Department.
[30] Woods, Jordan Blair, "Traffic Without the Police" (September 30, 2020), 73 Stanford Law Review, (forthcoming 2021). See also Seo, Sarah, *Policing the Open Road: How Cars Transformed American Freedom*, Harvard University Press (2019) (examining how the increase in automobile use in the United States in the 20th century led to expansion of police departments and to legal doctrines that expanded officers' discretion to conduct traffic stops and dramatically increased interactions between police and residents). Woods' proposals have generated much discussion, including: O'Connor, Meg, "What Traffic Enforcement Without Police Could Look Like," The Appeal (Jan. 13, 2021); Crowe, Cailian, "Cities consider taking police out of traffic stops," Smart Cities Dive (June 3, 2021).

Woods does not argue for ending traffic stops for minor traffic violations – he advocates that civilian government employees should perform these duties. Police officers would be permitted to stop drivers in very narrow circumstances (e.g., driver has an outstanding warrant, following a bank robbery) and to provide back up to the civilian enforcement of traffic laws in very narrow circumstances (e.g., driving a stolen vehicle, DUI).[31] Woods points out and discusses several potential objections to his proposal, including:

- Potential negative impacts on traffic safety;
- Removing police from routine traffic enforcement could hinder discovery of non-traffic-related crime;
- Removing police from traffic enforcement ends any deterrent effects that traffic enforcement may have on other crime; and
- Economic efficiency of using existing police officers for traffic enforcement in lieu of hiring new non-sworn traffic enforcement employees.[32]

Woods highlights that research or evidence supports the first three points – with some evidence showing impacts from police traffic enforcement on increased traffic safety outcomes, discovery of other crime, and deterrence of some crimes. He concludes, however, that the disproportionate impact of traffic enforcement on people of color is so systematic and pervasive that addressing the problem requires "structural police reform and requires a fundamental rethinking of the role of police in the traffic space."[33]

4. Limits in State Law

All of the suggestions for changes to traffic enforcement described in Section 2 would require changes to state law or County Government traffic enforcement policies to implement in Montgomery County. The next table describes these issues.

Table 8-1. Limitations on Implementing Changes to Traffic Enforcement in Montgomery County

Suggested Change	Limitations
Increased use of automated traffic enforcement	• State law limits where the County can place speed cameras • Expanding the types of roads on which speed cameras could be placed would require changes to state law • Placing County speed and red light cameras on state-owned roads requires state approval • Moving operation of ATE from MCPD to MCDOT would not expand the County's ability to place speed cameras outside residential and school zones
Ending traffic stops for secondary offenses	• State law governs officers' authority to enforce traffic laws in the state • Ending traffic stops for secondary offenses statewide would require a change in state law and/or a change in MCPD traffic enforcement policies
Removing traffic enforcement responsibilities from MCPD	• State law specifically authorizes sworn police officers to enforce traffic laws in MD • Changes would require changes to state law

[31] Ibid. at p. 16-18. Woods also asserts that jurisdictions should remove automated traffic enforcement responsibilities from police departments and transfer all authority for systems operation and enforcement to non-sworn government employees. Ibid. at p. 21-22.
[32] Ibid. at p. 45-52.
[33] Ibid. at p. 1.

D. Feedback from Stakeholders

Several groups of stakeholders in Montgomery County have advocated for changing MCPD's traffic enforcement responsibilities in various ways. The next table summarizes recommendations from some of these stakeholders. Of note, while the stakeholders generally approve of the equitable use of automated traffic enforcement technology, several stakeholders highlighted that ATE use must be implemented in a way that does not lead to additional racial bias (e.g., placement of cameras in a discriminatory way). Stakeholders also highlighted that increased use of automated enforcement could also negatively impact lower-income individuals.

Table 8-2. Summary of Advocacy by Stakeholders for Changing MCPD Traffic Enforcement Responsibilities

Group	Recommendation	Primary Reasoning
Montgomery County Reimagining Public Safety Task Force[34]	• Move to fully (or expanded) ATE through expansion of use of speed and red-light cameras • Advocate for change to state law allowing the County to move ATE from MCPD to MCDOT	• Racial bias in policing
Young People for Progress[35]	• Move all traffic enforcement from MCPD to MCDOT • Increase equitable use of ATE • Reduce the number of traffic enforcement encounters as much as possible	• Racial bias in policing
Coalition for Smarter Growth[36]	• Move all traffic enforcement from MCPD to MCDOT	• Racial bias in policing • MCDOT leadership on Vision Zero initiatives and general transportation safety expertise
Takoma Park Mobilization[37]	• Move from non-automated traffic enforcement to ATE • Move ATE from MCPD to MCDOT	• Racial bias in policing • Vision Zero
Washington Area Bicyclist Association[38]	• Move ATE from MCPD to MCDOT	• Vision Zero

Note: OLO looked for research or data discussing whether the entity that implements an ATE program (police vs. non-law enforcement department) leads to racially-biased program outcomes. Finding none in our research, OLO reached out to several of the above stakeholders that have advocated moving the County's ATE program from MCPD to MCDOT for evidence of that proposition. The organizations all responded that they know of no evidence supporting the idea that the entity that implements an ATE program leads to racially-biased program outcomes.

[34] 2021 Reimagining Public Safety Task Force Recommendations Report, at p. 24-25 (Feb. 4, 2021).
[35] Young People for Progress.
[36] Coalition for Smarter Growth.
[37] Takoma Park Mobilization.
[38] Washington Area Bicyclist Association.

Chapter 9. Recommendations from the Reimagining Public Safety Task Force

As a mechanism to address racial equity in public safety, County Executive Marc Elrich created the Reimagining Public Safety Task Force in 2020.[1] The goal of the task force was to "develop a strategy for improving public safety outcomes in the County along with a mandate to challenge and eliminate the racial bias that has plagued (the County's) criminal justice system, as it has throughout the country." In February 2021, the Task Force released a report with 87 recommendations, 11 of which directly address traffic enforcement. This chapter reports the Task Force's recommendations related to traffic enforcement, along with further details and follow up on select recommendations.

Reimagining Public Safety Task Force Recommendations Related to Traffic Enforcement

#8	Move to fully (or expanded) automated traffic enforcement through expansion of speed and intersection camera programs, and reduce FTE sworn officer positions across MCPD districts in proportion.
#10	The County Executive should work with state legislators and the County Council to support state bill MC 4-21[2] (Montgomery County – Automated Traffic Enforcement – Implementing Agency), which would allow the transfer of oversight for automated traffic enforcement.
#12	Reduce sworn officer FTEs in police Districts 3 and 4 by 50% to reduce patrol officer contact with residents in these districts.
#13	Develop a regular practice of independent audits of use of force in police districts, with expected force reductions for districts where use of force cases are increasing despite training or other interventions.
#30	Evaluate Montgomery County policies regarding citations in lieu of arrests for minor offenses. Evaluate the current policy regarding how officers exercise their discretion to issue a citation vs. make an arrest for citable offenses and determine what directives or guidelines can be issued to require citation rather than arrest for offenses punishable by incarceration lasting six months or less.
#31	Add a requirement in MCPD policy and practice that officers advise citizens of their right to refuse a search. Require officers that do not have a legal warrant or legal probable cause to advise citizens of their right to refuse a search.
#32	Require incident reports every time officers draw their weapons, whether or not they fire. The recommendation calls for a policy change that requires a mandatory incident report whenever a weapon is drawn (not just when a weapon is discharged).
#33	Eliminate pre-textual stops for all minor offenses and revise Selective Traffic Stop Enforcement. MCPD can conduct a pilot program to test the efficacy of eliminating pre textual stops for most minor offenses, not just repair orders, as a means to reduce the disparate negative impacts of law enforcement in communities of color.
#37	Conduct a risk assessment of police activities to determine when it is necessary for officers to carry a gun. Conduct a risk assessment audit of policing activities to determine the need for and effectiveness of having all officers carry firearms at all times.
#38	Utilize Data Collection Best Practices as recommended in the OLO report including all data on police/civilian interaction
#77	Conduct an annual independent audit of the Reimagining Public Safety Task Force recommendations.

Source: 2021 Reimagining Public Safety Task Force Recommendations Report, Pages 80-83

[1] 2021 Reimagining Public Safety Task Force Recommendations Report, February 2, 2021, Page 7, available at https://www.montgomerycountymd.gov/rps/Resources/Files/reports/rps-task-force-recommendations-report.pdf

[2] Would authorize the Department of Transportation (DOT) as the department responsible for implementing automated traffic enforcement programs in the County and require that a DOT employee could sign off on citations issued using automated traffic enforcement systems in the County. This bill was not enacted in Maryland's 2021 Legislative Session.

Further Details and Follow-up on Select Traffic Enforcement Recommendations

- **Recommendations #8 and #12.** The Task Force indicated that these changes would have higher costs initially expanding automated traffic enforcement, but they believe these costs would be offset by personnel savings from reducing the patrol officers. It also believes that more automated traffic enforcement will reduce police contact with constituents that can result in racial bias.

- **Recommendations #31 and #33.** The Task Force recommended that the County run a pilot program to "test the efficacy of eliminating pretextual stops for minor offenses." It also stated that when police would like to search a vehicle, the motorist should be informed of their right to refuse a search.

- **Recommendation #77.** The County established a $350,000 contract in December 2020 with the Washington Lawyers Committee for Civil Rights and Urban Affairs (Effective Law Enforcement for All, Inc.) to perform an audit based on the Task Force's recommendations. The audit completion is expected for summer 2021 and it includes the following scope:

    - Assess, monitor, and assist the Montgomery County Police Department (MCPD) in concert with the community to uncover any aspects of implicit bias, as well as systemic and individual racial bias;
    - Assess the impact of enforcement operations (policing practices) through application of laws on historically marginalized and discriminated against populations, particularly the African-American and Latinx communities;
    - Provide recommendations for reforms that improve community-oriented policing practices, transparency, professionalism, accountability, community inclusion, fairness, effectiveness, and public trust, taking into account national best practices and community expectations. Assess the MCPD hiring, training, promotion, and evaluations policies and procedures;
    - Assess the size and structure of the department as it relates to efficiency of operations and community need; and
    - Engage the community to understand both experiences and expectations of interactions with MCPD.

Chapter 10. Findings, Recommendations, and Discussion Items

In its efforts to better understand traffic enforcement in Montgomery County, the County Council asked the Office of Legislative Oversight (OLO) to study current traffic enforcement programs and policies in Montgomery County. Specifically, the Council asked OLO to:

- Include research on implementation of changes in traffic enforcement responsibilities in other jurisdictions;
- Assess the potential for how moving traffic enforcement responsibilities from MCPD to MCDOT may (1) promote fairness and reduce bias, (2) improve community safety, (3) improve organizational efficiency, (4) improve safety across all modes of transportation, and (5) enable the County to meet its Vision Zero goals.

This chapter summarizes the major findings of this report and presents recommendations and discussion questions developed by OLO. This chapter includes two sections:

- A. Major Report Findings; and
- B. Recommendations and Discussion Items for Council Action.

Based on social science research studies, OLO distinguishes in this report between two categories of traffic stops: (1) traffic stops for driving behaviors that are the most dangerous – the most likely to lead to serious or fatal collisions or crashes, and (2) traffic stops for "other traffic violations." The report refers to the first category as stops for "collision contributing violations," which include stops for driving behaviors like speeding, not using seat belts, failure to obey signals at intersections, and impaired driving.

The report refers to the second category of traffic stops as stops for "other traffic violations" and includes the term in quotation marks throughout the report to clarify the references. These stops include situations where police stop drivers for, among other things, minor driving violations, expired registrations, and/or equipment malfunctions, where an officer had authority to make a stop because of a technical violation of the traffic code but not because drivers were driving in a dangerous or unsafe manner. Stops for "other traffic violation" are referred to in research by a variety of names depending on the reason for the stop, including investigatory traffic stops (aka "pretextual stops") where an officer stops a driver for a technical violation of traffic law to look for evidence of other crimes, and economic traffic stops, where an officer stops a driver for, e.g., a mechanical problem with the car or for an expired registration (stops that are associated with a cost beyond a potential traffic citation).

A. Major Report Findings

Roadway Safety and Vision Zero

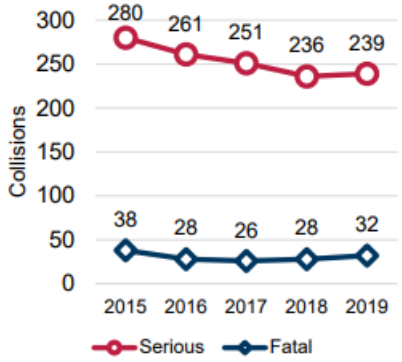
Finding #1. In 2019, there were over 36,000 traffic-related fatalities in the United States, 512 fatalities in Maryland, and 32 fatal collisions in Montgomery County. National data and traffic safety research have identified the most dangerous driving behaviors that to lead to serious or fatal crashes.

Roadway collisions are a leading cause of death worldwide, including in the United States. The driving behaviors most likely to lead to serious collisions include aggressive driving, distracted driving, impaired driving, failure to wear seat belts, and failing to yield at intersections (see Finding #4). Between 2010 and 2016, the number of deaths on U.S. roads increased 14 percent while the number of road-related deaths in 26 of 32 other countries declined. Of the 36,096 traffic fatalities in the United States reported in 2019:

- 50% (17,939) of fatalities happened in roadway departure crashes (crossing an edge line, centerline, or leaving the traveled way);
- 28% (10,180) of fatalities occurred in crashes in intersections; and
- 26% (9,478) were speeding-related.[1]

Data from the Centers for Disease Control and Prevention (CDC) show over 500 fatalities in vehicle crashes in Maryland in 2019 resulting in $8 million in medical costs and $750 million in work loss costs. In Montgomery County, the number of fatal crashes remained steady between 2015 and 2019 while the number of serious collisions decreased. During this time, roadway collisions in the County resulted in 240-280 serious injuries per year and in 26-38 deaths per year.

Number of Serious and Fatal Collisions in Montgomery County, 2015-2019



Source: *MCG Vision Zero 2030 Action Plan*

[1] A single traffic-related fatality can fall into more than one of these categories.

Finding #2. Montgomery County Government owns two-thirds of all roads in the County when counting by road miles. However, over half of serious injuries (58%) and fatal crashes (56%) in the County occur on state-owned roads.

The County Government does not own all the roads in the County. Entities such as the Maryland Department of Transportation State Highway Administration (MDOT SHA), the National Park Service, local municipalities, and private homeowner associations own and are responsible for a portion of the roads in the County. The County's authority to design, oversee, and set standards (e.g., speed limits) for roads is limited, primarily, to County-owned roads. The County does not have unilateral authority to design for, establish the speed limit on, or place speed or red light cameras on federal-, state-, or municipal-owned roads in the County. These limitations may have implications on the County's successful implementation of Vision Zero (see Finding #3).

The table below summarizes road ownership in the County when measuring the length of roads by miles of road.

	Road Miles+	
Road Ownership	**#**	**%**
County	2,361	67%
MDOT SHA	609	17%
Municipalities	365	10%
Other Local Agencies	122	3%
Other State Agencies	43	1%
Federal Government	38	1%
Total*	**3,537**	**100%**

Source: MCDOT
* These data do not include HOA- and privately-owned roads in the County
+ Totals do not add up due to rounding

Roads that include a route number as well as a name are owned and maintained by the MDOT State Highway Administration. Examples include:

- Maryland 29 (Colesville Rd);
- Maryland 121 (Clarksburg Rd); and
- Maryland 355 (Wisconsin Ave/Rockville Pike/Frederick Rd).

Finding #3. The primary goal of Montgomery County's Vision Zero program is to eliminate all traffic-related fatalities and serious injuries by 2030. A key component of the program is examining the County's traffic enforcement policy through an equity lens.

Vision Zero is a principal strategy adopted by numerous state and local jurisdictions "to eliminate all traffic fatalities and severe injuries, while increasing safe, healthy, equitable mobility for all." The Vision Zero Network brings together individuals in public health, transportation planning and engineering, policy, community advocacy, and the private sector in "a collaborative campaign helping communities reach their goals of Vision Zero." Montgomery County is a member of the national Vision Zero Network. Montgomery County's Vision Zero

program is overseen by the Vision Zero Coordinator, located in the Office of the County Executive, who works collaboratively with County departments, other County and State agencies, and local stakeholders to implement that County's Vision Zero plan.

In Montgomery County, Vision Zero approaches its goals based on the idea that the "roadway" hosts a variety of users – motor vehicles, bicycles, pedestrians, and other conveyances – and includes more than just the road. The roadway "includes general travel lanes, adjacent shoulders, sidewalks, and bike facilities." The *Vision Zero 2030 Action Plan*[2] sets out the County's work for the next decade to reach zero serious injuries or deaths by 2030.

Montgomery County's *Vision Zero 2030 Action Plan* outlines 45 action items. Roadway design and operation play ***the*** fundamental role in achieving the County's Vision Zero goals, with the County's traffic enforcement and education programs as important compliments to safe street design. Vision Zero approaches traffic enforcement with a focus on addressing the most dangerous driver behaviors that are most likely to lead to crashes (see Finding #1).

The *2030 Action Plan* highlights ten Priority Action Items – that "have the potential to have the highest impact on reducing serious and fatal injuries, can be applied across the transportation network, and support safe travel for all modes." They are:

- High injury network projects;
- Examine speed limits on all projects;
- Frequent, protected crossings;
- Pedestrian and bicycle infrastructure improvements along new transportation projects;
- Traffic signal timing and phasing;
- Separated, low-stress bicycle facilities;
- Sidewalk construction and upgrades;
- Transit stop safety;
- Provide safety upgrades during routine maintenance; and
- Ending impaired driving deaths.

A primary component of Montgomery County's Vision Zero plan focuses on equity. In Montgomery County, data show disparity in traffic outcomes, with higher collision rates in communities with higher rates of poverty and people of color and higher traffic fatality rates among people of color. Accordingly, each action item in the County's *Vision Zero 2030 Action Plan* is rated for its impact on racial equity and social justice – indicating whether an action item will have a greater or lesser positive impact on racial equity and social justice.

The Montgomery County Department of Transportation (MCDOT) is the lead department (or shares lead status) for 31 of the action items and the Montgomery County Police Department (MCPD) is lead department (or shares lead status) for 8 of the action items. Vision Zero is a collaborative approach with other entities that serve as leads or contributors for action items including the MDOT State Highway Administration, the Montgomery County Planning Department, Montgomery Parks, Montgomery County Public Schools, County Urban Districts, and within the County Government: the Department of General Services, Department of Environmental Protection, Department of Permitting Services, Montgomery County Fire and Rescue Services, and the Office of Management and Budget.

[2] The *2030 Vision Zero Action Plan* currently is a draft document for public comment. The Vision Zero Coordinator expects the final report to be released in Summer 2021. Given the current draft is for public comment, the final report may have some differences from the public comment draft used as the basis for discussion in this report.

The County Government's FY22 budget includes $95 million in funding for implementation of Vision Zero. The largest portions of funding include:

- $32.0 M in MCDOT's CIP budget for pedestrian facilities/bikeways;
- $12.1 M in MCPD's operating budget for automated traffic enforcement; and
- $16.0 M in MCDOT's operating budget for transportation infrastructure construction and maintenance.

MCPD Organizational Structure and Key Strategies

Finding #4. In 2020, MCPD and Vision Zero began to refocus County traffic enforcement on the most dangerous driver behaviors.

MCPD's Traffic Squad Unit re-focused traffic enforcement efforts on five of the most dangerous driving violations found on arterial roads in the County. Modeling the County's program on San Francisco's "Focus on the Five" program, MCPD's re-focused traffic enforcement efforts in 2020 concentrated on the following five driving violations on arterial roads in the County:

Distracted Driving	Any activity that diverts attention from driving, including talking or texting on the phone, eating and drinking, talking to people in a vehicle, fiddling with the stereo, entertainment, or navigation system
Occupant Protection	Failure to use seat belts, child car seats, and occupant protection systems (e.g., air bags).
Impairment	Use of substances – legal or not legal – that impair driving, including alcohol, marijuana, opioids, methamphetamines, or any potentially impairing drug – prescribed or over the counter.
Aggressive Driving	Exhibiting dangerous on-the-road behaviors, including following too closely to a vehicle, driving at excessive speeds, weaving through traffic, and running stop lights and signs, among other acts.
Pedestrian Safety	Violating driving laws that promote pedestrian safety such as yielding to pedestrians in crosswalks, passing vehicles stopped at crosswalks, passing a stopped school bus with its stop arm extended, etc.

MCPD and Vision Zero employ a data-driven approach to identify specific locations in the County that contribute to high numbers of injuries (called "high injury networks") and target them with increased traffic enforcement. MCPD's senior analyst and the Vision Zero Coordinator review collision data to understand why an area has a high number of injuries.

MCPD also works closely with MCDOT, sharing data and discussing the high injury networks. With this information, MCDOT and MCPD representatives report that they coordinate on traffic safety education, outreach, and prevention efforts in specific areas of the County. MCDOT also uses the traffic data to help identify roadways that need engineering improvements to reduce injuries.

Finding #5. MCPD's 2021 reorganization of its traffic enforcement officers to form a new Centralized Traffic Unit is a continuation of its efforts to refocus the department's traffic enforcement.

MCPD's Traffic Division focuses on enforcement of traffic laws, investigation of serious traffic collisions, and safety education. The Traffic Division consists of the Automated Traffic Enforcement Unit, the Alcohol Initiatives Unit, the Collision Reconstruction Unit, and the School Safety Unit. Pre-July 2021, MCPD's primary in-person traffic enforcement was conducted by officers in MCPD's District Stations – with regular patrol officers conducting approximately 80 percent of traffic enforcement duties and Traffic Squad Officers conducting the remaining 20 percent of enforcement with targeted enforcement on major arterial roads in the County.

Beginning July 2021, MCPD is creating a new Centralized Traffic Unit – moving Traffic Squad Officers from district stations to the new central unit with the goal of increasing resource efficiency through a centralized, data-driven approach to deployment, with consistent scheduling and standardized performance goals.

MCPD will keep one traffic officer at each district station (two in the 2nd District) to handle community complaints. The responsibilities of the new Centralized Traffic Unit include:

- Using High Visibility Enforcement in High Incident Networks focusing on four serious violations that cause collisions: aggressive, distracted, pedestrian, and occupant protection.
- Conducting self-initiated enforcement on other important violations, including but not limited to failure to obey a traffic signal, reckless driving, negligent driving, suspended/revoked driver permits, speeding, following too close, and emergency repair orders.
- Focusing on outreach/education to help change the dangerous behavior of drivers, pedestrians, and bicyclists.

MCPD anticipates the new Centralized Traffic Unit will still perform approximately 20 percent of traffic enforcement in the County with district patrol officers performing the other 80 percent of enforcement. District patrol officers will not be required to focus their traffic stops on traffic stops for collision contributing violations like the officers in the new Centralized Traffic Unit. Executive Branch staff note that MCPD is working to highlight for all MCPD officers the most dangerous driving behaviors and their impacts on road safety.

In-Person Traffic Enforcement in Montgomery County

Finding #6. State law, caselaw, and local policies set the parameters for traffic enforcement in Maryland, including rules of the road, the powers of local authorities, and provisions governing enforcement. In Maryland, only sworn police officers are authorized to enforce traffic laws.

Traffic enforcement is governed by the Maryland Code, Transportation Article, Title 11 through Title 27 – known as the Maryland Vehicle Law. Broadly, the Maryland Vehicle Law sets out rules on, among other things, issuance of drivers' licenses, rules of the road (e.g., speed limits, traffic signals and signs, parking, pedestrian rights), vehicle inspections, the powers of local authorities, and enforcement of the law. Under the law, local jurisdictions have limited authority over roadways, which includes, among other things, the power to:

- Regulate stopping, standing, and parking of vehicles;
- Regulate traffic using police officers and traffic control devices;
- Design certain roads;
- Regulate or alter traffic speed in certain circumstances;
- Designate certain roads for particular uses; and
- Regulate the use of bicycles.

Maryland state law gives police officers the legal authority to enforce the Maryland Vehicle Law and local traffic laws, to stop and detain drivers for violation of the laws, and to issue citations and/or arrest individuals who violate these laws. This authority is limited to enforcing the Maryland Vehicle Law within the officer's sworn jurisdiction, unless the officer is acting under a valid mutual aid agreement. The local law enforcement agency in Montgomery County is the Montgomery County Police Department.

Further, due to the constitutional implications of a traffic stop, many court decisions establish boundaries of when and how officers can make traffic stops that do not violate individuals' constitutional rights. Both caselaw and the Maryland Code govern when and how police officers may stop and detain drivers. To legally stop a driver, a police officer must have observed a violation of traffic law or have a reasonable articulable suspicion that a driver is driving under the influence. Police cannot selectively enforce laws, including traffic laws, based on race.

Maryland law also distinguishes between primary and secondary traffic offenses. To stop a driver, an officer must observe a primary traffic offense. Officers may enforce certain provisions of the traffic code only as secondary actions – where the Maryland Code has language such as, "A police officer may enforce the provisions of this section only as a secondary action when the police officer detains a driver of a motor vehicle for a suspected violation of another provision of the Code."

Finding #7. MCPD uses selective traffic enforcement for its in-person traffic enforcement strategy.

Selective traffic enforcement is a data-driven approach to target in-person enforcement based on traffic collision and violation data. MCPD selected the following goals for its selective traffic enforcement strategy.

Goals	Description
Reducing Traffic Collisions	High level, high quality traffic enforcement efforts reduce the number and severity of traffic collisions
Protecting Life and Property	Lowering hazardous traffic violations reduces the number and severity of traffic-related collisions, deaths/injuries, and property damage losses
Expediting the Flow of Traffic	Smooth traffic flows help eliminate collisions resulting from "stop and go" traffic caused by inattention or poor driver judgement during changing speeds, stops and starts, and frequent lane changes
Addressing Community Complaints	Identification of chronic or occasional traffic-related issues such as speeding and unsafe driving behavior

To help achieve those traffic enforcement goals, MCPD used one or a combination of the following techniques:

- High Visibility Enforcement;
- Traffic checkpoints;
- Saturation patrols;
- Stationary observation of intersections;
- Use of speed measuring devices; and
- Other approved techniques.

Finding #8. Since 2001, Maryland state law has required police officers to report certain data about every traffic stop conducted to the officer's law enforcement agency and requires the agency to report that data to the Maryland Statistical Analysis Center.

In 2001, Maryland enacted a law for the purpose of collecting and analyzing data on the race of drivers in Maryland subject to traffic stops by law enforcement officers. The law requires officers to report the following data on every traffic stop made, with only limited exceptions:[3] date/time/location of a stop, alleged violation(s), if a search or arrest was made, and the race/ethnicity of the driver. Officers must report this data to MCPD and MCPD is required to report data to the Maryland Statistical Analysis Center.

In 2007, the prior County negotiated a memorandum of agreement (MOA) with the Fraternal Order of Police, Montgomery County Lodge 35 (FOP)[4] that is still a part of the FOP's current collective bargaining agreement

[3] The only exceptions to officers reporting data under the law are for traffic stops conducted at (1) a checkpoint or roadblock stop, (2) a stop of multiple vehicles due to a traffic collision or emergency situation requiring the stopping of vehicles for public safety purposes, (3) a stop based on the use of radar, laser, or vascar technology, or (4) a stop based on the use of license plate reader technology. Maryland Code Ann., Transportation Article, § 25-113(a)(6).

[4] Employees in the County's police bargaining unit, which includes officers up to and including officers with the rank of police sergeant, choose a certified representative to represent the bargaining unit in contract negotiations with the County

with the County as Appendix U. While the MOA specifically states that "[a]ll traffic stops must be documented," the MOA also states: "In the event the officer does not issue a written document [during a traffic stop], the officer will provide the citizen with the officer's business card and verbally inform the citizen of the reason for the stop."

Based on this provision in the County's collective bargaining agreement with the FOP, Executive Branch representatives told OLO that an unknown number of reportable traffic stops performed by MCPD officers from 2007 to January 2021 have occurred where data have not been collected, recorded, and reported to MCPD and the State, as required under state law.

Finding #9. MCPD data from 2019 indicate that MCPD officers conducted 106,077 traffic stops that resulted in 188,574 violations. Since 2015, data show the number of traffic-stop warnings increased, while the number of citations issued decreased following adoption of a state program.

Officers may give drivers a warning (written or electronic), a citation, a safety equipment repair order, or perform a physical arrest in the case of serious violations. In a single traffic stop, a driver could receive multiple warnings and multiple citations based on the violation(s) that occurred. An officer can issue a citation or a warning for each violation identified during a traffic stop, primarily at the officer's discretion.

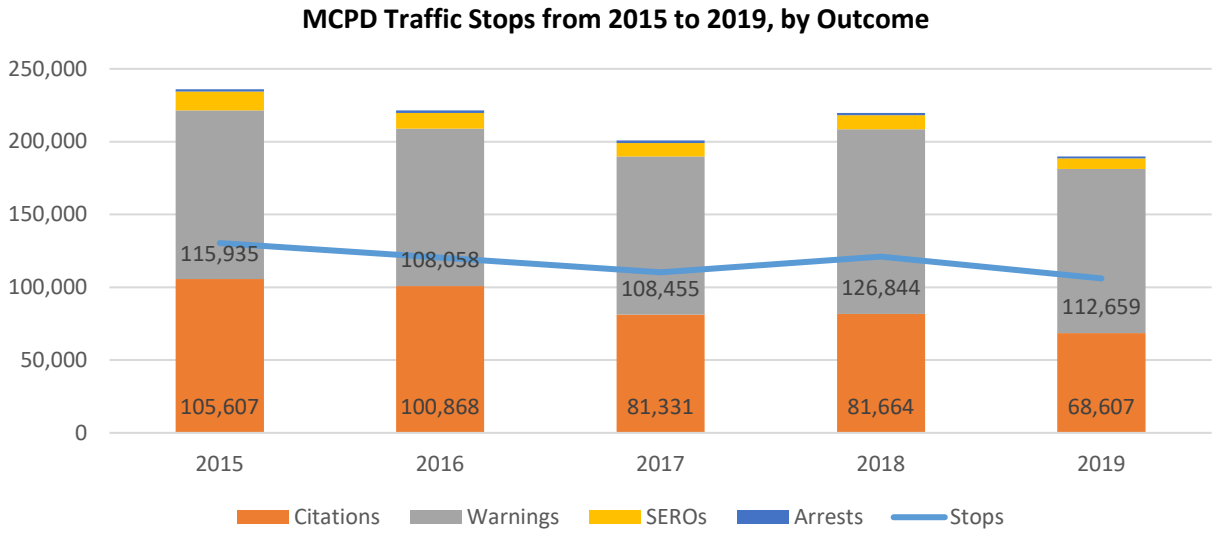
Action	Applied when:
Warning	Appropriate when the driver commits a violation that is due to ignorance of a recently enacted law or where a minor equipment defect is apparent. Can also be used in response to a minor traffic violation in a minimal traffic collision area.
Citation	Applicable when the driver has jeopardized the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, and parking violations.
Safety Equipment Repair Order	Applicable when a driver is operating an unsafe and/or improperly equipped vehicle.
Arrest	Applicable for violations listed in the Maryland Transportation Article § 26-202, such as driving when impaired by alcohol and/or a drug, driving when a license is suspended or revoked, any offense that caused bodily injury to another individual, etc.

Since 2015, MCPD has used the State of Maryland's Electronic Traffic Information Exchange Program (E-Tix) to review a driver's prior driving history when they are pulled over for a traffic violation. Typically, if a driver has a good driving history in the E-Tix database and the violation for which the driver was stopped is not significant or an immediate danger to public safety, MCPD officers will give the driver a warning as opposed to a citation. MCPD representatives report (and MCPD data support) since MCPD began using E-Tix in 2015, officers' ability to immediately see a driver's prior driving history has resulted in a decrease in the number of citations issued and an increase in the number of warnings issued.

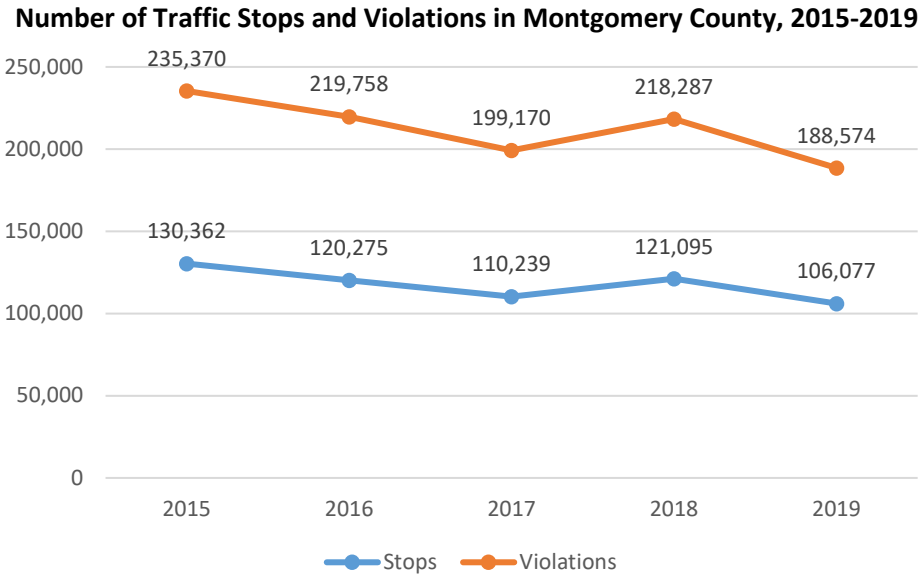
Excluding arrests for driving under the influence (DUI), MCPD officers arrested drivers, on average, in 1.3% of all traffic stops (1,467 stops) in a year between 2015 and 2019. During that same time period, MCPD officers

Government. The Fraternal Order of Police, Montgomery County Lodge 35 has represented the police bargaining unit in the County since the County established collective bargaining with police officers in 1982.

conducted, on average, 3,159 DUI arrests per year. DUI arrests are not reflected in the MCPD data in the next chart because MCPD tracks DUI arrests separately from arrests made during other types of traffic stops.



MCPD data show that officers identify an average of 1.8 violations in each traffic stop. Five violations, identified as most dangerous by MCPD, account for two-thirds of the most frequent driver violations cited during traffic stops (speeding, impaired driving, reckless driving, distracted driving, aggressive driving, seat belt use, and violating requirement to yield the right-of-way).



Automated Traffic Enforcement in Montgomery County

Finding #10. MCPD primarily utilizes speed cameras, red light cameras, and school bus cameras for automated traffic enforcement. Stakeholders report MCPD's speed camera program has consistently been a model for programs in other jurisdictions.

State law has allowed all jurisdictions in the state to use red light cameras since 1997, speed cameras since 2009, and school bus cameras since 2014. Montgomery County received state approval for a pilot program for speed cameras in 2006 and has operated it since 2007. MCPD began placing speed cameras on arterial roads in FY15 (mainly state-owned roads). MCPD must receive approval from the Maryland Department of Transportation State Highway Administration to place speed cameras on state roads and red light cameras at state-owned intersections.

Many jurisdictions have modeled their speed camera programs from Montgomery County's program. MCPD manages the speed and red light camera programs, while school bus cameras are jointly managed by MCPD and MCPS. The table below describes the current camera programs. MCPD also uses other technologies to assist with traffic enforcement, including variable message signs, SpeedAlert Boards, and radar/lidar speed measuring devices.

Montgomery County Automated Traffic Enforcement Types

Type	Description	#	Fines
Speed Cameras	• For use only on residential roads with a maximum posted speed limit of 35 MPH • Uses photo radar/Lidar to photograph rear license plates • Vehicles must exceed the speed limit by 12 MPH or more	38 fixed-pole 34 portable 5 mobile van	$40
Red Light Cameras	• Activates when motion is detected just prior to the stop line/stop bar after the traffic signal has turned red • Camera captures video of an alleged violation, taken from the rear of the vehicle	51	$75
School Bus Cameras	• When a school bus extends its stop arm, the camera detects any vehicle passing the stopped school bus • Camera captures video showing the violating vehicle, the vehicle's license plate, and the extended stop arm	1,382	$250

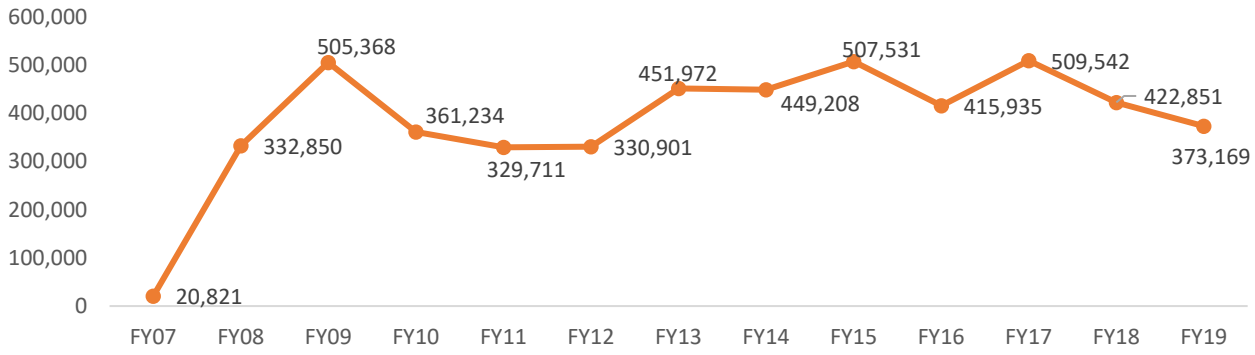
Note: Fines are collected by the County Department of Finance and the County uses revenues help expand funding for the Pedestrian Safety Initiative and Vision Zero. However, the revenue goes to the General Fund without an explicit earmark.

Finding #11. MCPD data show that in FY19, Montgomery County issued 373,169 citations for speed camera violations and 54,572 citations red light camera violations. Data also show that speed and red light cameras have a high accuracy rate.

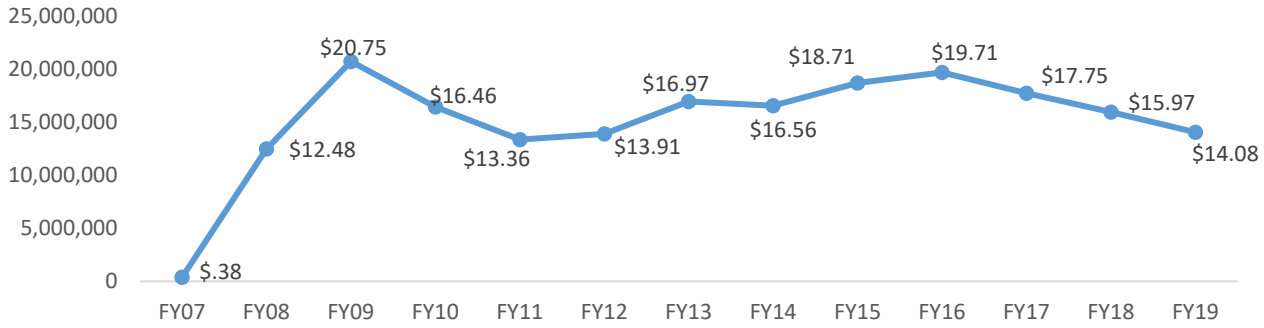
MCPD reports that in FY19, the automated systems issued 94% of speed camera events and 87% of red light camera events. The MCPD's process for reviewing each speed camera, red light camera, and bus camera violation includes five separate checkpoints for accuracy. Comparatively, other automated traffic enforcement programs in jurisdictions reviewed by OLO had, at most, three checkpoints.

MCPD representatives report that as drivers become accustomed to cameras, they change their driving behavior and MCPD expects citations to drop over time. MCPD attributes the annual fluctuations in citations to increases in the number of cameras and number of locations, changing driver behavior, and placement of the cameras. This type of fluctuation is consistent with OLO's interview with Trevor Hall, a leading expert in traffic enforcement technology, who indicated that a program is effective after the initial peak in citations from new cameras decreases or plateaus, along with reductions in speed, injuries, and fatalities. The next two charts show the number of speed camera citations and speed camera revenue, by year, since FY07.

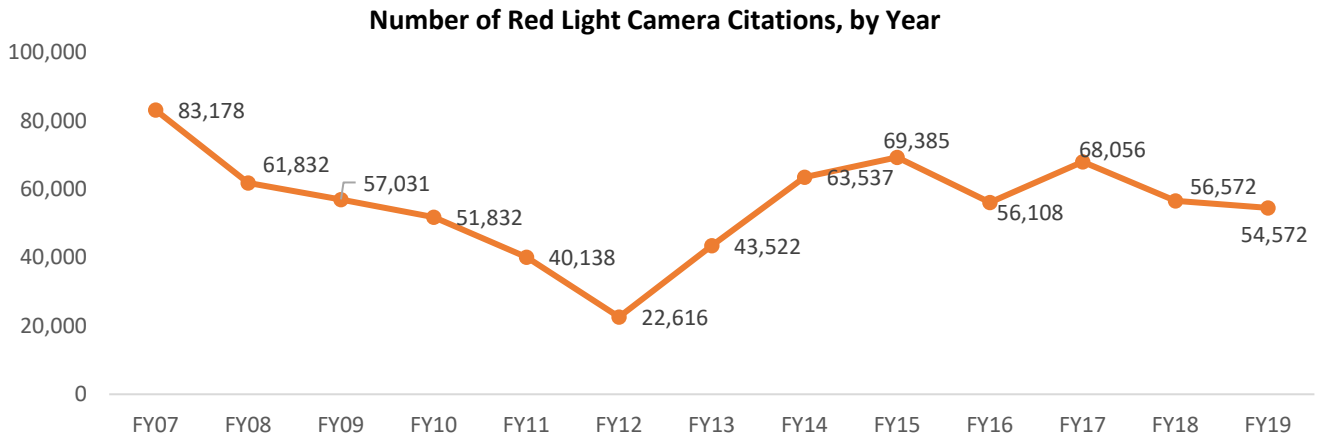
Number of Montgomery County Speed Camera Citations, by Year

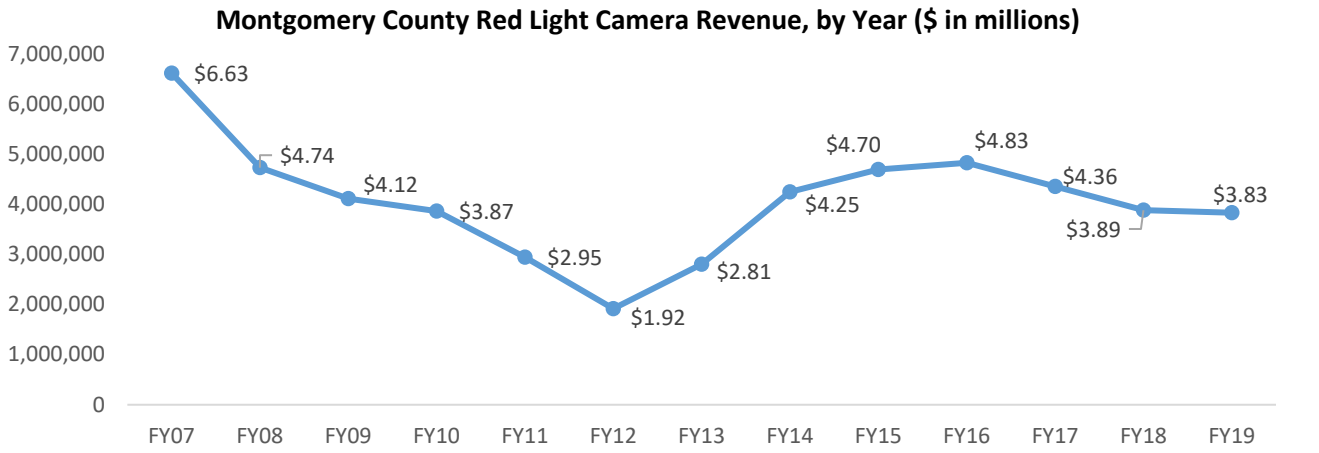


Montgomery County Speed Camera Revenues, by Year ($ in millions)



The County added 11 red light cameras between 2013 and 2016, bringing the total (and current) number of cameras to 51. The data in the charts below show an increase in red light camera citations in those years, followed by a decline as drivers become accustomed to the cameras. The second chart displays annual revenue.





Finding #12. The County is permitted by state law to place speed cameras in residential zones where the posted speed limit is 35 MPH or less and in school zones. MCPD uses a documented approach to identify locations within permitted zones. Studies show that MCPD's use of speed cameras changes driver behavior.

MCPD uses a five-step approach to evaluate potential speed camera locations that includes pre-enforcement verification of information, data collection, data analysis, site visits, and final approval. MCPD also identifies potential locations through citizen or community requests. MCPD reports that requests it receives for new speed cameras outweigh requests to remove cameras by 20 to 1. MCPD reviews potential camera locations based on data, including:

- Traffic studies that encompass vehicle speeds
- Crash data
- Road geography
- Right-of-way
- 85th percentile speed
- Roadway geography
- The presence of crosswalks, churches, schools, libraries, or other venues that would attract pedestrian traffic
- The presence of on-street parking (may block a camera)
- Road grade and elevation
- Whether it is a state or county road
- Other pertinent information

To document the location selection process for speed cameras, MCPD authors a speed camera assessment report that looks at six critical areas: speed endangerment, accident endangerment, pedestrian proximity, traffic volumetric, roadway design, and endangerment history.

Speed Endangerment	Reviews percentage of vehicles travelling 12-15 mph, 16-20 mph, and greater than 21 mph over the posted speed limit.
Accident Endangerment	Reviews property damage, injuries, and fatalities for a stretch of a road over a period of time. In assessments reviewed by OLO, the period was three years.
Pedestrian Proximity	Reviews whether the following are within 500, 1,000, or 2,500ft within the site: school/daycare, bus stop, playground/park, pool, no sidewalk, retirement facility, crosswalk, community center, library, and religious facility.
Traffic Volumetric	Reviews the traffic volume during the weekday rush-hour, the weekday non-rush hour times, and the weekend.
Roadway Design	Reviews the grade of a road (downhill or uphill, level, and curve), road type (major arterial and primary or secondary residential road), number of intersections with yield or stop signs, if there is a bike lane, if there is a wide shoulder, if there are separate turn lanes, and if there is a median divider.
Endangerment History	Reviews whether this stretch of road has had an individual concern or multiple concerns and for how many years these concerns have been received.

As the County's speed camera program grew, drivers became aware of speed cameras and decreased speed at a camera location and increased speed past a camera. To account for this behavior, the County began rotating speed camera locations and implemented a "corridor approach" in some places in the County for camera placement. MCPD places multiple cameras along a segment of a road that has been identified by traffic data as a high collision zone. Camera locations are periodically moved along the identified road. Signage notifies motorists that they are entering a "Speed Camera Corridor."

The Insurance Institute for Highway Safety (IIHS) studied the County's corridor approach in 2015 and found that the approach drastically decreased the likelihood of drivers exceeding the speed limit by more than 10 miles per hour. The County currently has 80 Speed Camera Corridors that encompass 1,032 blocks.

Finding #13. Currently, 33 of the 51 red light cameras in Montgomery County are located at state-owned intersections, which requires state approval for placement. Since 2011, the State Highway Administration has rejected County applications for red light cameras at 16 state intersections.

County data have shown the greatest need for red light cameras is at state-owned intersections – 58 percent of serious injuries and 56 percent of fatal crashes occurred on state roads in the County. To place a red light camera in a state-owned intersection, MCPD first conducts its local evaluation process followed by an approval process by the MDOT State Highway Administration. Montgomery County's Office of the County Attorney disagrees that MDOT SHA has the legal authority to perform the extensive review of the County's requests for placement of red light cameras in the manner that MDOT SHA does.

MDOT SHA based its rejections on the County's decision making and Executive Branch representatives report that this hinders the County's ability to fully implement Vision Zero. MDOT SHA's rejections assert that the County lacks data justifying red light cameras in requested locations (e.g., not a significant left turn crash issue; not a significant number of crash angles; high number of rear-end collisions; no discernable crash pattern or

problems that would be correctible by the installation of a red light camera). Without red light cameras at these state road intersections, MCPD relies on in-person traffic enforcement. MCPD representatives report that in-person enforcement for red light violations exposes officers to increased dangerous traffic conditions and it limits the number of violators able to be caught.

Changing Approaches to Traffic Enforcement in the United States

Finding #14. Traffic stops are the most common interaction between police officers and the public. Studies show that Black and Latino drivers are stopped and searched during traffic stops for lower-level traffic violations at disproportionately higher rates compared to White drivers. MCPD is currently undergoing an audit to identify racial biases in existing police practices, including traffic enforcement.

In 2015, of the 253.6 million people in the United States age 16 or older, almost 22 million (8.6%) had contact with a police officer when stopped as a driver during a traffic stop. Between 2015 and 2019, MCPD data showed an average of 117,610 traffic stops per year by the department.

Social science research on in-person traffic enforcement distinguishes between two categories of traffic stops: (1) traffic stops for driving behaviors that are the most dangerous – the most likely to lead to serious or fatal collisions or crashes, and (2) traffic stops for "other traffic violations." This report refers to the first category as stops for "collision contributing violations" and the second category as stops for "other traffic violations."

Numerous studies in the United States show disproportionate racial disparity in police stops, particularly for traffic stops for "other traffic violations," which include situations where police stop drivers for, among other things, minor driving violations, expired registrations, and/or equipment malfunctions, where an officer had authority to make a stop because of a technical violation of the traffic code but not because drivers were driving in a dangerous or unsafe manner. Examples of research and research papers documenting and describing racial disparities in traffic stops for "other traffic violations" include:

- Rushin, Stephen, et al., "An Empirical Assessment of Pretextual Stops and Racial Profiling," 73 *Stanford Law Review* (2021)
- Pierson, Emma, et al., "A large-scale analysis of racial disparities in police stops across the United States," *Nature Human Behavior* Vol. 4, (July 2020)
- Fliss, Mike Dolan et al., "Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities," *Injury Epidemiology* 7, 3 (2020)
- Baumgartner, Frank R., et al., "Racial Disparities in Traffic Stop Outcomes," 22 *Duke Forum for Law & Social Change* (2017)
- Baumgartner, Frank R., et al., "Targeting young men of color for search and arrest during traffic stops: evidence from North Carolina, 2002–2013," *Politics, Groups, and Identities* (2016)
- Gordon, Daanika, et al., "Linking Racial Classification, Racial Inequality, and Racial Formation: The Contributions of *Pulled Over*," 44 *Law & Social Inquiry* (2019)

- Conner, Marco, "Traffic Justice: Achieving Effective and Equitable Traffic Enforcement in the Age of Vision Zero," 44 *Fordham Urban Law Journal* (2017)

Conversely, research shows little or less racial disparities in traffic stops for collision contributing traffic violations.

OLO is aware of two publicly-available sources that address racial bias in traffic enforcement in the County. In 2000, the U.S. Department of Justice, Montgomery County, and the Fraternal Order of Police, Montgomery County Lodge 35 entered into a Memorandum of Agreement (MOA) to settle an allegation that County police officers engaged in racially discriminatory conduct in violation of federal law. The MOA did not include any admission, acknowledgement, or evidence of liability by the County, MCPD, or the FOP regarding racially discriminatory conduct of officers alleged in a complaint to the DOJ. In the MOA, however, the County agreed to begin collecting data on all traffic stops, including data on the race and ethnicity of drivers.

In 2020, Office of Legislative Oversight Report 2020-9, *Local Policing Data and Best Practices*, analyzed publicly-available MCPD data from 2019 on traffic stops and found "wide disparities in police interactions by race and ethnicity." OLO concluded the disparities found in the data analysis merited additional research to identify whether the disparities were due to racially-biased policing.

Currently, the organization Effective Law Enforcement for All (ELE4A) is undertaking an audit of MCPD that includes an assessment of whether data on MCPD law enforcement shows evidence of racial bias. Among other things, the audit will include:

- An assessment of the "impact of enforcement operations on historically marginalized and discriminated against populations;"
- Investigation of "[p]atterns and trends in encounters with the public – particularly field contact and pedestrian stops, traffic stops, and investigatory stops;" and
- Investigation of "outcomes of stops: diversion, questioning, warning, frisks, searches and seizures, ticketing, arrests, and use of force."

MCPD representatives report that results of the audit should be complete sometime in the fall of 2021.

Finding #15. Backed by research, many stakeholders in the transportation and law enforcement fields promote increased use of ATE technology as a way to reduce racial disparity in traffic enforcement.

OLO received feedback from several stakeholder groups in the County that support increased use of ATE technology. Stakeholders cautioned against program implementation that could result in opportunities for racial disparity in the use of ATE. In particular,

- The use of automated traffic enforcement systems (e.g., speed cameras, red light cameras) can present the opportunity for racial biased in the operation of the systems. For example, jurisdictions could place cameras on roads used more often by drivers who are people of color or in neighborhoods where a

larger proportion of the residents are people of color while not placing cameras on roads or in neighborhoods where residents are primarily White.

- Programs that use front-facing cameras that take a picture of a driver present the possibility of disparate enforcement – if government workers reviewing citations disproportionately reject citations of White drivers while issuing citations for drivers who are people of color.
- Stakeholders also raise concerns about ATE systems that use facial recognition technology, citing unreliable results from the technology.

Based on requirements in Maryland law, Montgomery County's ATE program uses only pictures of the rear of a vehicle and does not include pictures of the driver. Additionally, OLO has not found nor received any information suggesting that the County's placement of ATE cameras is resulting in disproportional enforcement based on race.

Finding #16. In some cities, transportation departments manage automated traffic enforcement programs.

Transportation departments in Baltimore City, Chicago, and New York City have managed their cities' automated traffic enforcement programs from each program's inception. In 2019, the Mayor of the District of Columbia transferred operation of the city's ATE program from the Metropolitan Police Department to the District Department of Transportation.

City, State	Responsible Department	No. of Approved ATE Types	No. of Reviews Before Citation Issued	Violation Reviewed By
Baltimore, MD	BCDOT	3	3	Program Contractor, City's Quality Assurance Analyst, Police Department
Chicago, IL	CDOT	2	2	Program Contractor and Department of Revenue
New York, NY	NYC DOT	2	1	NYC DOT staff
Washington, DC	DDOT	5	1	DDOT staff

Finding #17. Four jurisdictions are studying or have initiated efforts to move traffic enforcement responsibilities from their police departments to non-law enforcement departments.

Jurisdictions Considering Removal of Traffic Enforcement from Police Authority

City, State	Status	Transfer of Authority To (Existing/New Department)
Berkeley, CA	Study In Progress	Department of Transportation (New)
Brooklyn Center, MN	Adopted	Three new departments, including Department of Traffic Enforcement
Cambridge, MA	Study Requested	Traffic, Parking, and Transportation Department (Existing)
Washington, DC	Study Released	Department of Transportation (Existing)

As of this report's release, none of the four jurisdictions have completed the transfer:

- Berkeley, California's City Council adopted a proposal to move traffic and parking enforcement responsibilities from police to a new transportation department with civilian workers, remove police officers from responses to mental health and homeless outreach calls, and reallocate 50% of the police budget to other departments to undertake the reassigned work. In addition, the City Council adopted recommendations by the Mayor to de-prioritize low-level traffic offenses for traffic stops and focus more on traffic violations for collision contributing traffic violations. A comprehensive audit on reimagining the police department is underway and the City plans on lobbying for changes to state law to permit traffic enforcement by civilians.

- Brooklyn Center, Minnesota approved a new departmental structure and system for handling emergencies and traffic enforcement, and responses to medical, behavioral, or social needs. Emergency calls would come through the new Department of Community Safety and Violence Prevention and those calls would be routed to police, fire, traffic enforcement (new), and community response (new) departments. The new traffic enforcement department would only handle non-moving violations, such as parking violations, and the police would still handle all other violations, such as speeding. The city is currently in the process of selecting an implementation committee.

- Cambridge, Massachusetts's City Council has requested a study by the City Manager on transferring primary traffic enforcement responsibilities from police to transportation, but police would still be responsible for situations that go beyond routine traffic enforcement, such as apprehending known criminals and dangerous/erratic drivers. As of July 2021, a report has not been issued.

- Washington DC's Police Reform Commission released a study, which includes transferring traffic enforcement from police to transportation for violations that do not imminently threaten public safety (e.g., general mechanical issues), prohibiting traffic stops solely based on vehicle operation infractions that are not an immediate threat to public safety, prohibiting pretextual stops (unless an officer receives supervisor approval), repealing or revising traffic regulations where violations do not threaten public safety, and prohibiting Traffic Safety Compliance Checkpoints except when responding to community complaints about traffic violations that pose a threat to public safety. No changes have been made yet by the DC Council.

Finding #18. Several jurisdictions nationwide are using or proposing options to reduce the number of traffic stops in their jurisdictions or the use of un-armed police/civilians for traffic enforcement.

Based on racial equity and social justice and/or budget concerns, several jurisdictions are reviewing proposals to change traffic enforcement. The table below lists jurisdictions working to reduce the number of police traffic stops for "other traffic violations" (see definition in Finding #14) – some having their police officers prioritize traffic stops for collision contributing traffic violations and some changing officers' authority to stop drivers for certain offenses. Some jurisdictions are also considering changes to their traffic enforcement efforts to use unarmed employees (police or civilian) to conduct traffic enforcement.

City, State	Status	Policy or Law Change	Observed Impact
Reducing Traffic Stops for "Other Traffic Violations"			
Fayetteville, NC	No longer in effect	Prioritized traffic stops for collision contributing violations	Decrease in traffic fatalities, use of force, and racial disparities
Lansing, MI	Currently in Effect	Prohibit traffic stops for secondary offenses	Not available at this time
Madison, WI	Currently in Effect	Prioritized serious traffic offense (e.g., drunk driving) due to insufficient staffing	Increase in speeding and traffic fatalities; continued racial disparities
Oakland, CA	Currently in Effect	De-prioritization of stops for "other traffic violations"	Improved, but continued racial disparities
State of Virginia	Enacted	Reclassified certain traffic violations from primary violations to secondary violations, reducing officers' authority to make traffic stops for those violations	Not available at this time
Using Un-armed Personnel for Traffic Enforcement			
Los Angeles, CA	Request for Proposals	Use of civilian enforcement of traffic laws	Not available at this time
Philadelphia, PA	Approved, hiring to start in FY22	Use of un-armed public safety enforcement officers	Not available at this time

Changing Approaches to Traffic Enforcement in Montgomery County

Finding #19. Montgomery County cannot legally remove in-person or automated traffic enforcement responsibilities from MCPD without changes to current state law.

Maryland state law specifically empowers police officers to conduct in-person traffic enforcement in the state and empowers local police departments to operate automated traffic enforcement programs. Without a change to state law, Montgomery County could not give traffic enforcement responsibilities to non-sworn County employees in the Department of Transportation.

In the 2021 session of the Maryland General Assembly, Montgomery County's delegation of representatives introduced House Bill 564 (HB 564), which would have allowed Montgomery County to transfer operation of the

County's three automated traffic enforcement programs from the Montgomery County Police Department to the County's Department of Transportation, at the County's discretion. Ultimately, HB 564 was not enacted by the General Assembly before the legislative session ended in April 2021.

Internal MCPD policies and procedures provides the department some authority to direct its approach to traffic enforcement. See Finding #21, below.

Limitations on Implementing Changes to Traffic Enforcement in Montgomery County

Suggested Change	Limitations
Increased use of automated traffic enforcement	• State law limits where the County can place speed cameras • Expanding the types of roads on which speed cameras could be placed would require changes to state law • Placing County speed and red light cameras on state-owned roads requires state approval • Moving operation of ATE from MCPD to MCDOT would not expand the County's ability to place speed cameras outside residential and school zones
Ending traffic stops for secondary offenses	• State law governs officers' authority to enforce traffic laws in the state • Ending traffic stops for secondary offenses statewide would require a change in state law and/or a change in MCPD traffic enforcement policies
Removing traffic enforcement responsibilities from MCPD	• State law specifically authorizes sworn police officers to enforce traffic laws in MD • Changes would require changes to state law

Finding #20. In preliminary thinking about undertaking traffic enforcement responsibilities, MCDOT reports that it would likely make few changes to the County's automated traffic enforcement program but it would significantly rely on automated enforcement and would not conduct in-person stops of drivers for traffic code violations.

If the County moved responsibility for its automated traffic enforcement programs to MCDOT, MCDOT representatives report that they do not foresee changing the program in any significant way. They report that MCPD's implementation of the program is sound (and MCPD's program has helped establish best practices for ATE programs in other jurisdictions across the country).

Additionally, MCDOT does not envision that camera placement would change because (1) MCDOT would not have any additional authority under state law to place speed cameras in locations where MCPD cannot, and (2) MCPD and MCDOT use the same data. MCDOT representatives do not believe that evaluations of camera placement by MCDOT would result in significantly different results or decisions about camera placement than decisions from evaluations by MCPD. MCPD and MCDOT have also told OLO that both departments receive requests from residents and stakeholders for placement of speed cameras in: (1) locations that are not permitted under state law, and (2) locations where the data do not support placement of a speed camera.

MCDOT representatives also report that in their preliminary thinking, they likely would not undertake in-person traffic enforcement in the same manner as MCPD because MCDOT employees are not sworn law enforcement officers and the concern of safety for the employees. MCDOT would likely look for ways to undertake traffic enforcement that involve additional use of cameras – using employees or dash-mounted cameras to record traffic code violations and then mailing citations to drivers. MCDOT is also aware that state law does not authorize this type of enforcement. MCDOT representatives report the department would likely focus on

enforcing traffic laws for collision contributing traffic violations (e.g., Focus on the Five) as opposed to enforcement for traffic violations that do not typically result in crashes with fatalities or serious injuries.

Finding #21. The County Government has authority to change internal County policies and procedures regarding traffic enforcement. Changes like directing officers to prioritize traffic stops for collision contributing violations can further County goals of promoting fairness and reducing bias, improving safety, improving organizational efficiency, and implementing Vision Zero.

MCPD has the authority to direct the work and practices of its officers. For example, MCPD's prioritization of traffic stops for collision contributing violations by officers in its new Centralized Traffic Unit follows recommendations by the County's Vision Zero program to focus traffic enforcement on the most dangerous, safety-related driving behaviors – collision contributing traffic violations. MCPD directs these officers to focus on and enforce specific traffic laws.

In addition, MCPD issues Function Codes – department policies on topics such as searches and seizures, arrests, investigations, and prisoner procedures. Function Code 1000, issued in January 2021, governs traffic management and enforcement. Among other things, the Function Code outlines guidelines for how officers should apply traffic laws and includes a prohibition on officers making race-based traffic stops.

Other jurisdictions have changed their internal procedures to have their officers prioritize traffic stops for collision contributing violations. The two jurisdictions highlighted below made internal changes to, among other things, reduce the use of traffic stops for "other traffic violations" with the goal of decreasing racial disparity in their traffic enforcement. Fayetteville's changes were also made with the goal of reducing traffic collisions in the city.

- **Fayetteville, North Carolina** provides one example of a jurisdiction changing its traffic enforcement policies to achieve outcomes. Data analysis on Fayetteville's prioritization of traffic stops for collision contributing violations between 2013 and 2016 showed that increasing these types of traffic stops resulted in (1) reductions in racial disparities in traffic stops, (2) reductions in crashes resulting in serious injuries or fatalities, (3) decreased traffic stops for "other traffic violations," and (4) no changes in crime rates for non-traffic-related crime.

- **Lansing, Michigan** provides another example. In 2020, Lansing, Michigan expressly changed its internal police department policy to end officers' authority to stop drivers for secondary traffic violations. The Mayor of Lansing said the change was in response to reports of bias by police officers and data that showed 15 percent of traffic stops in the prior year were initiated based on secondary violations (e.g., cracked windshields or taillights, dangling ornaments, loud exhaust, window treatments, inoperable license late lamp).

B. Recommendations and Discussion Items for Council Consideration

As noted at the beginning of this chapter, the County Council requested this Office of Legislative Oversight (OLO) report to gather information about traffic enforcement in Montgomery County and to assess how moving traffic enforcement responsibilities from the Montgomery County Police Department (MCPD) to Montgomery County Department of Transportation (MCDOT) may impact goals that are important to the Council, including promoting fairness and reducing bias, improving safety and efficiency, and implementing Vision Zero.

OLO found a substantial amount of research and data on traffic safety and enforcement in the United States. Data and information show that:

- A focused set of driving behaviors that includes speeding, failure to obey signals at intersections, and distracted and impaired driving lead to a significant portion of serious or fatal collisions;
- Roadway design and operation play ***the*** fundamental role in achieving the County's Vision Zero goal of ending serious and fatal collisions, with traffic enforcement and education programs as important compliments to safe street design;
- National research shows that racial disparity in traffic stops by police officers is seen primarily in traffic stops for "other traffic violations" – where officers stop vehicles for technical traffic code violations, not because a driver was driving in a dangerous or unsafe manner;
- National research also has found much less racial disparity in traffic stops for collision contributing traffic violations;
- Vision Zero and MCPD are working together in the County to focus MCPD's targeted traffic enforcement efforts on enforcement against collision contributing traffic violations. MCPD's general patrol officers will continue to conduct traffic stops for both collision contributing violations and for "other traffic violations;"
- Montgomery County's use of speed cameras reduces drivers' speed and reduces the likelihood that a crash results in a fatal or incapacitating injury;
- Many stakeholders advocate for increased *equitable* use of automated traffic enforcement, like speed cameras, because the technology provides an efficient means of traffic enforcement with little opportunity for racially disparate outcomes.

Current state law does not allow the County Government to remove traffic enforcement authority from MCPD. Absent this authority, OLO recommends the Council examine options to further its goals that can be accomplished without changes to state law. The Office of Legislative Oversight presents the following recommendations for Council consideration.

Recommendation # 1. Continue to fund the County's Vision Zero program and the expanded use of automated traffic enforcement technology.

Redesigning and reconfiguring the County's roadway system so that driving mistakes do not lead to serious injury or death is key to fully realizing the County's Vision Zero plan. Reaching that milestone will take many years and billions of dollars in funding. Until then, traffic enforcement will play a primary supporting role in the County's Vision Zero implementation. Automated traffic enforcement is a highly efficient way to address some of the most dangerous driver behaviors – speeding and failure to obey traffic signals at intersections – and provides racially-

neutral enforcement when implemented in an equitable way (e.g., equitable placement of cameras, using rear-facing cameras).

OLO recommends that the Council continue to fund the County's Vision Zero program and provide the necessary resources to implement and expand the County's automated traffic enforcement programs. Supporting these two programs can help achieve the Council's goals of promoting fairness and reducing bias, improving safety and efficiency, and implementing Vision Zero – within the context of the County's current legal authority (see following recommendation and discussion items).

Recommendation # 2. Ask the County Executive to identify, evaluate, and implement changes to County traffic enforcement policies and procedures that do not require changes to state law.

Jurisdictions around the country have made changes to traffic enforcement policies and procedures in pursuit of various goals – primarily seeking to racial disparities in traffic enforcement and to reduce serious injuries. Many implemented changes without the need to change state or local laws. County-issued directives such as MCPD Function Code 1000 on traffic management allow the County to establish police traffic enforcement policies and procedures and provide direction to officers on implementation.

OLO recommends that the Council ask the County Executive to identify ways to change County traffic enforcement policies and procedures to heighten equity in enforcement. For example:

- Prioritize traffic stops for collision contributing traffic violations and/or decrease use of traffic stops for "other traffic violations" across MCPD. Options could include:
    - Analyze the state Traffic Code to identify violations that are not likely to result in roadway danger and change County policy to discontinue traffic stops for those violations.
    - Evaluate defects listed in state law for which police officers can issue safety equipment repair orders. Identify defects that do not present roadway safety hazards and change County policy to discontinue traffic stops for those defects.

Discussion Item # 1. Several types of changes to Maryland law could further the Council goals of promoting fairness and reducing bias, improving safety and efficiency, and implementing Vision Zero. Examples include:

- Expand where Montgomery County is authorized to place speed and red light cameras;
- Change MDOT SHA's review process for County proposals to place red light cameras at state intersections;
- Decriminalize traffic code violations that do not present roadway safety hazards;
- Make non-safety-related traffic code violations secondary offenses under state law; and
- Institute an annual state-required vehicle inspection program and significantly curtail police officers' use of safety equipment repair orders in Maryland.

Discussion Item # 2. If the Council is interested in moving traffic enforcement responsibilities from the Montgomery County Police Department to the County's Department of Transportation, the Council should advocate for the necessary changes to state law.

Chapter 11. Agency Comments

The Office of Legislative Oversight sent a draft of this report to the County Executive on Wednesday, June 30, 2021 and a revised chapter of findings and recommendations on Monday, July 12, 2021, with a request that the parties provide OLO: (1) technical comments on and corrections to the report, and (2) written comments on the report findings and recommendations for inclusion in the final report. The written comments on the report findings and recommendations are attached on the following pages.

In addition to the written comments, Executive Branch staff also met with OLO staff to discuss edits to the report and sent written recommended technical edits. This final report reflects the Executive Branch's comments that OLO incorporated into the report.

OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

Richard S. Madaleno
Chief Administrative Officer

M E M O R A N D U M

July 21, 2021

TO: Chris Cihlar, Director
Office of Legislative Oversight

FROM: Richard S. Madaleno, Chief Administrative Officer

SUBJECT: Draft OLO Report 2021-10: Traffic Enforcement Study

Thank you for the opportunity to comment on the Office of Legislative Oversight's (OLO) Draft Report 2021-10: Traffic Enforcement Study. The County Executive is committed to fair and unbiased policing in all facets to include traffic enforcement. The draft report included the following recommendations:

Recommendation #1: Continue to fund the County's Vision Zero program and the expanded use of automated traffic enforcement technology.

CAO Response: We agree with this recommendation. The County's Vision Zero efforts have been valuable to advancing the County's Vision Zero goal of ending serious and fatal crashes. The County's traffic enforcement and education programs have also been important compliments to safe street design. The County's automated speed enforcement model will be expanded in the future to include more automated enforcement cameras as part of the new automated enforcement contract that is currently under review by the Office of Procurement.

Recommendation #2: Ask the County Executive to identify, evaluate, and implement changes to County traffic enforcement policies and procedures that do not require changes to state law.

CAO Response: We agree with this recommendation and have already taken steps to evaluate actions that the County can take to improve outcomes of traffic enforcement. The Police Department now includes the Centralized Traffic Unit which will focus on more directed traffic enforcement and education by analyzing traffic safety data and responding to complaints from residents that cannot be handled via automated enforcement. The Chief of Police has also initiated a new policy for documenting traffic stops, as part of the update for Function Code 1000 – Traffic Enforcement, which requires that all traffic stops be documented. Additionally, the

Police Department is under an audit by Effective Law Enforcement for All, which includes a review of traffic enforcement. This review should provide a more in-depth analysis of any issues that may be identified in the audit and, subsequently, the Chief of Police will address these issues for more effective traffic enforcement.

Discussion Item #1: Several types of changes to Maryland law could further the Council goals of promoting fairness and reducing bias, improving safety and efficiency, and implementing Vision Zero.

CAO Response: We agree that some changes to state law that would allow more automated enforcement and reduce police contacts for low level traffic violations could improve safety and create more equitable outcomes.

Discussion Item #2: If the Council is interested in moving traffic enforcement responsibilities from the Montgomery County Police Department to the County's Department of Transportation, the Council should advocate for the necessary changes to state law.

CAO Response: We agree with this assessment and recognize changes to state law would be needed for any change to the responsibilities of traffic enforcement.

We look forward to discussing these items at the Council session.

cc: Fariba Kassiri, Deputy Chief Administrative Officer
Adriana Hochberg, Assistant Chief Administrative Officer
Caroline Sturgis, Assistant Chief Administrative Officer
Marcus Jones, Chief, Montgomery County Police Department
Chris Conklin, Director, Department of Transportation
Ken Hartman, Director of Strategic Partnerships, Office of the County Executive
Earl Stoddard, Director, Office of Emergency Management and Homeland Security

Appendix A: International Traffic Enforcement

The United States has often looked abroad for new traffic enforcement automated devices and strategy. This appendix reviews automated traffic enforcement for three countries who have influenced the US and it also focuses on international use of unarmed police or civilian for in-person traffic enforcement.

A. Automated Traffic Enforcement

1. United Kingdom

The United Kingdom (UK) began using automated traffic enforcement in 2000 following a successful speed camera pilot program in West London in the 1990s.[1] Beginning with speed cameras in eight areas,[2] the program was then expanded nationally.[3] ATE programs in the UK are operated by police departments.

Traffic safety enforcement has long been a priority in the United Kingdom and today, the UK has one of the lowest traffic-related fatality rates in the world, at 3.1 per 100,000 residents, compared to the United States traffic-related fatality rate of 12.4 per 100,000 residents.[4] Due to a 36 percent reduction in traffic officers since 2010, the UK relies highly on automated traffic enforcement to keep its traffic fatality rates low.[5] ATE programs in the UK are operated through partnerships between the national government and local governments and police departments.

ATE programs in the UK differ from Montgomery County's program in two significant ways. First, the driver of a vehicle (not the vehicle owner) receives a citation and, second, fines from ATE citations in the UK are significantly higher than in Montgomery County. Identifying the driver of a vehicle can be burdensome at times. To mitigate the burden the UK imposes a fine on the vehicle owner that is greater than the penalty for the driving offense for not providing the driver's name.

The minimum fine for a speed camera citation in the UK is £100 ($138.50[6]), imposed when a driver goes 11 mph over the speed limit. As a driver's level of speeding increases, so do fines. Drivers can be fined up to £1,000 ($1,385) on local roads or up to £2,500 ($3,463) on larger roads/motorways.[7] These higher fines are triggered

[1] The National Safety Camera Program Four-Year Evaluation Report, PA Consulting Group, December 2005, Page 4, available at http://speedcamerareport.co.uk/4_year_evaluation.pdf

[2] Cleveland, Essex, Lincolnshire, Northants, Nottingham, South Wales, Thames Valley, and Strathclyde

[3] The National Safety Camera Program Four-Year Evaluation Report, PA Consulting Group, December 2005, Page 4, available at http://speedcamerareport.co.uk/4_year_evaluation.pdf

[4] Global Status Report on Road Safety 2018, the World Health Organization, at p. 259, 275. The UK also developed the National Driver Offender Retraining Scheme, a series of courses to reeducate low-level offending drivers on traffic safety.[4] The Scheme now includes seven courses and in 2018, data showed that the courses were more effective at reducing repeat speed offenders than receiving fines over three years.

[5] Road Safety Enforcement Strategy: Raising the Game, by Road Safety Support Ltd., September 2019, Page 11, available at https://www.roadsafetysupport.co.uk/sites/default/files/Road%20Safety%20Support%20-%20Enforcement%20Strategy%20-%20Raising%20the%20Game%20September%202019%20re%20edited%20August%202020.pdf

[6] As of February 2021.

[7] New UK Speeding Fines: Law Changed Explained, by Martin Saarinen, Auto Express, April 27, 2017, available at https://www.autoexpress.co.uk/car-news/consumer-news/98388/new-uk-speeding-fines-law-changes-explained

by excessive speeds (starting at 21 mph over the speed limit) and the floor for the fines is 150% of the offender's weekly salary.
For highways or larger roads, the UK uses average speed camera systems, which capture a driver's speed at two separate points on a road (at least 200 meters or 656 feet) and calculates the driver's average speed. If the average speed exceeds the speed limit, the driver will receive a citation.[8] Average speed camera systems reduce the practice of drivers slowing for a speed camera and then speeding back up, facilitating a smoother flow of traffic.[9]

Like Montgomery County, the UK uses data to place automated speed enforcement cameras on roads that have concentrated clusters of more collisions. When placing cameras, officials examine data, including:

- Current vehicle speeds;
- The proportion of vehicles exceeding the speed limit in free-flowing conditions; and
- The proportion of different collision types and the causes of these conditions.[10]

Safety engineering solutions may include mobile or fixed speed cameras or average speed camera networks. Other enforcement techniques can include:

- Traditional police enforcement (police officer posted in an area);
- Speed indicator device/signs;
- Temporary speed signs; and
- Community watches.[11]

A community watch is when community volunteers work with the police department by monitoring and recording drivers exceeding the speed limit or not wearing seat belts.[12]

Representatives from UK-based Road Safety Support, a non-profit that provides services to governments internationally regarding road casualty reduction with a focus on automated speed enforcement, report to OLO that data shows that the most effective use of automated traffic enforcement is the use of average speed camera networks, with mobile cameras that can change locations.[13] Use of mobile cameras that are moved around give the perception of high enforcement levels and increase "the subjective risk of apprehension and the likelihood of being detected."

[8] The Need for Speed (Cameras), by the Automobile Association, available at https://www.theaa.com/driving-advice/legal/speed-cameras
[9] Ibid and interview with Trevor Hall, Road Safety Support Ltd.
[10] Use of Speed and Red-Light Cameras for Traffic Enforcement: Guidance on Deployment, Visibility, and Signing, Department for Transport Circular 01/2007, January 31, 2007, Page 4, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/465165/dft-circular-0107.pdf
[11] Road Safety Enforcement Strategy: Raising the Game, Page 29
[12] Lancaster County Council Speed Management Program, available at https://www.lancashire.gov.uk/lancashire-insight/community-safety/lancashire-county-council-speed-management-programme/
[13] Interview with Trevor Hall, Road Safety Support, December 14, 2020.

2. France

France is also a leader in traffic safety enforcement and has a traffic-related fatality rate of 5.5 per 100,000 residents.[14] France's Automatic Speed Enforcement Program (ASEP) is administered by the Ministry of Interior[15] in conjunction with national and municipal police forces. The National Agency for Automated Offense Processing centrally manages the processing of violations.[16] The ASEP program is based on three principles:

- The certainty of punishment – high probability of being caught and ticketed for a violation;
- Swift punishment – fines issued within eight days and demerit points are added to owners' records; and
- Severity of punishment –fines and demerit points are proportional to excessive speed.[17]

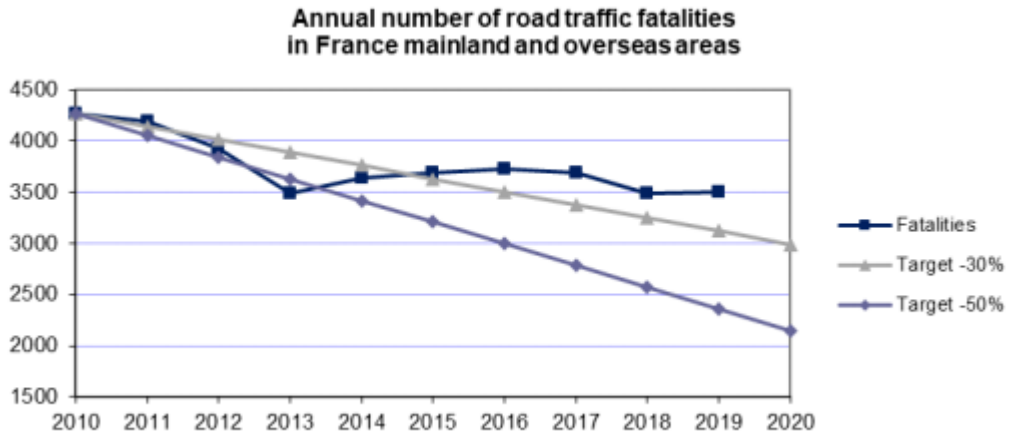
France's automated traffic enforcement relies heavily on two components – visible, fixed automated cameras and mobile cameras in unmarked police vehicles. Fixed cameras are linked together in a network across the county drivers are likely to encounter a speed camera at some point on the country's roads and freeways.[18] Mobile camera units provide uncertainty for drivers making the system harder to evade and can help prevent the effect of drivers slowing down for speed cameras and then speeding up again.[19]

France's use of ATE and other enforcement techniques has resulted in reduced road deaths in recent years, with a reduction of 0.8% in 2017 and 4.9% in 2018.[20] Measures used included:

- Use of covert cameras in unmarked vehicles;
- Reduction of speed in rural roads from 90 kilometers per hour (kph) to 80 kph (equivalent to a transition from about 56 mph to 50 mph); and
- Use average speed camera technology.[21]

The next chart shows the number of road fatalities between 2010 and 2019, reported in the 2019 Road Safety Annual Report by the French Road Safety Observatory[22].

[14] WHO's Global Status Report on Road Safety 2018, Page 147
[15] Sécurité Routière, French Ministry of Interior, available at https://www.securite-routiere.gouv.fr/
[16] About ANTAI, available at https://www.antai.gouv.fr/a-propos?lang=en
[17] Road Safety Enforcement Strategy: Raising the Game, by Road Safety Support Ltd., September 2019, Page 19, available at https://www.roadsafetysupport.co.uk/sites/default/files/Road%20Safety%20Support%20-%20Enforcement%20Strategy%20-%20Raising%20the%20Game%20September%202019%20re%20edited%20August%202020.pdf
[18] Automated Speed Enforcement: What the French Experience Can Teach Us, by Lauren Carnis, 2009, Page 5, available at https://hal.archives-ouvertes.fr/file/index/docid/430965/filename/carnis_perth_peer-reviewed_paper.pdf
[19] The Benefits of Automated In-Vehicle Traffic Enforcement, by Philip Wijers, Making Traffic Safer, March 3, 2017, available at https://making-traffic-safer.com/benefits-automated-vehicle-traffic-enforcement/
[20] Ibid, Page 21
[21] Ibid, Page 21
[22] Available at https://www.onisr.securite-routiere.gouv.fr/sites/default/files/2020-06/2020%2006%2003%20French%20Road%20Safety%20results%202019_ENGLISH.pdf



While increased use of ATE in recent years has reduced road traffic fatalities, the increase in the number of cameras along with reductions in speed limits caused widespread irritation for drivers across the country and resulted in vandalism of 60 percent of fixed speed cameras in early 2019.[23] This subsequently caused a 9.8 percent decrease in speeding tickets nationwide in 2019.[24]

3. New Zealand

Since 1992, New Zealand Police have administered traffic enforcement in the country. Before 1992, traffic enforcement was performed by uniformed and unarmed[25] traffic officers in the Ministry of Transport's Transport Agency. Traffic officers' duties included enforcing speed limits along with more serious offenses, such as driving under the influence.[26] In an effort to centralize government operations and to follow models of other countries[27], the traffic officers were moved to the New Zealand Police in 1992. Traffic officers eventually began undertaking other policing duties[28] and, today, general police officers provide traffic enforcement. Specialized traffic enforcement units focus on specialized traffic areas, including Strategic Traffic Units, Traffic Alcohol Groups, and Serious Crash Units.[29] New Zealand currently has a traffic-related fatality rate of 7.8 per 100,000 residents.[30]

New Zealand Police utilize the following automated traffic enforcement systems:

[23] Gilets Jaunes Protestors Vandalize 60% of France's Speed Cameras, by Matthew Robinson, CNN, January 11, 2019, available at https://www.cnn.com/2019/01/10/europe/gilets-jaunes-speed-cameras-destroyed-france-scli-intl/index.html

[24] 2019 Road Traffic Violations Annual Report, the French Road Safety Observatory, available at https://www.onisr.securite-routiere.gouv.fr/en/road-safety-performance/annual-reports-on-offences-and-demerit-points/2019-road-traffic-violations-annual-report

[25] The current police officers for the New Zealand Police force are unarmed, but they do access to a gun in a lockbox in their car that they can use with a supervisor's permission.

[26] New Zealand Transportation Act of 1962 (as enacted before it was repealed in May 2011), Page 962, available at http://www6.austlii.edu.au/nz/legis/hist_act/ta19621962n135180/

[27] When police have to be traffic cops, by Greg O'Connor, New Zealand Herald, April 30, 2003, available at https://www.nzherald.co.nz/nz/when-police-have-to-be-traffic-cops/4LZ7STUV7SGWDZWYLYA6KMDOGY/

[28] When traffic cops used to rule New Zealand Roads, by Paul Little, Stuff, May 8, 2019, available at https://www.stuff.co.nz/motoring/112515035/when-traffic-cops-used-to-rule-new-zealand-roads

[29] Road Policing, New Zealand Police, available at https://www.police.govt.nz/about-us/structure/teams-units/road-policing

[30] Global Status Report on Road Safety 2018, World Health Organization, Page 203

Fixed Speed Cameras	Pole-mounted, dual-radar cameras that can differentiate between vehicles subject to different speed limits (e.g., heavy trucks and cars)
Red Light Cameras	Traditional cameras like those used in the US and other countries, using radars that track vehicles as they cross an intersection and a camera that photographs the rear of the vehicle
Mobile Cameras	Cameras in unmarked[31] vehicles deployed at high risk crash sites that use radar

Source: Safe Speed Cameras, New Zealand Police

Police officers out in the field also utilize the following equipment to complement the automated cameras:

Radar Devices	Devices mounted on patrol car dashboards that measure the speed of vehicles driving towards or away from patrol cars; can be used when the car is stationary or moving
Laser Devices	Traditional laser devices that stationary police officers point at vehicles to register a vehicle's speed
Pace Check	Vehicles equipped with certified speedometers and can measure a vehicle's travel speed by following the vehicle

Source: Safe Speed Cameras, New Zealand Police

Using the Transport Agency's Crash Analysis System (CAS) for data, the New Zealand Police place cameras in areas at three main areas:

- School zones;
- Areas with data showing excessive speed; and
- Areas with an identified crash risk (history of crashes causing death or serious injury).[32]

CAS is a computer system that data on all traffic crashes reported by police and provides tools for in-depth analysis.[33] The Police will only place cameras on the following road types:

- At least 300 m long (984.25 ft);
- Not too curved, because cameras only operate effectively on straight roads;
- Have a deteriorating trend in crashes in the last five years;
- Have the ability for vehicles to travel above the speed limit;
- Where most crashes are not intersection related; and
- Where crashes indicate a high probability of a fatal or serious injury crash in the future.[34]

[31] Police Roll Out Fleet of Unmarked Cars in 'Unapologetic' Attempt to Nab More Speeders, by 1News, July 13, 2020, available at https://www.tvnz.co.nz/one-news/new-zealand/police-roll-fleet-unmarked-cars-in-unapologetic-attempt-nab-more-speeders
[32] Safe Speed Cameras, New Zealand Police, available at https://www.police.govt.nz/advice-services/driving-and-road-safety/speed-limits-cameras-and-enforcement/safe-speed-cameras
[33] Static Camera Expansion Program, New Zealand Police, available at https://www.police.govt.nz/advice-services/driving-and-road-safety/speed-limits-cameras-and-enforcement/safe-speed-cameras-0
[34] Ibid

B. In-Person Traffic Enforcement – Use of Unarmed Police or Civilians

Unarmed police or civilians performing traffic enforcement has been in practice for some time around the world. Currently, there are several countries from Europe and the south Pacific who do not arm their police including the United Kingdom, Ireland, Iceland, Norway, and New Zealand.[35]

Local, unarmed police authorities are responsible for traffic enforcement in the United Kingdom, including issuing tickets for violations. The UK also has a group of traffic officers separate from law enforcement, called Highways England. Although they do not give tickets for speeding or other driving offenses, *they d*o provide several traffic-related services that are part of police and fire/emergency management duties in the US. The traffic officers' responsibilities include providing assistance for a car breakdown or an accident, removing damaged vehicles, clearing debris from roads, coordinate emergency services, providing mobile/temporary road closures, and re-opening routes after a traffic incident.[36]

Ireland's Roads Policing Unit, which is part of its An Garda Síochána (National Police and Security Service), has unarmed police that focus on traffic violations such as speeding, driving under the influence, not wearing a seatbelt, and use of mobile phones, along with a focus on crime detection.[37] The unarmed Police Districts for the Icelandic Police provide traffic enforcement along with numerous services, like US police officers – especially since they are such a small country of roughly 300,000. Crime is Iceland has been traditionally low, but traffic offenses have made up most violations.[38]

Finally, Norway and New Zealand police forces do not carry firearms while performing their duties, including traffic enforcement. However, they do have a gun in a lockbox in their patrol car to be used only when the police officers get approval from their supervisors.[39]

It should be noted that none of these countries are in the top ten for guns per capita for civilians. For average firearms per 100 people, the US has 120.48 and the second country on the list, Yemen, has 52.84.[40] As a comparison, Iceland has 31.74, Norway has 28.62, New Zealand has 26.32, Ireland has 7.20, and the UK has 4.64.[41] Therefore, there is a higher probability that the average American resident who commits any violations, including traffic, *may* own firearms.

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[35] How US Gun Culture Compares with the World, by Kara Fox, CNN, July 19, 2017, available at https://edition.cnn.com/2017/07/19/world/us-gun-crime-police-shooting-statistics/index.html

[36] About Our Services, Highways England, available at https://www.gov.uk/government/organisations/highways-england/about-our-services#:~:text=Traffic%20Officers'%20powers,manage%20traffic

[37] Roads Policing Unit, An Garda Síochána (Ireland's National Police and Security Service), available at https://www.garda.ie/en/roads-policing/roads-policing-unit/

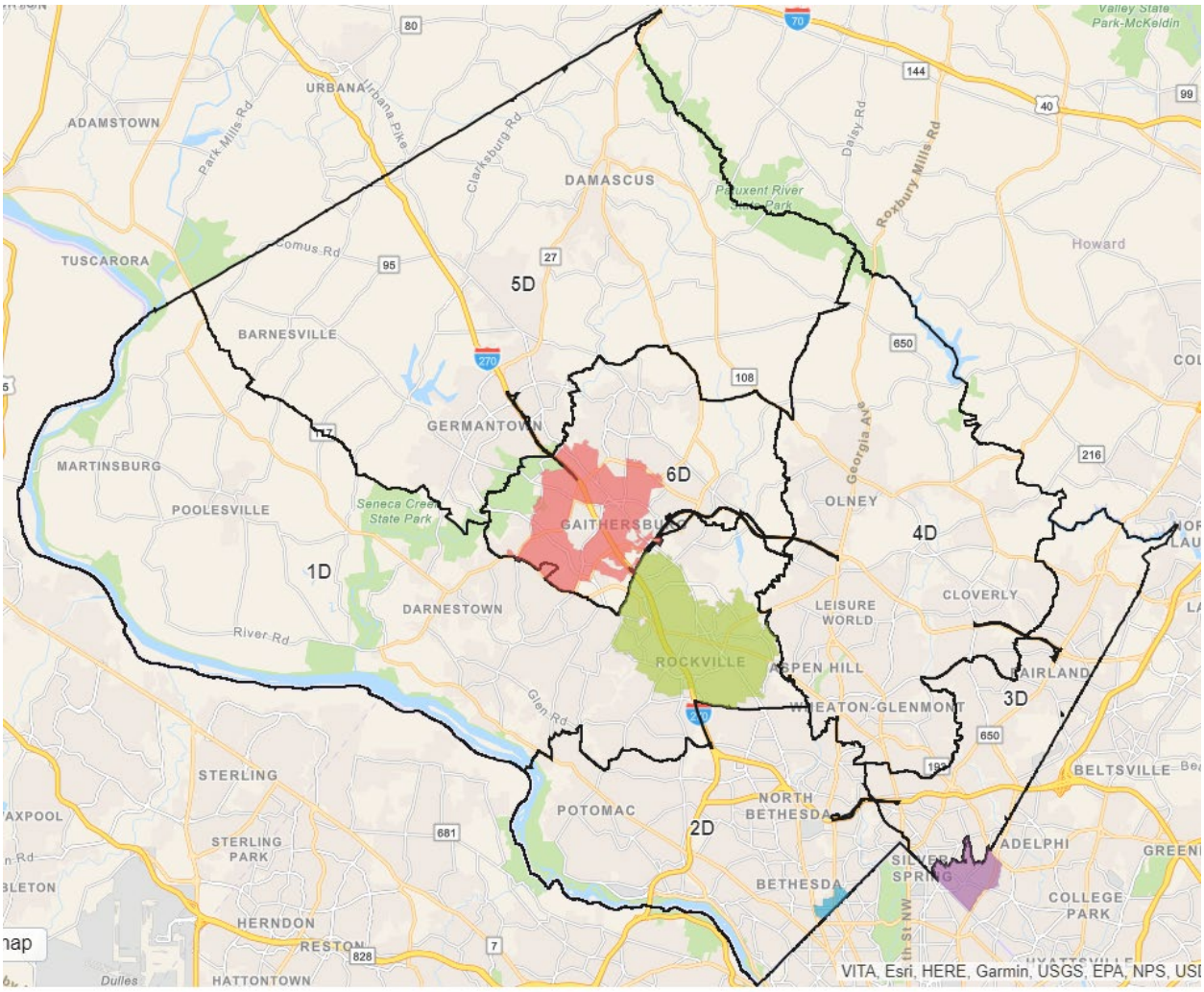
[38] The Icelandic Police and the Justice System: A Short Introduction, by the National Commissioner of the Icelandic Police, September 2005, available at https://rafhladan.is/bitstream/handle/10802/4138/Icelandic%20Police%20and%20Justice%20System.pdf?sequence=1

[39] Countries Where the Police Force Does Not Carry Firearms, CL Illsley, WorldAtlas, June 12, 2018, available at https://www.worldatlas.com/articles/countries-where-the-police-force-does-not-carry-firearms.html#:~:text=%20Cops%20Without%20Guns%20%201%20Ireland.%20The,which%20have%20unarmed%20police%20forces.%20The...%20More

[40] Estimating Global Civilian-Held Firearms Number, Aaton Karp, Small Arms Survey, June 2018, available at http://www.smallarmssurvey.org/fileadmin/docs/T-Briefing-Papers/SAS-BP-Civilian-Firearms-Numbers.pdf

[41] Global Firearms Holdings Dynamic Map, Small Arms Survey, available at http://www.smallarmssurvey.org/weapons-and-markets/tools/global-firearms-holdings.html

Appendix B: Montgomery County Police Department District Stations Map



Source: MCPD

District stations include Rockville (1D), Bethesda (2D), Silver Spring (3D), Wheaton (4D), Germantown (5D), and Montgomery Village (6D)

District 1: CAS# 19-301

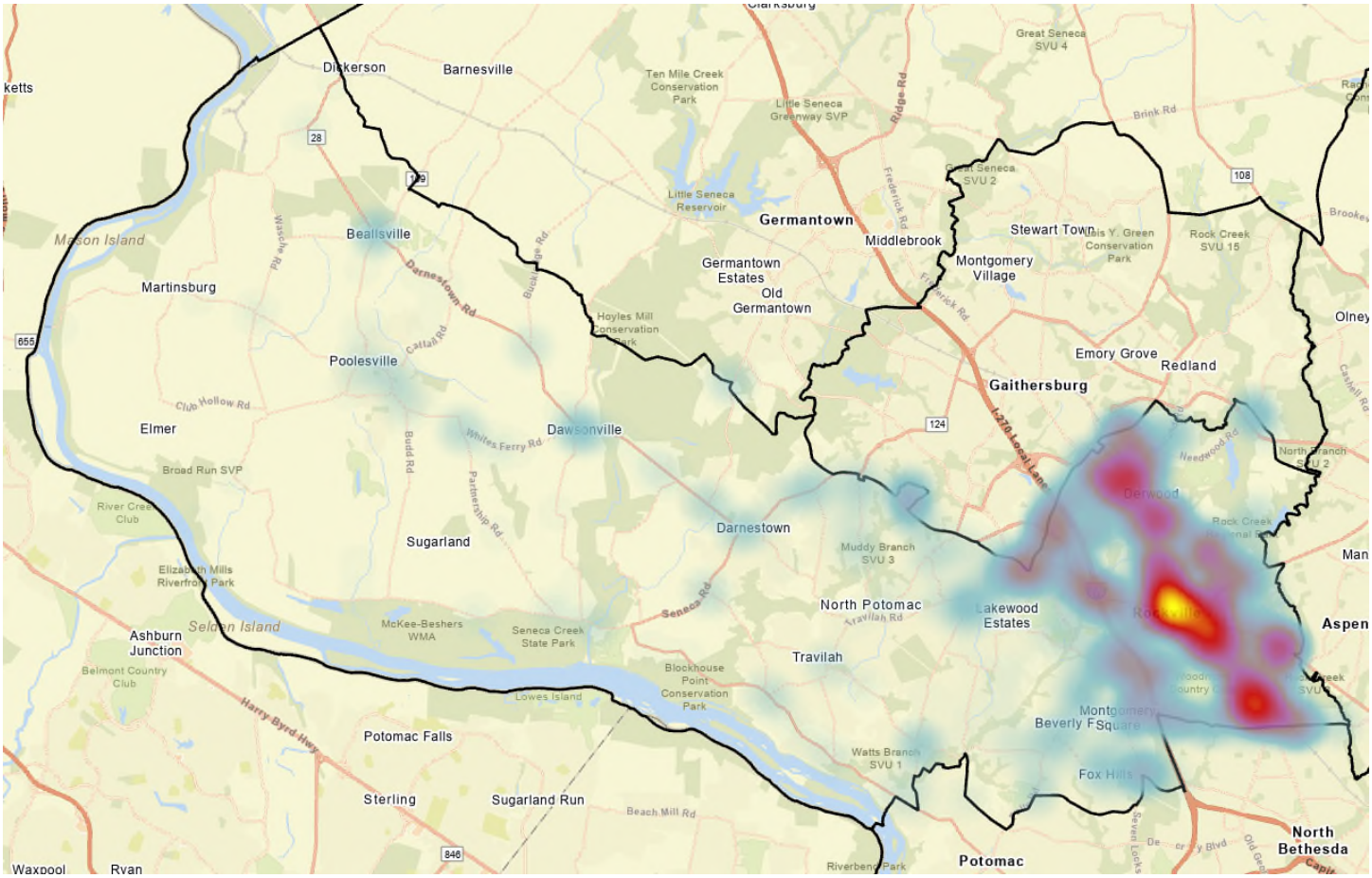
Montgomery County Police Department

*Police District 1 (Rockville) – **CY2018 Summary Report***

The data within this report is based on the data provided by the MCPD internal ACRS Collisions Database. All data within this report were reported as Traffic Collisions which has been cleared with a dash 2 or 4 and given a case number. These statistics should be considered "preliminary". Locations were established by using the combined recorded locations to create a nearby intersection or with the recorded coordinates. The location of the events may differ from where the collision actually occurred. Other agencies within Montgomery County are included within the resulting data and or totals provided within this report.

The district area boundaries are a combination of the district boundaries that were set before and after the redistricting on February 2013. All district data driven stats are based on the actual assigned district at the time of the recorded event, be it before or after the February 2013 redistricting. From here on out within this report the Montgomery County Police Department will be referred to as MCPD.

Note: These locations were taken from either a combination of roadways provided on the report to get a nearby location or by the report recorded X, Y coordinates, and may include variations of the location. Example: Veirs Mill Road & Twinbrook Pkwy can also be Twinbrook Pkwy & Veirs Mill Road. The locations should not be considered exact and variables of these locations should be considered when reviewing this report.



Vehicle Collision Resulting in a Fatality or Fatalities Locations

During the calendar year of 2018 MCPD District 1 recorded ***seven*** vehicle collisions which resulted in ***seven*** fatalities.

	Date	Time	Location	Fatality Count
•	03/15/2018	2002 hours	Norbeck Road / Avery Road	(1 recorded fatality)
•	05/21/2018	1336 hours	Randolph Road / Rocking Horse Road	(1 recorded fatality)
•	06/02/2018	2150 hours	Hungerford Drive / N Washington St	(1 recorded fatality)
•	08/16/2018	1601 hours	Norbeck Road / E Gude Drive	(1 recorded fatality)
•	10/01/2018	1842 hours	E Gude Drive / Taft Street	(1 recorded fatality)
•	10/18/2018	0615 hours	Hungerford Drive / Frederick Avenue	(1 recorded fatality)
•	12/14/2018	1719 hours	Darnestown Road / Ancient Oak Drive	(1 recorded fatality)

Top Recorded Vehicle Collision Locations
where Driver Substance Use (alcohol, drugs, medicine, and or other products) Was a Factor

	Nearby Intersection/Location	Collision Count
•	Veirs Mill Rd & Twinbrook Pkwy	(4 recorded collisions)
•	Rockville Pike & Edmonston Dr/W Edmonston Dr	(3 recorded collisions)
•	Frederick Rd & E Gude Dr/W Gude Dr	(3 recorded collisions)
•	Paramount Dr & Frederick Rd	(2 recorded collisions)
•	Norbeck Rd & E Gude Dr	(2 recorded collisions)

Top Recorded Non-Motorist Related Vehicle Collision Locations

	Nearby Intersection/Location	Collision Count
•	Hungerford Dr & N Washington St	(3 recorded collisions)
•	Rockville Pike & Halpine Rd	(2 recorded collisions)
•	Twinbrook Pkwy & Chapman Ave	(2 recorded collisions)
•	Wootton Pkwy & W Edmonston Dr	(2 recorded collisions)

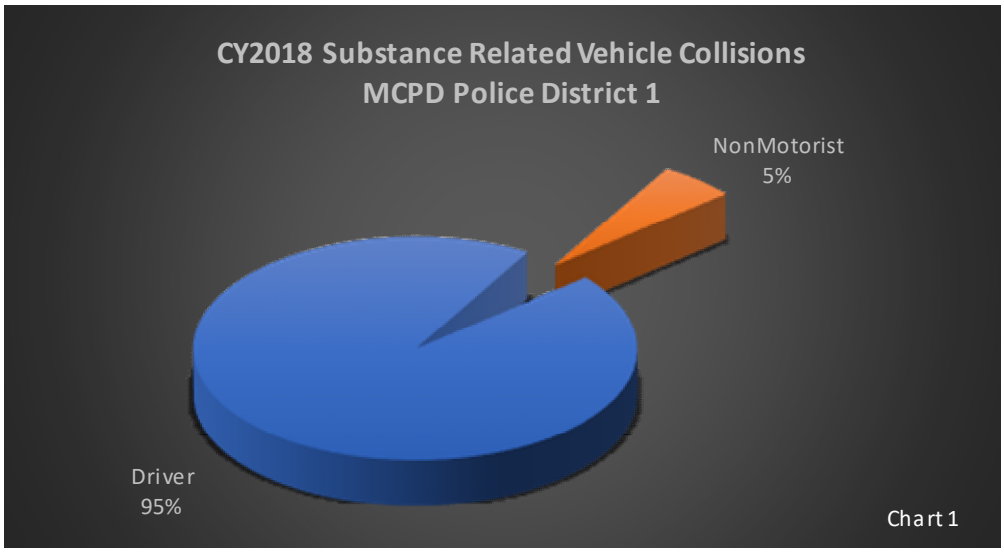
Top 10 Recorded Overall Vehicle Collision Locations

	Nearby Intersection/Location	Collision Count
•	Rockville Pike & Edmonston Dr/W Edmonston Dr	(27 recorded collisions)
•	Veirs Mill Rd & Twinbrook Pkwy	(26 recorded collisions)
•	Frederick Rd & Redland Rd/Redland Blvd	(25 recorded collisions)
•	Veirs Mill Rd & Rockville Pike	(22 recorded collisions)
•	Frederick Rd & E Gude Dr/W Gude Dr	(21 recorded collisions)
•	Norbeck Rd & E Gude Dr	(19 recorded collisions)
•	Parklawn Dr & Randolph Rd	(18 recorded collisions)
•	E Gude Dr & Calhoun Dr	(17 recorded collisions)
•	Norbeck Rd & Baltimore Rd	(17 recorded collisions)
•	Rockville Pike & First St/Wootton Pkwy	(16 recorded collisions)
•	E Gude Dr & Dover Rd	(16 recorded collisions)

District 1: CAS# 19-301

Alcohol Related Vehicle Collisions – Breakdown

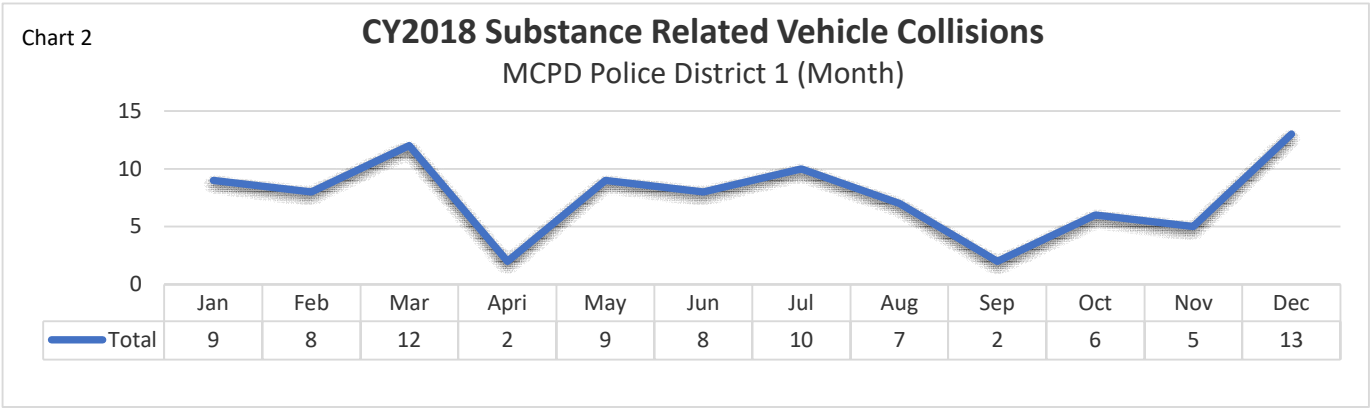
In CY2018 MCPD recorded a total of **91** collisions which involved one or multiple parties in the collisions under the influence of alcohol occurring in Police District 1.



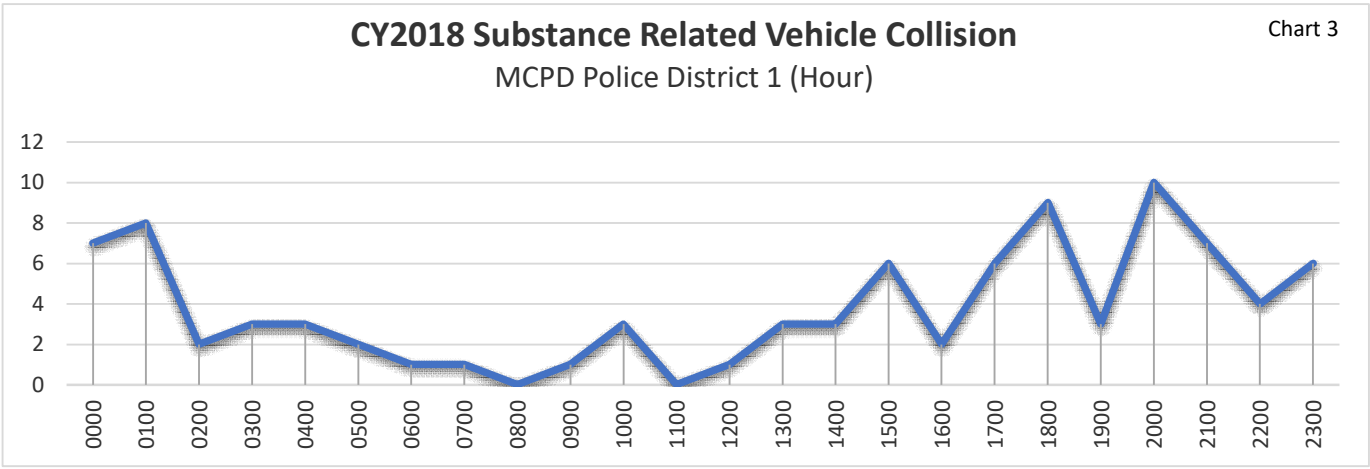
Unit Type:
Driver = 86 collisions (94.51%)
Non-Motorist = 5 collisions (5.49%)

In 'Chart 2', the recorded monthly data shows December (13 collisions) as the highest month of the year for substance related vehicle collisions.

Chart 2



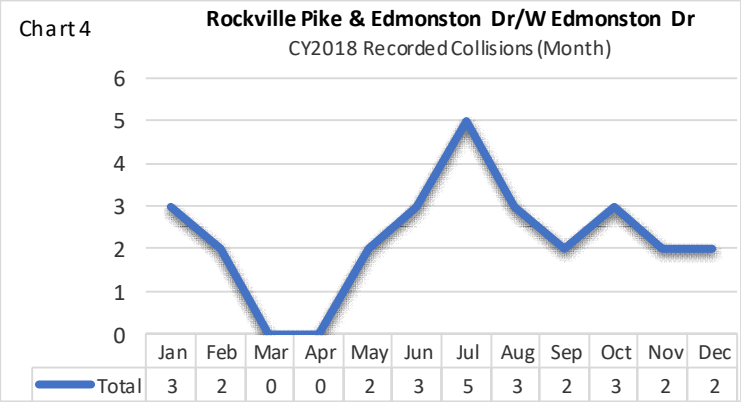
	Jan	Feb	Mar	Apri	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Total	9	8	12	2	9	8	10	7	2	6	5	13



District 1: CAS# 19-301

Top 3 Overall Vehicle Collision Locations - Breakdown

(1) Rockville Pike & Edmonston Dr/W Edmonston Dr

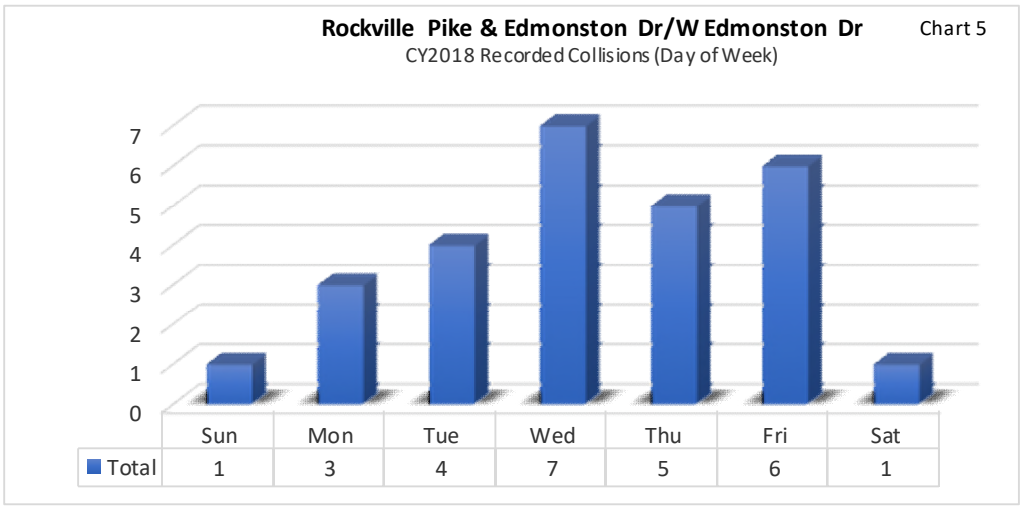


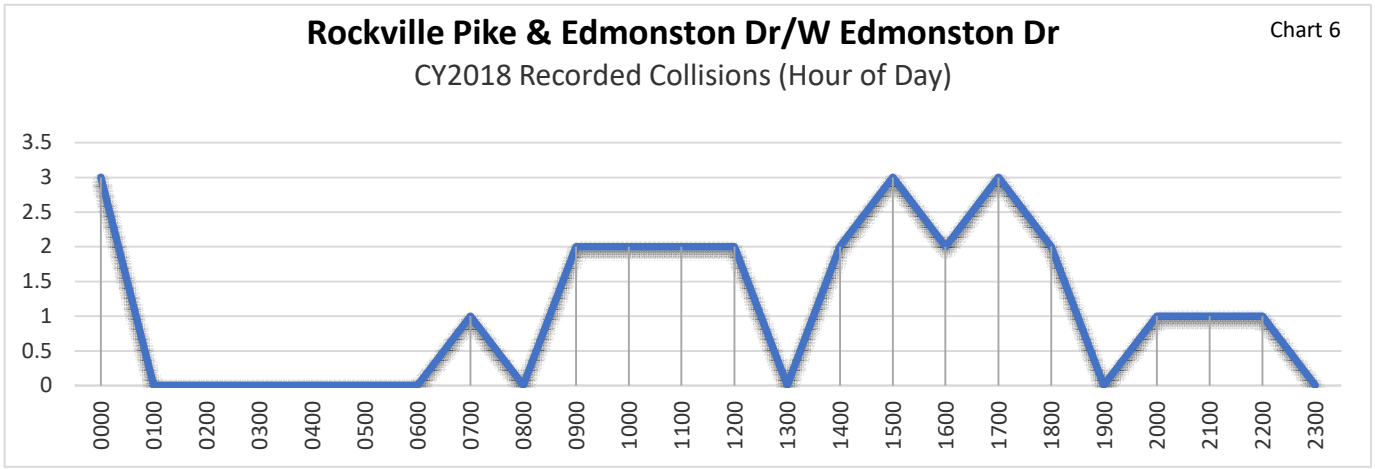
Highest accumulated month(s) totals:
- July = 5 recorded collisions

Lowest accumulated months(s) totals:
- March = 0 (zero) recorded collisions
- April = 0 (zero) recorded collisions

As displayed in 'Chart 5', Wednesdays (7 collisions) shows the highest total number of collisions on this particular day of the week.

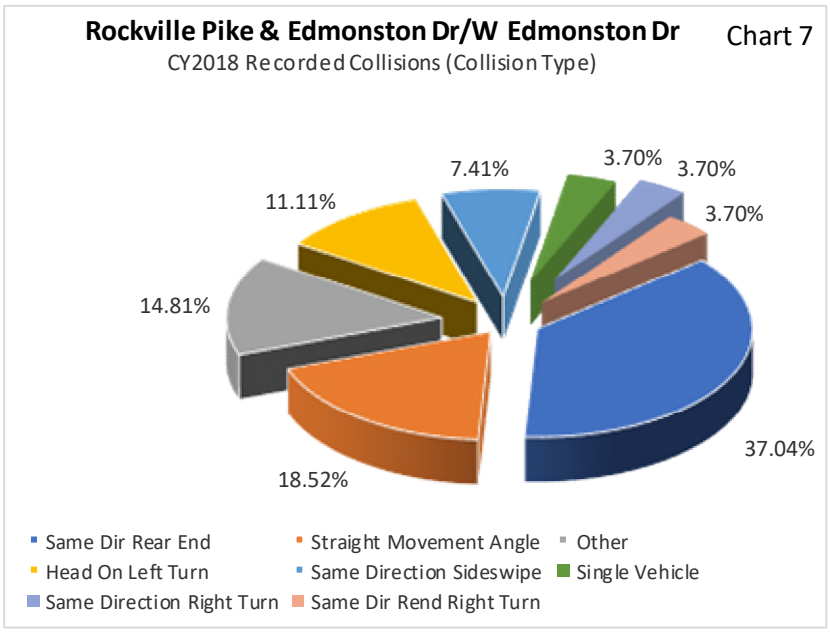
Wednesdays:
Property Related Collisions: (4)
Injury Related Collisions: (3)





Hour(s) with the Highest Accumulated Total:
0100 (1am), 1500 (3pm), and 1700 (5pm)

Hour(s) with Zero Recorded Collisions:
0100 (1am), 0200 (2am), 0300 (3am), 0400 (4am), 0500 (5am), 0600 (6am), 0800 (8am), 1300 (1pm), 1900 (7pm), and 2300 (11pm)



'Same Dir Rear End' (37.04% or 10 collisions) was recorded as being the highest collision type total in this category.

'Straight Movement Angle' collisions (18.52% or 5 collisions) resulted as being the second highest collision type total in this category.

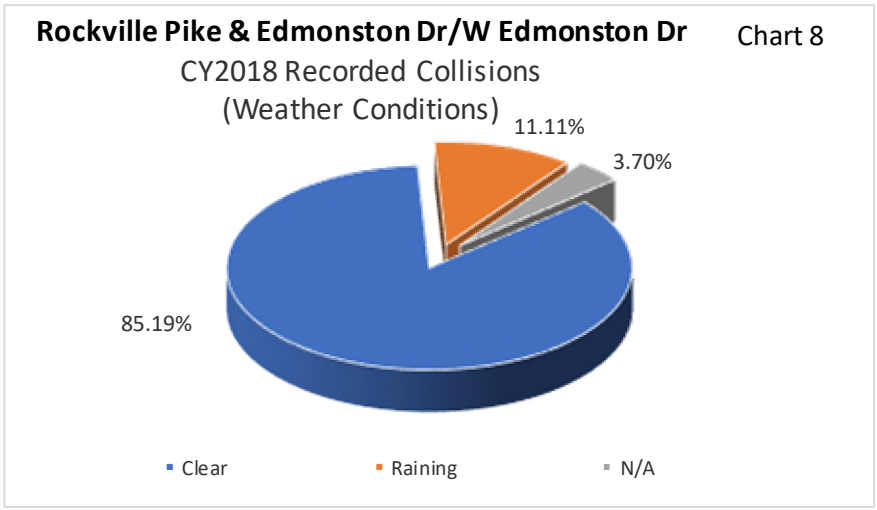
Collision Type Breakdown

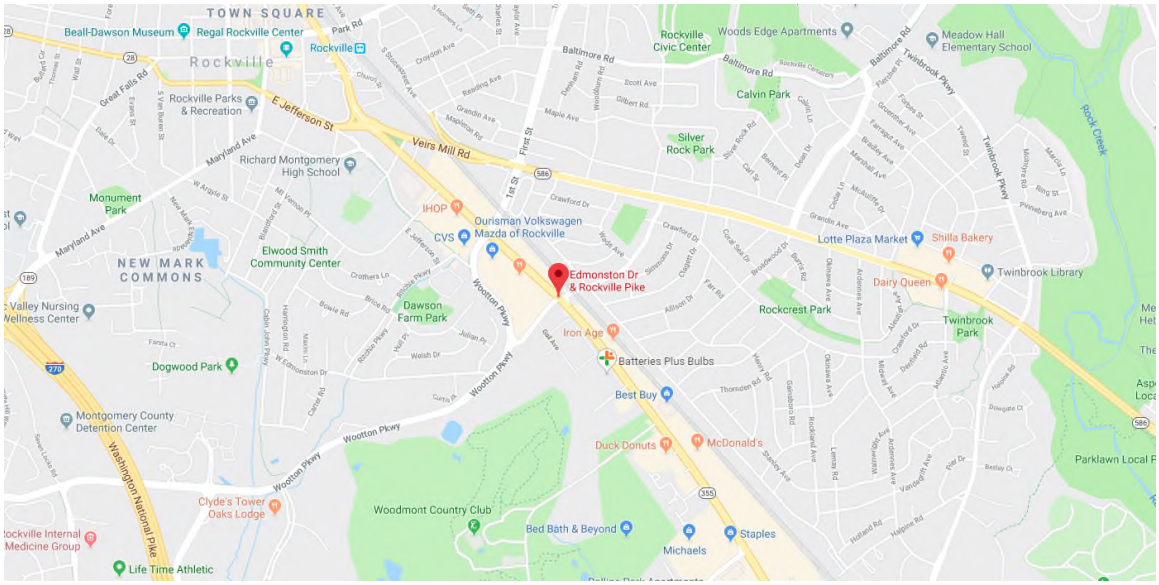
Same Dir Rear End (10)
Straight Movement Angle (5)
Other (4)
Head On Left Turn (3)
Same Direction Sideswipe (2)
Single Vehicle (1)
Same Direction Right Turn (1)
Same Dir Rend Right Turn (1)

Note: The 'other' category was due to the resulting fact that the officer who wrote the original report documented the collision type as being 'other', 'not applicable, 'unknown', or left the section blank.

Weather Conditions:

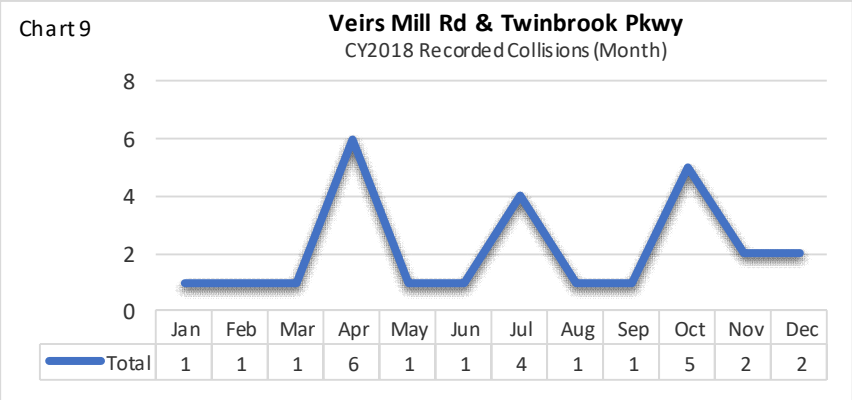
Clear	85.19%	(23 Collisions)
Raining	11.11%	(3 Collisions)
N/A	3.70%	(1 Collisions)





District 1: CAS# 19-301

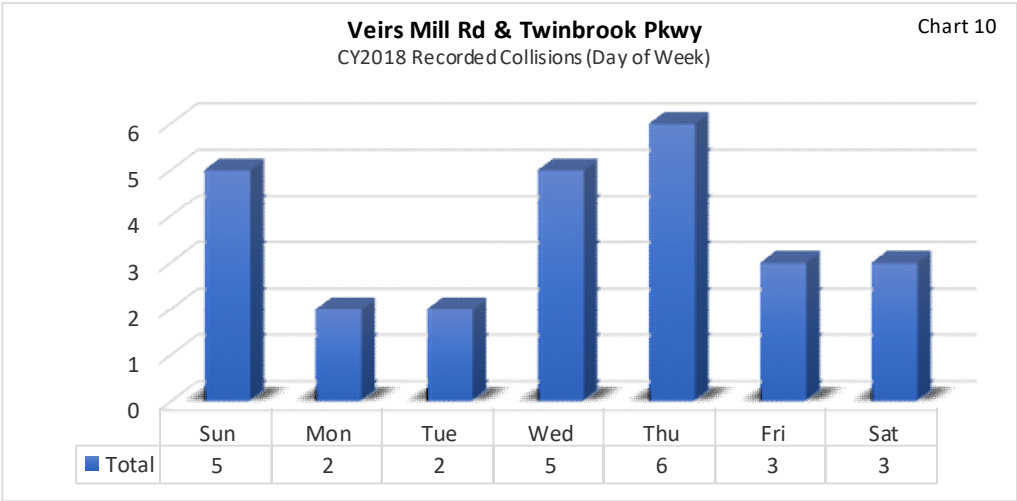
(2) Veirs Mill Rd & Twinbrook Pkwy



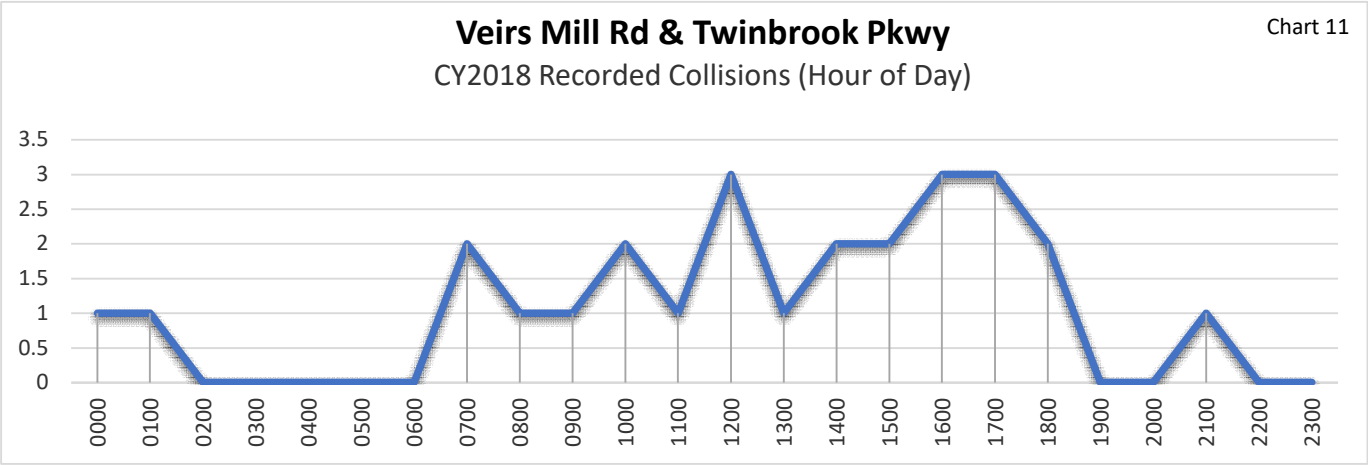
Highest accumulated month(s) totals:
- April = 6 recorded collisions

Lowest accumulated months(s) totals:
- January = 1 recorded collision
- February = 1 recorded collision
- March = 1 recorded collision
- May = 1 recorded collision
- June = 1 recorded collision
- August = 1 recorded collision
- September = 1 recorded collision

As displayed in 'Chart 10', Thursdays (6 collisions) shows the highest total number of collisions on this particular day of the week.

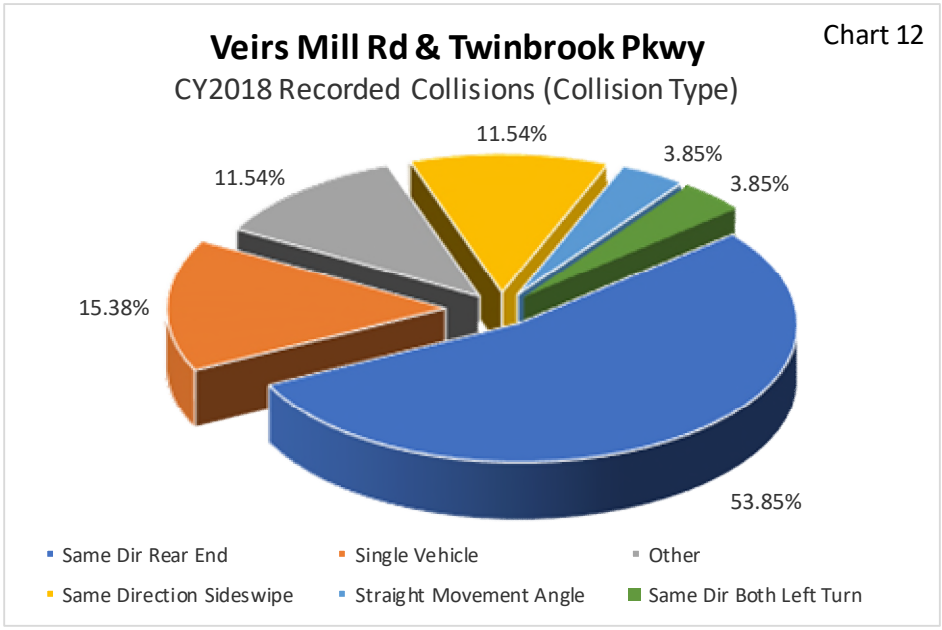


Thursdays:
Property Related Collisions: (4)
Injury Related Collisions: (2)



Hour(s) with the Highest Accumulated Total:
1200 (Noon), 1600 (4pm), and 1700 (5pm)

Hour(s) with Zero Recorded Collisions:
0200 (2am), 0300 (3am), 0400 (4am), 0500(5pm), 0600 (6am), 1900 (7pm), 2000 (8pm), 2200 (10pm), and 2300 (11pm)



'Same Dir Rear End' (53.85% or 14 collisions) was recorded as being the highest collision type total in this category.

'Single Vehicle' collisions (15.38% or 4 collisions) resulted as being the second highest collision type total in this category.

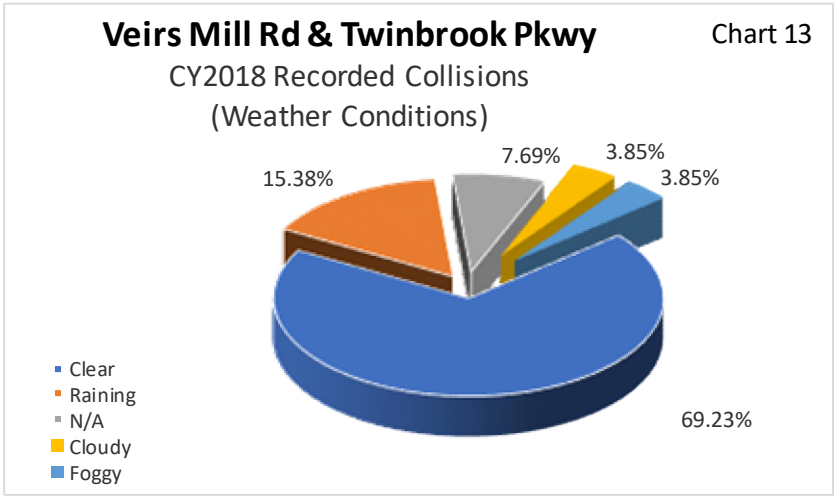
Collision Type Breakdown

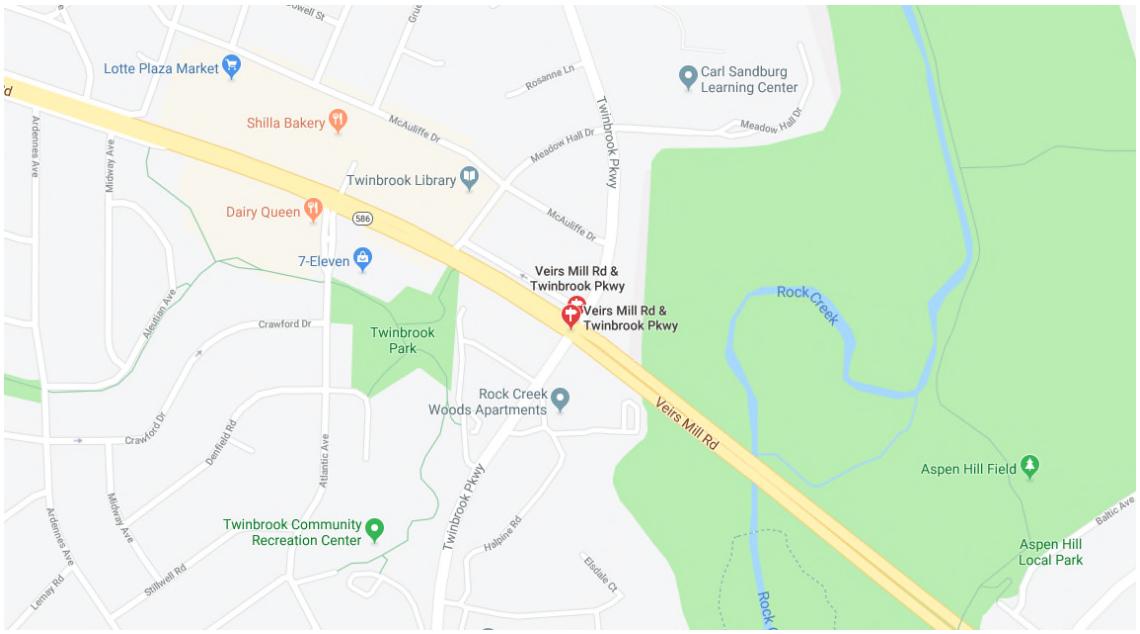
Same Dir Rear End (14)
Single Vehicle (4)
Other (3)
Same Direction Sideswipe (3)
Straight Movement Angle (1)
Same Dir Both Left Turn (1)

Note: The 'other' category was due to the resulting fact that the officer who wrote the original report documented the collision type as being 'other', 'not applicable, 'unknown', or left the section blank.

Weather Conditions:

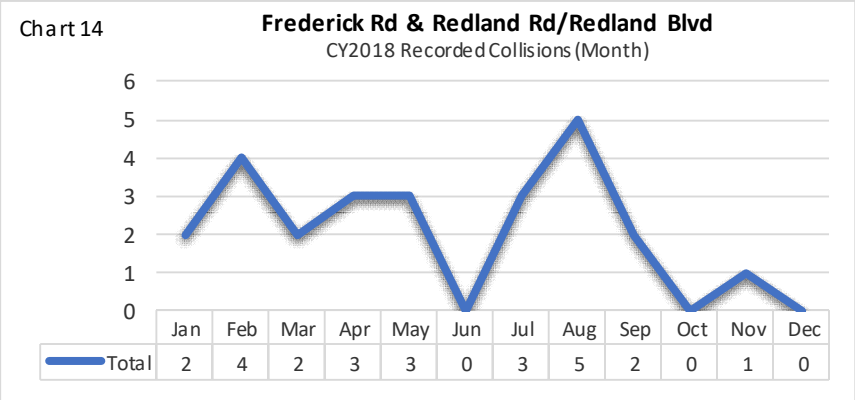
Clear	69.23%	(18 Collisions)
Raining	15.38%	(4 Collisions)
N/A	7.69%	(2 Collisions)
Cloudy	3.85%	(1 Collisions)
Foggy	3.85%	(1 Collisions)





District 1: CAS# 19-301

(3) Frederick Rd & Redland Rd/Redland Blvd

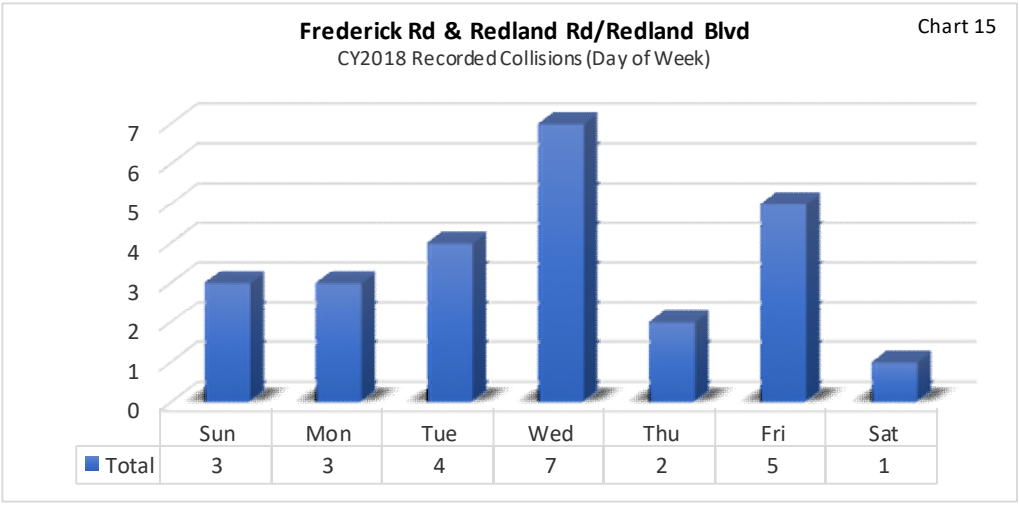


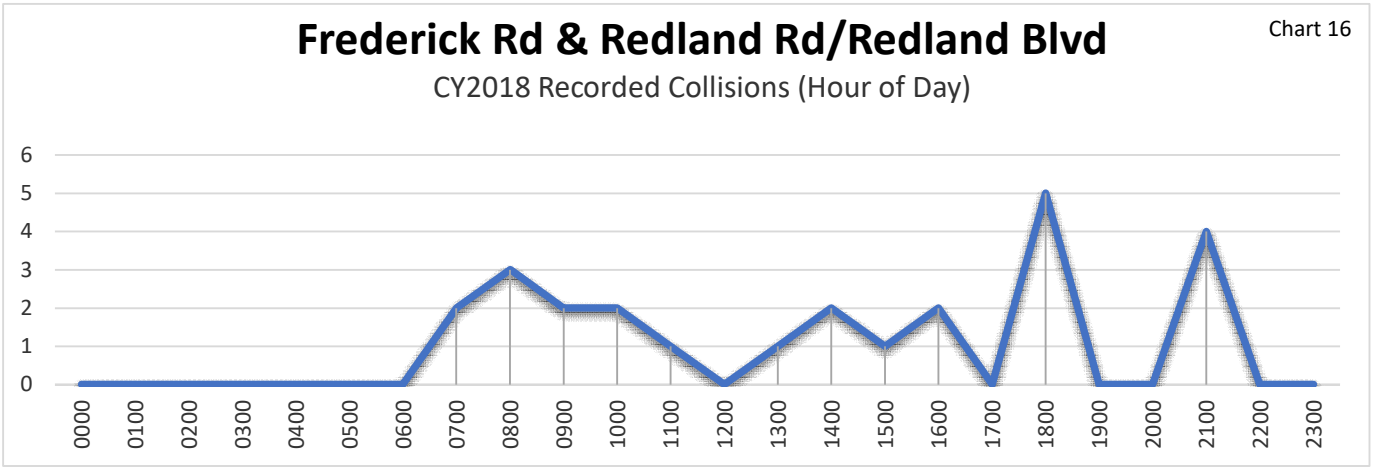
Highest accumulated month(s) totals:
- August = 5 recorded collisions

Lowest accumulated months(s) totals:
- June = 0 (zero) recorded collisions
- October = 0 (zero) recorded collisions
- December = 0 (zero) recorded collisions

As displayed in 'Chart 15', Wednesdays (7 collisions) shows the highest total number of collisions on this particular day of the week.

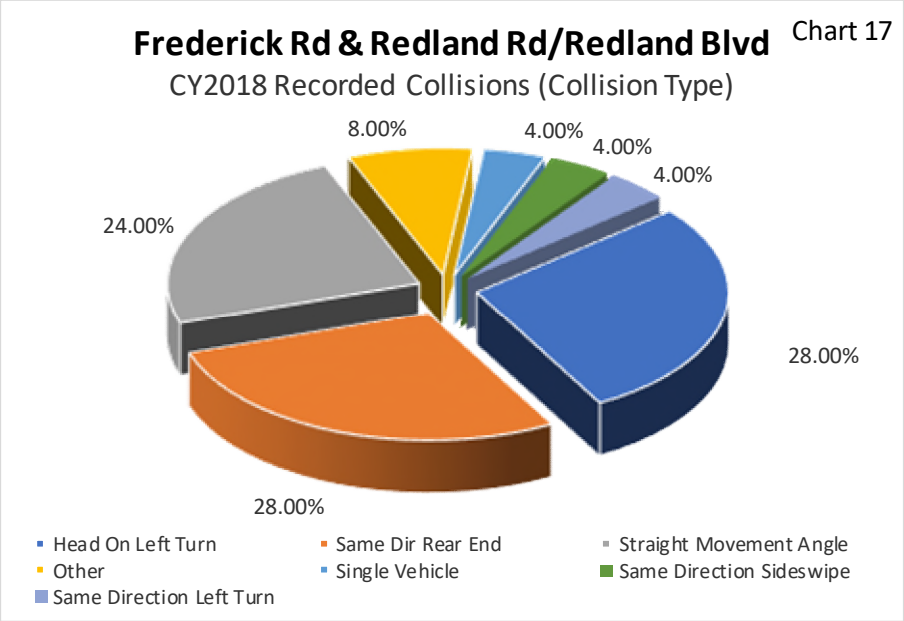
Wednesdays:
Property Related Collisions: (4)
Injury Related Collisions: (3)





Hour(s) with the Highest Accumulated Total:
1800 (6pm)

Hour(s) with Zero Recorded Collisions:
0000 (Midnight), 0100 (1am), 0200 (2am), 0300 (3am), 0400 (4am), 0500 (5am), 0600 (6am), 1200 (Noon), 1700 (5pm), 1900 (7pm), 2000 (8pm), 2200 (10pm), and 2300 (11pm)



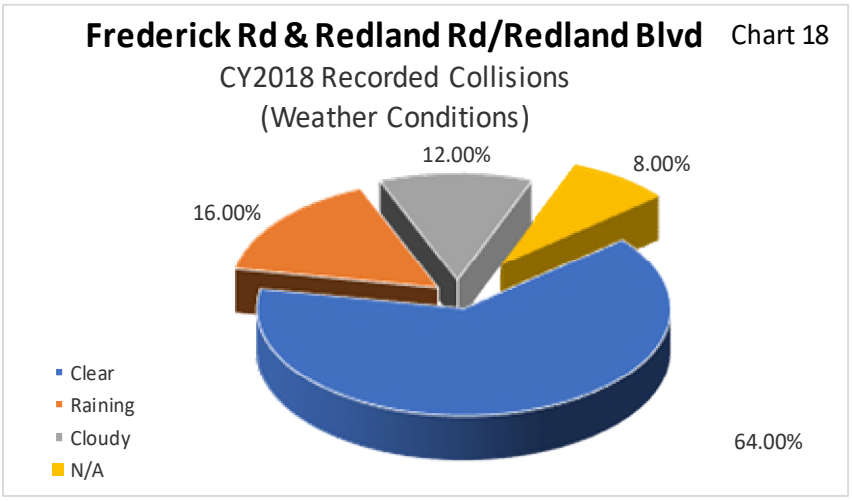
'Head On Left Turn' and 'Same Dir Rear End' (28% or 7 collisions, each category) was recorded as being the highest collision types total in this category.

'Straight Movement Angle' collisions (24% or 6 collisions) resulted as being the second highest collision type total in this category.

Collision Type Breakdown

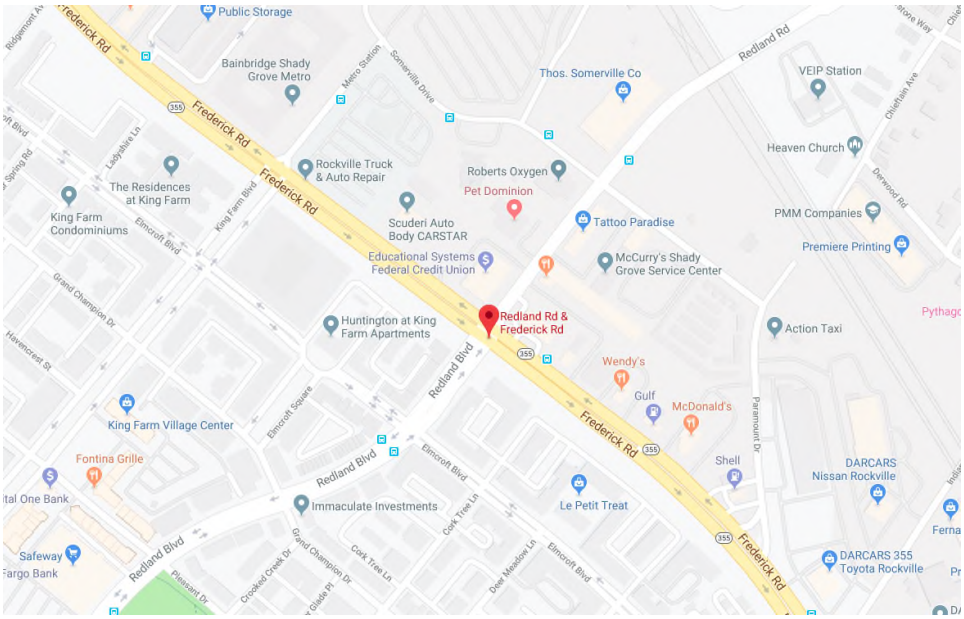
Head On Left Turn (7)
Same Dir Rear End (7)
Straight Movement Angle (6)
Other (2)
Single Vehicle (1)
Same Direction Sideswipe (1)
Same Direction Left Turn (1)

Note: The 'other' category was due to the resulting fact that the officer who wrote the original report documented the collision type as being 'other', 'not applicable, 'unknown', or left the section blank.



Weather Conditions:

Clear	64.00%	(16 Collisions)
Raining	16.00%	(4 Collisions)
Cloudy	12.00%	(3 Collisions)
N/A	8.00%	(2 Collisions)



Countywide: CAS# 19-325

Montgomery County Police Department

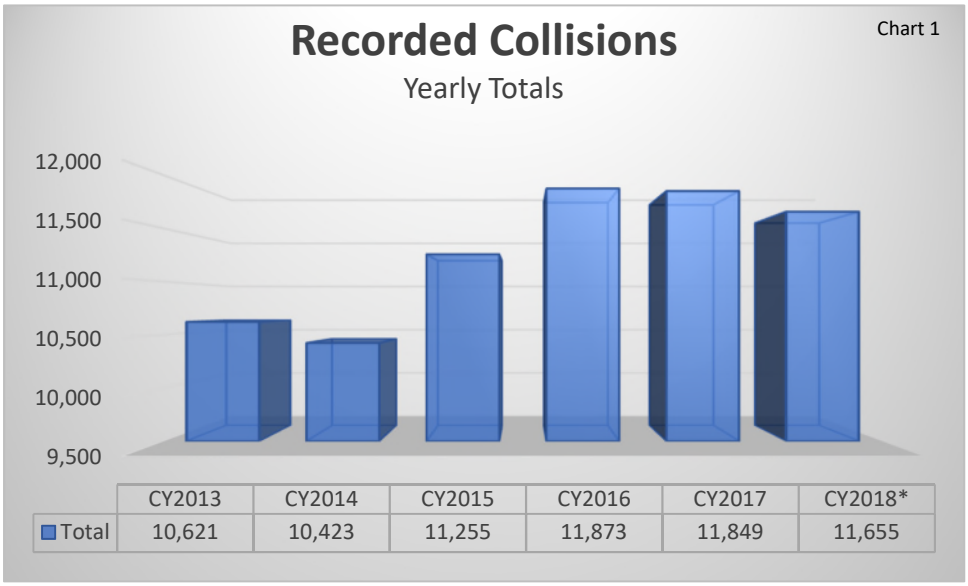
CY2018 Countywide Overview

The data within this report is based on the data provided by the MCPD internal ACRS Collisions Database. All data within this report were reported as Traffic Collisions which has been cleared with a dash 2 or 4 and given a case number. These statistics should be considered "preliminary". Locations were established by using the combined recorded locations to create a nearby intersection or with the recorded coordinates. The location of the events may differ from where the collision actually occurred. Other agencies within Montgomery County are included within the resulting data and or totals provided within this report.

The district area boundaries are a combination of the district boundaries that were set before and after the redistricting on February 2013. All district data driven stats are based on the actual assigned district at the time of the recorded event, be it before or after the February 2013 redistricting. From here on out within this report the Montgomery County Police Department will be referred to as MCPD. Other agencies included within this report are Gaithersburg City Police Department (GCPD), Rockville City Police Department (RCPD), and Maryland National Capital Park Police (MNCPP). MNCPP data is only included into CY2015 stats and the years after. Previous years before CY2015 do not include MNCPP stats.

Note: These locations were taken from either a combination of roadways provided on the report to get a nearby location or by the report recorded X, Y coordinates, and may include variations of the location. Example: Frederick Road & Montgomery Village Ave can also be Montgomery Village Ave & Frederick Road. The locations should not be considered exact and variables of these locations should be considered when reviewing this report.

From here on out CY2018 data will exclude Report Number MCP1301000Y (180041500) from area which refer to a vehicle collision resulting in a fatality. However, since Report Number MCP1301000Y was still a vehicle related collision report the report details will still be included in all other sections.

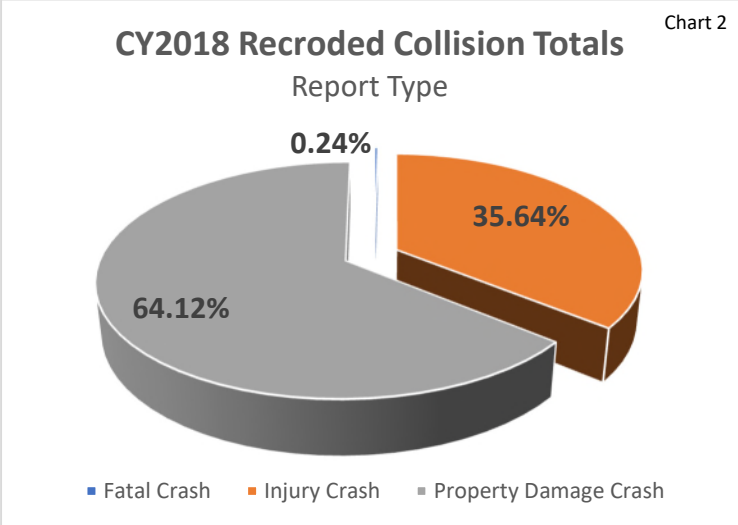


Year to Year Comparisons
2013 to 2014 = Decreased 1.86% (-198)
2004 to 2015 = Increased 7.98% (832)
2015 to 2016 = Increased 5.49% (618)
2016 to 2017 = Decreased 0.2% (-24)
2017 to 2018 = Decreased 1.64% (-194)

2008 to 2013 = Increased 9.74% (1,034)

Six-year average = 11,279 Collisions

Collision Report Types [Chart 2]
Property Damaging Collisions = 7,472 Recorded Collisions
Injury Collisions = 4,154 Recorded Collisions
Fatal Collisions = 28 Recorded Collisions
** 1 Recorded Collision (MCP130100Y) Suicide*
- This record is not included into Chart 2 results.



Recorded Collisions by Police Districts
Police District 1: 1,753 Recorded Collisions
Police District 2: 1,871 Recorded Collisions
Police District 3: 2,390 Recorded Collisions
Police District 4: 2,307 Recorded Collisions
Police District 5: 1,367 Recorded Collisions
Police District 6: 1,917 Recorded Collisions

Takoma Park: 21 Recorded Collisions
Outside MCPD District Boundaries: 29 Recorded Collisions

Countywide: CAS# 19-325

Highest Accumulating Locations:

Top Recorded Overall Vehicle Collision Locations

	Nearby Intersection/Location	Collision Count	Police District
•	Colesville Rd & University Blvd E/W	(44 recorded collisions)	***[Police District 3]***
•	Montgomery Village Ave & Frederick Rd	(42 recorded collisions)	***[Police District 6]***
•	New Hampshire Ave & Oakview Dr	(41 recorded collisions)	***[Police District 3]***
•	Columbia Pike & Fairland Rd	(33 recorded collisions)	***[Police District 3]***
•	Cherry Hill Rd & Broadbirch Dr/Calverton Blvd	(32 recorded collisions)	***[Police District 3]***
•	New Hampshire Ave & Adelphi Rd/Dilston Rd	(32 recorded collisions)	***[Police District 3]***
•	Georgia Ave & Forest Glen Rd	(31 recorded collisions)	***[Police District 3]***
•	University Blvd E & Piney Branch Rd	(30 recorded collisions)	***[Police District 3]***
•	Randolph Rd & New Hampshire Ave	(30 recorded collisions)	***[Police District 4]***
•	Connecticut Ave & Georgia Ave	(29 recorded collisions)	***[Police District 4]***
•	Shady Grove Rd & Frederick Rd	(29 recorded collisions)	***[Police District 6]***

Top Recorded Non-Motorist Related Vehicle Collision Locations

	Nearby Intersection/Location	Collision Count	Police District
•	Georgia Ave & Fenwick La	(4 recorded collisions)	***[Police District 3]***
•	Little Falls Pkwy & Arlington Rd	(3 recorded collisions)	***[Police District 2]***
•	Contour Rd & Lost Knife Rd	(3 recorded collisions)	***[Police District 6]***
•	Hungerford Dr & N Washington St	(3 recorded collisions)	***[Police District 1]***
•	Georgia Ave & Reedie Dr	(3 recorded collisions)	***[Police District 4]***
•	Bonifant St & Georgia Ave	(3 recorded collisions)	***[Police District 3]***
•	Colesville Rd & East West Hwy	(3 recorded collisions)	***[Police District 3]***
•	Blueridge Ave & Georgia Ave	(3 recorded collisions)	***[Police District 4]***

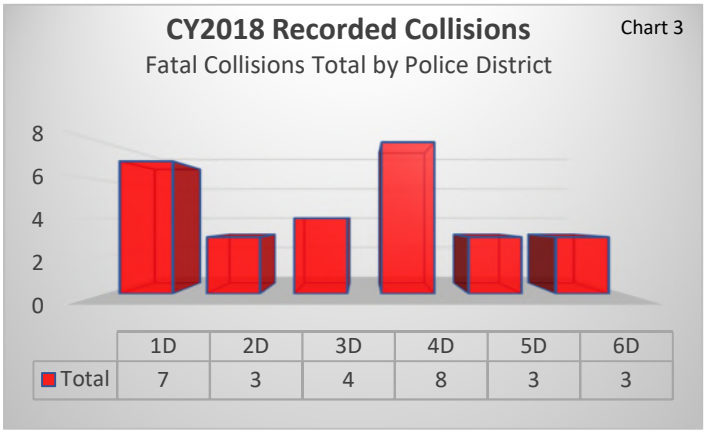
Top Recorded Vehicle Collision Locations where Substance Use (alcohol, drugs, medicine, and or other products) Was a Factor

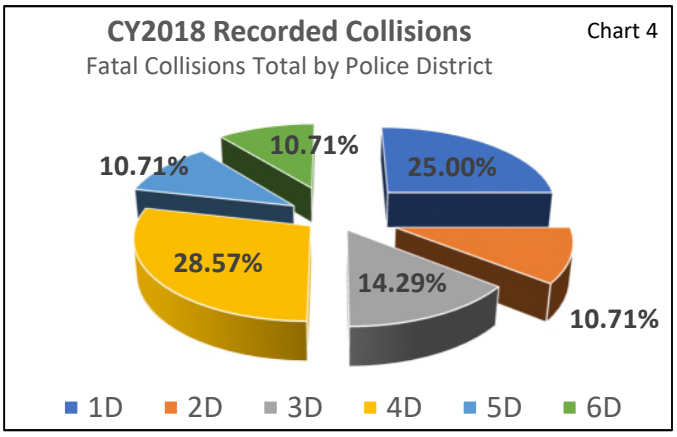
	Nearby Intersection/Location	Collision Count	Police District
•	University Blvd E & Piney Branch Rd	(5 recorded collisions)	***[Police District 3]***
•	Veirs Mill Rd & Twinbrook Pkwy	(4 recorded collisions)	***[Police District 1]***
•	Olney Laytonsville Rd/Olney Sandy Spring Rd & Georgia Ave	(4 recorded collisions)	***[Police District 4]***
•	Frederick Rd & Montgomery Village Ave	(4 recorded collisions)	***[Police District 6]***
•	Colesville Rd & University Blvd E	(4 recorded collisions)	***[Police District 3]***
•	Georgia Ave & Forest Glen Rd	(4 recorded collisions)	***[Police District 3]***
•	Ridge Rd & Observation Dr	(4 recorded collisions)	***[Police District 5]***
•	Columbia Pike & Fairland Rd	(4 recorded collisions)	***[Police District 3]***

Countywide: CAS# 19-325

Vehicle Collision Resulting in a Fatality or Fatalities Locations

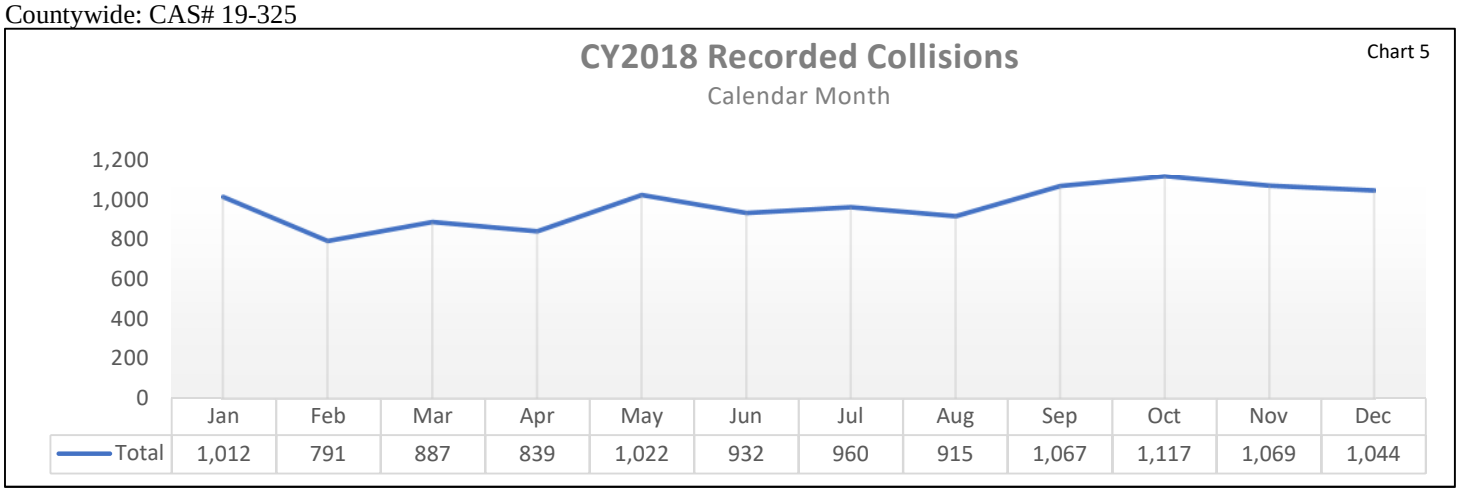
	Date	Time	Nearby Intersection/Location	Fatality Count	Police District
•	02/04/2018	0230 hours	University Blvd W / Dennis Ave	(2 fatalities)	***[Police District 3]***
•	03/15/2018	2002 hours	Norbeck Road / Avery Road	(1 fatality)	***[Police District 1]***
•	03/23/2018	1955 hours	Oaklyn Drive / Avenel Farm Drive	(2 fatalities)	***[Police District 2]***
•	04/13/2018	1046 hours	Veirs Mill Road / Robindale Drive	(1 fatality)	***[Police District 4]***
•	05/06/2018	0303 hours	Columbia Pike / Fairland Road	(1 fatality)	***[Police District 3]***
•	05/19/2018	1342 hours	Montrose Pkwy / E Jefferson Street	(1 fatality)	***[Police District 2]***
•	05/21/2018	1336 hours	Randolph Road / Rocking Horse Road	(1 fatality)	***[Police District 1]***
•	06/02/2018	2150 hours	Hungerford Drive / N Washington St	(1 fatality)	***[Police District 1]***
•	06/08/2018	0350 hours	Georgia Avenue / Hewitt Avenue	(1 fatality)	***[Police District 4]***
•	06/09/2018	0323 hours	University Blvd / Fern Street	(1 fatality)	***[Police District 4]***
•	06/21/2018	2319 hours	New Hampshire Avenue / Oakview Drive	(1 fatality)	***[Police District 3]***
•	07/15/2018	0848 hours	19620 White Ground Road	(1 fatality)	***[Police District 5]***
•	07/27/2018	1335 hours	Shady Grove Road / Crabbs Branch Way	(1 fatality)	***[Police District 6]***
•	08/11/2018	2330 hours	Georgia Avenue / Veirs Mill Road	(1 fatality)	***[Police District 4]***
•	08/16/2018	1601 hours	Norbeck Road / E Gude Drive	(1 fatality)	***[Police District 1]***
•	08/24/2018	0405 hours	Georgia Avenue / Reedie Drive	(1 fatality)	***[Police District 4]***
•	09/19/2018	1849 hours	Zion Road / Brookeville Road	(1 fatality)	***[Police District 5]***
•	10/01/2018	1842 hours	E Gude Drive / Taft Street	(1 fatality)	***[Police District 1]***
•	10/01/2018	2342 hours	Veirs Mill Road / Aspen Hill Road	(1 fatality)	***[Police District 4]***
•	10/13/2018	1859 hours	Ashton Road / Tucker Lane	(1 fatality)	***[Police District 4]***
•	10/18/2018	0615 hours	Hungerford Drive / Frederick Avenue	(1 fatality)	***[Police District 1]***
•	11/07/2018	1826 hours	Randolph Road / Goodhill Road	(1 fatality)	***[Police District 4]***
•	11/10/2018	0543 hours	New Hampshire Avenue / Northampton Drive	(2 fatalities)	***[Police District 3]***
•	11/18/2018	2209 hours	Muncaster Road / Beechdale Court	(1 fatality)	***[Police District 6]***
•	11/20/2018	0644 hours	S Summit Avenue / Wells Avenue	(1 fatality)	***[Police District 6]***
•	11/29/2018	1725 hours	Old Georgetown Road / Kingswood Road	(1 fatality)	***[Police District 2]***
•	12/14/2018	1719 hours	Darnestown Road / Ancient Oak Drive	(1 fatality)	***[Police District 1]***
•	12/19/2018	2017 hours	Middlebrook Road / Ridgecrest Drive	(1 fatality)	***[Police District 5]***



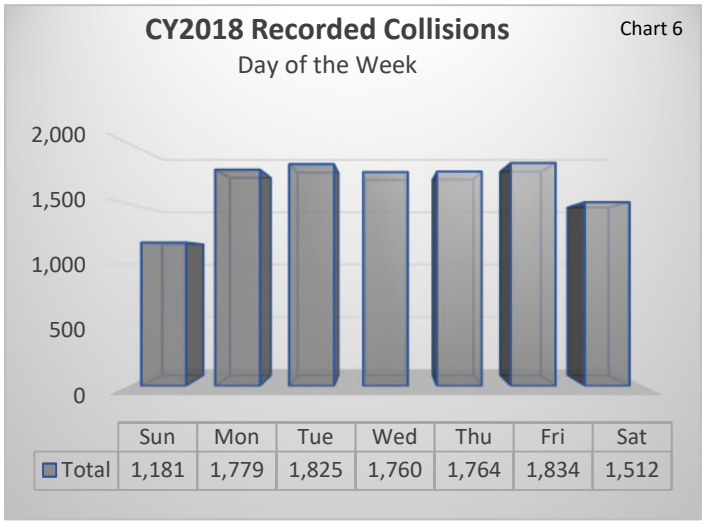


Recorded Vehicle Collisions Resulting in a Fatality or Fatalities					
Police District 1	Police District 2	Police District 3	Police District 4	Police District 5	Police District 6
7 Collisions	**3 Collisions**	**4 Collisions**	**8 Collisions**	**3 Collisions**	**3 Collisions**
25.00%	10.71%	14.29%	28.57%	10.71%	10.71%

Countywide: CAS# 19-325

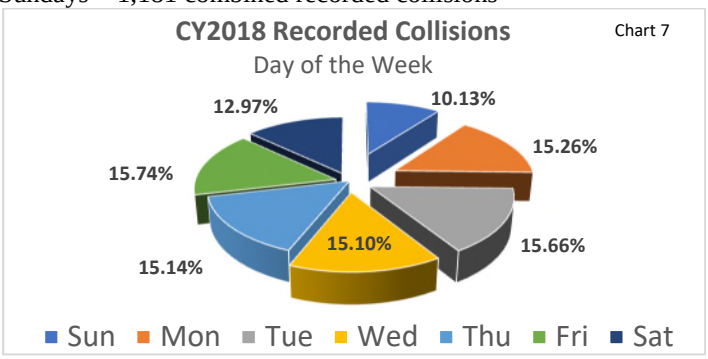


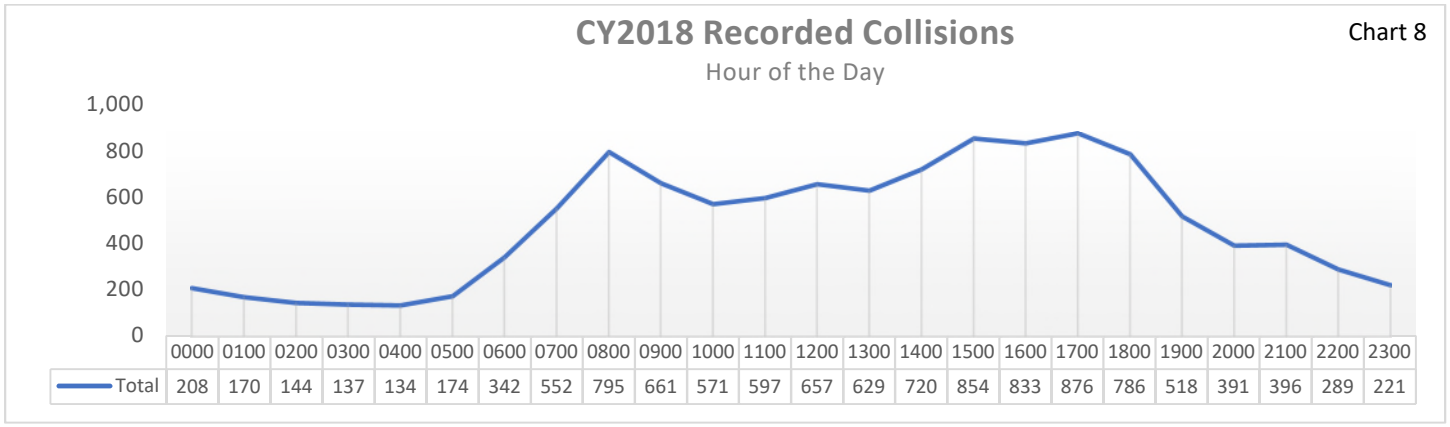
Highest accumulated month(s) totals:		Lowest accumulated months(s) totals:	
Countywide:	October = **1,117** recorded collisions	***Countywide:***	February = **791** recorded collisions
Police District 1:	October = **185** recorded collisions	***Police District 1:***	April = **107** recorded collisions
Police District 2:	October = **197** recorded collisions	***Police District 2:***	April & July = **134** recorded collisions each month
Police District 3:	September = **229** recorded collisions	***Police District 3:***	April = **172** recorded collisions
Police District 4:	October = **220** recorded collisions	***Police District 4:***	February = **152** recorded collisions
Police District 5:	November = **149** recorded collisions	***Police District 5:***	February = **80** recorded collisions
Police District 6:	September = **190** recorded collisions	***Police District 6:***	February = **121** recorded collisions



Highest accumulated Day of Week totals:
- Fridays = 1,834 combined recorded collisions

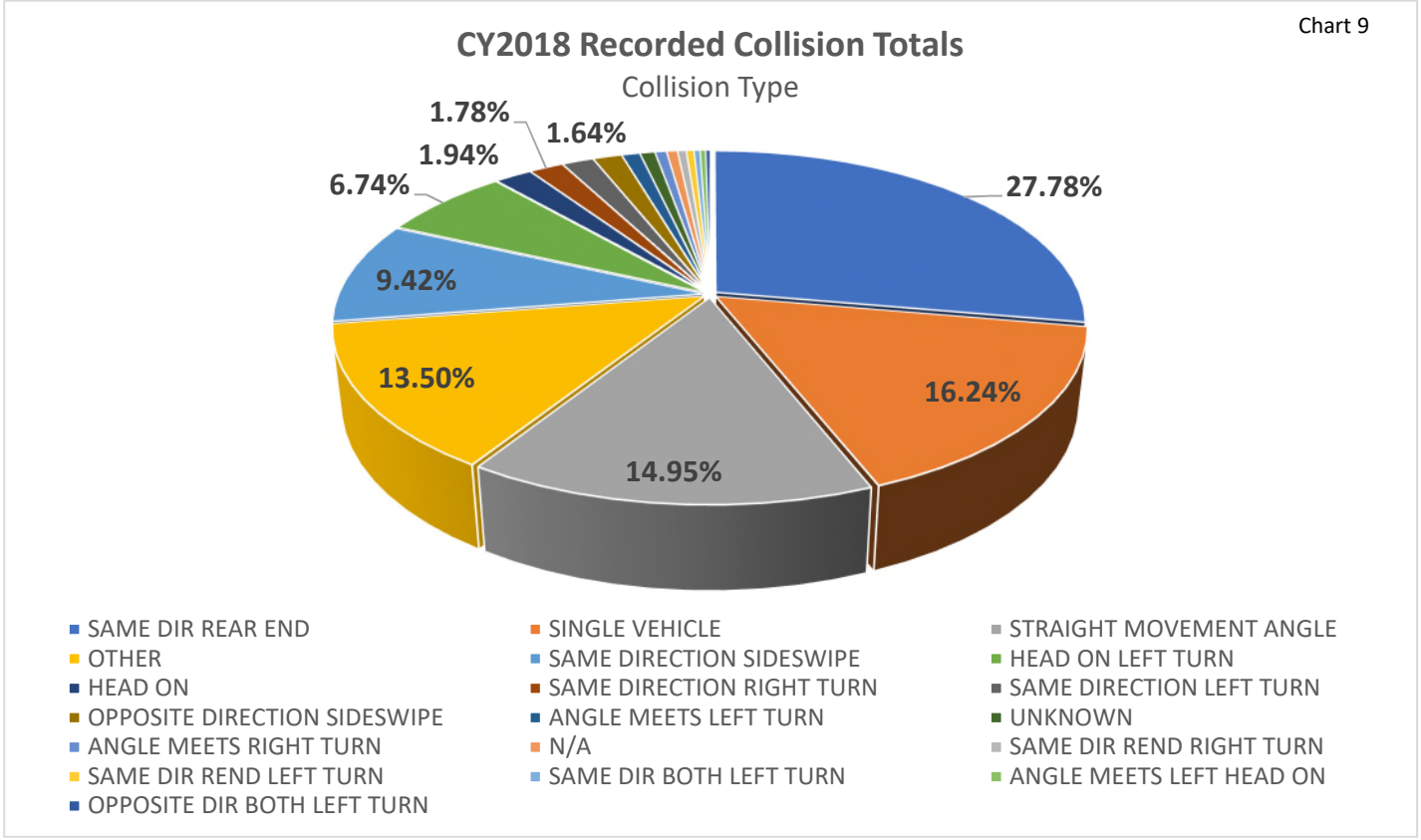
Lowest accumulated months(s) totals:
- Sundays = 1,181 combined recorded collisions





Hour(s) with the Highest Accumulated Total: 1700 (5pm) [876 recorded collisions]
Hour(s) with the Lowest Accumulated Total: 0400 (4am) [134 recorded collisions]

Chart 9



Collision Type	Total Recorded Collisions	Percentage
SAME DIR REAR END	3,238	27.78%
SINGLE VEHICLE	1,893	16.24%
STRAIGHT MOVEMENT ANGLE	1,742	14.95%
OTHER	1,573	13.50%
SAME DIRECTION SIDESWIPE	1,098	9.42%
HEAD ON LEFT TURN	785	6.74%
HEAD ON	226	1.94%
SAME DIRECTION RIGHT TURN	207	1.78%
SAME DIRECTION LEFT TURN	191	1.64%
OPPOSITE DIRECTION SIDESWIPE	174	1.49%
ANGLE MEETS LEFT TURN	109	0.94%
UNKNOWN	90	0.77%
ANGLE MEETS RIGHT TURN	69	0.59%
N/A	65	0.56%
SAME DIR REND RIGHT TURN	52	0.45%
SAME DIR REND LEFT TURN	46	0.39%
SAME DIR BOTH LEFT TURN	36	0.31%
ANGLE MEETS LEFT HEAD ON	34	0.29%
OPPOSITE DIR BOTH LEFT TURN	27	0.23%

Note: The ‘other’ category was due to the resulting fact that the officer who wrote the original report documented the collision type as being ‘other’, ‘not applicable, ‘unknown’, or left the section blank.

Montgomery County, Maryland
MCPD - ATEU

Speed Camera CORRIDORS

NOTE: Blocks listed may include both directions of travel.

16TH ST
Spring St to Georgia Ave
-8200 Block
-8300 Block
-8400 Block
-8500 Block
-8600 Block
-8700 Block
-8800 Block
-8900 Block
-9000 Block
-9100 Block
-9200 Block

APPLE RIDGE RD
Montgomery Village Ave to Buhrstone Dr
-6300 Block
-6400 Block
-6500 Block
-6600 Block
-6700 Block
-6800 Block
-6900 Block
-7000 Block
-7100 Block
-7200 Block
-7300 Block
-7400 Block
-7500 Block
-7600 Block
-7700 Block
-7800 Block
-7900 Block
-8000 Block
-8100 Block
-8200 Block
-8300 Block
-8400 Block
-8500 Block
-8600 Block
-8700 Block
-8800 Block
-8900 Block
-9000 Block
-9100 Block
-9200 Block
-9300 Block
-9400 Block
-9500 Block
-9600 Block
-9700 Block
-9800 Block
-9900 Block
-10000 Block
-10100 Block
-10200 Block
-10300 Block

ARCOLA AVE
University Blvd to Georgia Ave
-900 Block
-1000 Block
-1100 Block
-1200 Block
-1300 Block
-1400 Block
-1500 Block
-1600 Block
-1700 Block
-1800 Block
-1900 Block
-2000 Block
-2100 Block
-2200 Block
-2300 Block
-2400 Block
-2500 Block
-2600 Block
-2700 Block

ASPEN HILL RD
Connecticut Ave to Veirs Mill Rd
-4200 Block
-4300 Block
-4400 Block
-4500 Block
-4600 Block
-4700 Block
-4800 Block
-4900 Block
-5000 Block

BELLS MILL RD
Seven Locks Rd to Falls Rd
-7900 Block
-8000 Block
-8100 Block
-8200 Block
-8300 Block
-8400 Block
-8500 Block
-8600 Block
-8700 Block
-8800 Block
-8900 Block
-9000 Block
-9100 Block
-9200 Block
-9300 Block

BONIFANT RD
New Hampshire Ave to Alderton Rd
-100 Block
-200 Block
-300 Block
-400 Block
-500 Block
-600 Block
-700 Block
-800 Block
-900 Block
-1000 Block
-1100 Block
-1200 Block
-1300 Block
-1400 Block

BOWIE MILL RD
Muncaster Mill Rd to Dun Horse La
-17100 Block
-17200 Block
-17300 Block
-17400 Block
-17500 Block
-17600 Block (East & Westbound
-17700 Block

BRADLEY BLVD
Goldsboro Rd to Seven Locks Rd
-5400 Block
-5500 Block
-5600 Block
-5700 Block
-5800 Block
-5900 Block
-6000 Block
-6100 Block
-6200 Block
-6300 Block
-6500 Block
-7100 Block
-7200 Block

BRIGGS CHANEY RD
New Hampshire Ave to Old Briggs Chaney Rd
-700 Block
-800 Block
-900 Block
-1000 Block
-1100 Block
-1200 Block
-1300 Block
-1400 Block
-1500 Block
-1600 Block
-1700 Block
-1800 Block
-1900 Block
-2000 Block
-2100 Block
-2200 Block
-2300 Block
-2400 Block
-2500 Block
-2600 Block
-2700 Block

CALVERTON BLVD
Cherry Hill Rd to Galway Dr
-2800 Block
-2900 Block
-3000 Block

CASHELL RD
Emory La to Bowie Mill Rd
-16700 Block
-16800 Block
-16900 Block
-17000 Block
-17100 Block
-17200 Block
-17300 Block
-17400 Block
-17700 Block
-17800 Block
-17900 Block

CEDAR LA
Rockville Pike to Clearbrook La
-9100 Block
-9200 Block
-9300 Block
-9400 Block
-9500 Block
-9600 Block
-9600 Block
-9700 Block
-9800 Block
-9900 Block
-10000 Block
-10100 Block

CENTERWAY RD
Snouffer School Rd to Montgomery Village Ave
-8700 Block
-8800 Block
-8900 Block
-9000 Block
-9100 Block
-9200 Block
-9300 Block
-9400 Block
-9500 Block
-9600 Block
-9700 Block
-9800 Block
-9900 Block

CHANDLEE MILL RD
Goldmine Rd to Brooke Rd
-18600 Block
-18700 Block
-18800 Block
-18900 Block
-19000 Block
-19100 Block
-19200 Block
-19300 Block
-19400 Block

CINNAMON DR
Clopper Rd to Mateny Rd
18400 Block

COLESVILLE RD
Spring St to Granville Dr
-8800 Block
-8900 Block
-9000 Block
-9100 Block
-9200 Block
-9300 Block
-9400 Block
-9500 Block
-9600 Block

CONNECTICUT AVE
Thornapple St to Adams Dr
-7100 Block
-7200 Block
-7300 Block
-7400 Block
-7500 Block
-7600 Block
-7700 Block
-7800 Block
-7900 Block
-8000 Block
-8900 Block
-9400 Block
-9500 Block
-9600 Block
-9700 Block
-9800 Block
-9900 Block
-10000 Block
-10100 Block
-11100 Block
-11200 Block
-11300 Block
-11400 Block

CRABBS BRANCH WAY
Indianola Dr to Shady Grove Rd
-15900 Block
-16000 Block
-16100 Block
-16200 Block
-16300 Block
-16400 Block
-16500 Block
-16600 Block

DARNESTOWN RD
Chestnut Oak Dr to Spring Meadows Dr
-13500 Block
-13600 Block
-13700 Block
-13800 Block
-13900 Block
-14000 Block
-14100 Block
-14200 Block
-14300 Block
-14400 Block
-14500 Block
-14600 Block
-14700 Block

DEMOCRACY BLVD
Old Georgetown Rd to Rockledge Rd
-6400 Block

DENNIS AVE
University Blvd to Georgia Ave
-800 Block
-900 Block
-1000 Block
-1100 Block
-1200 Block
-1300 Block
-1400 Block
-1500 Block
-1600 Block
-1700 Block
-1800 Block
-1900 Block

DICKERSON RD
Martinsburg Rd to Mouth of Monocacy Rd
-20800 Block
-20900 Block
-21000 Block
-21100 Block
-21200 Block
-21300 Block
-21400 Block
-21500 Block
-21600 Block
-21700 Block
-21800 Block
-21900 Block
-22000 Block
-22100 Block
-22200 Block
-23000 Block
-22400 Block

DUFIEF MILL RD
Travilah Rd to Muddy Branch Rd
-13800 Block
-13900 Block
-14000 Block
-14100 Block
-14200 Block
-14300 Block
-14400 Block
-14500 Block
-14600 Block
-14700 Block
-14800 Block
-14900 Block

EAST VILLAGE AVE
Woodfield Rd to Goshen Rd
-7800 Block
-7900 Block
-8000 Block
-8100 Block
-8200 Block
-8300 Block
-8400 Block
-8500 Block
-8600 Block
-8700 Block
-8800 Block
-8900 Block

EAST-WEST HWY
Washington Ave to Meadowbrook La
-2000 East-West Hwy
-2200 East-West Hwy
-2200 East-West Hwy
-2300 East-West Hwy
-2400 East-West Hwy
-2500 East-West Hwy
-2600 East-West Hwy
-2700 East-West Hwy
-4000 East-West Hwy
-4200 East-West Hwy

EDNOR RD
Norwood Rd to New Hampshire Ave
New Hampshire Ave to Rocky Gorge Court
-100 Block
-200 Block
-300 Block
-400 Block
-500 Block
-600 Block
-700 Block
-800 Block
-900 Block
-1000 Block
-1100 Block
-1200 Block
-1300 Block
-1400 Block
-1500 Block
-1600 Block
-1700 Block
-1800 Block
-1900 Block

EMORY LA
Muncaster Mill Rd to Georgia Ave
-15900 Block
-16000 Block
-16100 Block
-16200 Block
-16300 Block
-16400 Block
-16500 Block
-16600 Block

FALLS RD
MacArthur Blvd to Falls Bridge La
-8700 Block
-8800 Block
-8900 Block
-9100 Block
-9500 Block
-9700 Block

FATHER HURLEY BLVD
Middlebrook Rd to Germantown Rd
Wisteria Dr to Crystal Rock Dr
-18800 Block
-19200 Block
-19300 Block
-20100 Block
-20300 Block
-20800 Block
-21400 Block
-22000 Block

FOREST GLEN RD
Brunett Ave to Woodland Dr
Coleridge Dr to Glen Ave
-900 Block
-1000 Block
-1100 Block
-1200 Block
-1300 Block
-1400 Block
-1500 Block
-1600 Block
-1700 Block
-1800 Block
-1900 Block
-2000 Block
-2100 Block
-2200 Block
-2300 Block
-2400 Block
-2500 Block
-9500 Block
-9700 Block

GAINSBOROUGH RD
Democracy Blvd to Seven Locks Rd
-10200 Block
-10300 Block
-10400 Block
-10500 Block
-10600 Block
-10700 Block
-10800 Block
-10900 Block
-11000 Block
-11100 Block
-11200 Block
-11300 Block
-11400 Block
-11500 Block
-11600 Block

GEORGIA AVE
Spring St to Luzerne Ave
Forest Glen Rd to Plyers Mill Rd
-8800 Block
-8900 Block
-9000 Block
-9100 Block
-9200 Block
-9900 Block
-10000 Block
-10100 Block
-10200 Block
-10500 Block
-10600 Block
-17700 Block
-19600 Block

GLEN MILL RD
Watts Branch Dr to Wootton Pkwy
-13100 Block
-13200 Block
-13300 Block
-13400 Block
-13500 Block
-13600 Block
-13700 Block
-13800 Block
-13900 Block
-14000 Block
-14100 Block
-14200 Block

GLEN RD
Falls Rd to Query Mill Rd
-9300 Block
-9400 Block
-9500 Block
-9600 Block
-9700 Block
-9800 Block
-9900 Block
-10000 Block
-10500 Block
-11000 Block
-11500 Block
-12000 Block
-12500 Block
-13300 Block

GOLD MINE RD
James Creek Court to Georgia Ave
-1500 Block
-1600 Block
-1700 Block
-1800 Block
-1900 Block
-2000 Block
-2100 Block
-2200 Block
-2300 Block

GOSHEN RD
Centerway Rd to Brink Rd
-19100 Block
-19200 Block
-19300 Block
-19400 Block
-19500 Block
-19600 Block
-19700 Block
-19800 Block
-19900 Block
-20000 Block
-20100 Block
-20200 Block
-20300 Block
-20400 Block
-20500 Block
-20600 Block
-20700 Block
-20800 Block
-20900 Block
-21000 Block
-21100 Block

GREENTREE RD
Grant St to Friars Rd
5600 Block
5700 Block
5800 Block
5900 Block
6000 Block
6100 Block
6200 Block
6300 Block
6400 Block
6500 Block

GROSVENOR LA
Laureate Way to Cheshire Dr
-5500 Block
-5600 Block
-5700 Block
-5800 Block
-5900 Block
-6000 Block
-6100 Block

HEWITT AVE
Rippling Brook Dr to Georgia Ave
-2700 Block
-2800 Block
-2900 Block
-3000 Block
-3100 Block
-3200 Block
-3300 Block
-3400 Block
-3500 Block
-3600 Block
-3700 Block
-3800 Block
-3900 Block
-4000 Block
-4100 Block
-4200 Block
-4300 Block
-4400 Block
-4500 Block

HINES RD
Georgia Ave to Cashell Rd
-3900 Block
-4000 Block
-4100 Block
-4200 Block

HOMECREST RD
Bel-Pre Rd to Longmead Crossing Dr
-14400 Block
-14500 Block
-14600 Block
-14700 Block
-14800 Block
-14900 Block
-15000 Block

JONES BRIDGE RD
Montgomery Ave to Rockville Pike
-3700 Block
-3800 Block
-3900 Block
-4000 Block
-4100 Block
-4200 Block
-4300 Block
-4400 Block
-4500 Block
-4600 Block
-4700 Block

KEMP MILL RD
Arcola Ave to Randolph Rd
-11600 Block
-11700 Block
-11800 Block
-11900 Block
-12000 Block
-12100 Block
-12200 Block
-12300 Block
-12400 Block
-12500 Block
-12600 Block

KINGSTEAD RD
Oak Dr to Burnt Hill Rd
-10800 Block
-10900 Block
-11000 Block
-11100 Block
-11200 Block
-11300 Block
-11400 Block
-11500 Block
-11600 Block
-11700 Block
-11800 Block

LOCKWOOD RD
Columbia Pike (Route 29) to New Hampshire Ave
-10800 Block
-10900 Block
-11000 Block
-11100 Block
-11200 Block

MAIN ST/DAMASCUS RD (ROUTE 108)
Damascus Rd / Route 108 to Main St @ Woodfield Rd
-9200 Block Damascus Rd
-9600 Block Main St

MASSACHUSETTS AVE
Duvall Dr to Sangamore Rd
-5100 Block
-5200 Block
-5300 Block
-5400 Block
-5500 Block
-5600 Block
-5700 Block
-5800 Block
-5900 Block
-6000 Block
-6100 Block
-6200 Block
-6300 Block
-6400 Block

MONTGOMERY VILLAGE AVE
Midcounty Hwy to Stedwick Rd
Club House Rd to Wightman Rd
-18400 Block
-18500 Block
-18600 Block
-18700 Block
-18800 Block
-18900 Block
-19000 Block
-19100 Block
-19400 Block
-19500 Block
-19600 Block
-19700 Block
-19800 Block
-19900 Block
-20000 Block
-20100 Block
-20200 Block

MUNCASTER RD
Horizon Terrace to Olney-Laytonsville Rd
-18100 Block
-18200 Block
-18600 Block
-18800 Block
-19400 Block
-19500 Block
-19600 Block

MUNCASTER MILL RD
Airpark Dr to Woodfield Rd
-7400 Block
-7800 Block

OAKVIEW RD
Hedin Dr to New Hampshire Ave
-1200 Block
-1300 Block
-1400 Block
-1500 Block
-1600 Block

OLNEY-LAYTONSVILLE RD
Georgia Ave to Olney Mill Rd
-3400 Block (Westbound)
-3500 Block
-3600 Block
-3700 Block
-3800 Block
-3900 Block
-4000 Block
-4100 Block
-4200 Block

OLNEY-SANDY SPRING RD
Ashton Club Way to Bentley Rd
Norwood Rd to Dr Bird Rd
Prince Philip Dr to Spartan Dr
-100 Block
-200 Block
-300 Block
-400 Block
-1000 Block
-1100 Block
-1200 Block
-1300 Block
-1400 Block
-1500 Block
-1600 Block
-1700 Block
-1800 Block
-2900 Block
-3000 Block

PARKLAND DR
Veirs Mill Rd to Grenoble Dr
-12600 Block
-12700 Block
-12800 Block
-12900 Block
-13000 Block
-13100 Block
-13200 Block
-13300 Block
-13400 Block
-13500 Block

PINEY MEETING HOUSE RD
Glen Rd to Piney Glen Ln
-12000 Block
-12100 Block
-12200 Block
-12300 Block
-12400 Block

PLYERS MILL RD
Georgia Ave to Drumm Ave
-2200 Block
-2300 Block
-2400 Block
-2500 Block
-2600 Block
-2700 Block
-2800 Block
-2900 Block
-3000 Block
-3100 Block

POWDER MILL RD
Green Forest Dr to Kinloch Rd
-1800 Block
-1900 Block
-2000 Block
-2100 Block

QUAIL VALLEY BLVD
between Strawberry Knoll Rd
18500 Block
18700 Block
19000 Block

QUINCE ORCHARD RD
Cheyenne Dr to McDonald Chapel Dr
Horse Center Rd to Darnestown Rd
-1000 Block
-14600 Block
-14700 Block
-15100 Block
-15200 Block
-15300 Block
-15400 Block
-15500 Block
-15600 Block
-15700 Block
-15800 Block

RANDOLPH RD
Kemp Mill Rd to Glenallan Ave
Livingston St to Connecticut Ave
Connecticut Ave to Putnam Dr
-1800 Block
-1900 Block
-2000 Block
-2700 Block
-2800 Block
-2900 Block
-3000 Block
-3100 Block
-3200 Block
-3300 Block
-3400 Block
-3500 Block
-3600 Block
-3700 Block
-3800 Block
-3900 Block
-4000 Block
-4100 Block
-4200 Block
-4300 Block
-4400 Block
-4500 Block
-4600 Block
-4700 Block
-4800 Block
-4900 Block
-5000 Block

REDLAND RD
Founders Mill Dr to Roslyn Ave
-17100 Block
-17200 Block
-17300 Block
-17400 Block

RICHTER FARM RD
Great Seneca Hwy to Clopper Rd
-13300 Block
-13400 Block
-13500 Block
-13600 Block
-13700 Block
-13800 Block
-13900 Block
-14000 Block
-14100 Block
-14200 Block
-14300 Block
-14400 Block
-14500 Block

RIDGE RD
Davis Mill Rd to Sweepstakes Rd
Oak Dr to Bethesda Church Rd
High Corner St to Bellison Rd
-23400 Block
-23500 Block
-23600 Block
-23700 Block
-23800 Block
-23900 Block
-24000 Block
-24100 Block
-24200 Block
-24300 Block
-24400 Block
-24500 Block
-24600 Block
-25500 Block
-25600 Block
-25700 Block
-25800 Block
-25900 Block
-26000 Block
-26100 Block
-26200 Block
-26300 Block
-26400 Block
-26500 Block
-26600 Block
-26700 Block
-26800 Block
-26900 Block
-27000 Block
-27100 Block
-27200 Block
-27300 Block
-27400 Block
-27500 Block

RIVER RD
Persimmon Tree Rd to Piney Meetinghouse Rd
-9800 Block
-9900 Block
-10000 Block
-10100 Block
-10200 Block
-10300 Block
-10400 Block
-10500 Block
-10600 Block
-10700 Block
-10800 Block
-10900 Block
-11000 Block
-11100 Block
-11200 Block
-11300 Block

RUSSETT RD
Arctic Ave to Bauer Dr
-4900 Block
-5000 Block
-5100 Block
-5200 Block
-5300 Block

SANGAMORE RD
Sentinel Dr to Massachusetts Ave
-4800 Block
-4900 Block
-5000 Block
-5100 Block
-5200 Block
-5300 Block
-5400 Block

SCHAEFFER RD
Clopper Rd to Central Park Circle
-13700 Block
-13800 Block
-13900 Block
-14000 Block
-14100 Block
-14200 Block
-14300 Block
-14400 Block
-14500 Block

SEMINARY RD
Burket Court to Forest Glen Rd
-2100 Block
-2201 Block
-2200 Block
-2300 Block
-2400 Block
-2500 Block

SEVEN LOCKS RD
MacArthur Blvd to River Rd
River Rd to Bells Mill Rd
-6700 Block
-6800 Block
-6900 Block
-7000 Block
-8600 Block
-8700 Block
-8800 Block
-9000 Block
-9100 Block
-9200 Block
-9300 Block
-9400 Block
-9500 Block
-9600 Block
-9700 Block
-9800 Block
-10700 Block
-10900 Block

SKYLARK RD
Ridge Rd to Piedmont Rd
-10700 Block
-10800 Block
-10900 Block
-11000 Block
-11100 Block
-11200 Block
-11300 Block
-11400 Block
-11500 Block
-11600 Block
-11700 Block
-11800 Block
-11900 Block
-12000 Block

SNOWDEN FARM PARKWAY
Frederick Rd to Clarksburg Rd
-15000 Block

STONEBRIDGE VIEW DR
Travilah Rd to Muddy Branch Rd
-14300 Block
-14400 Block
-14500 Block
-14600 Block
-14700 Block
-14800 Block
-14900 Block
-15000 Block

STRATHMORE AVE
Knowles Ave to Rockville Pike
-4400 Block
-4500 Block
-4600 Block
-4700 Block
-4800 Block
-4900 Block
-5000 Block
-5100 Block
-5200 Block

TENBROOK DR
Forest Glen Rd to Whitehall St
-9900 Block
-10000 Block
-10100 Block
-10200 Block
-10300 Block
-10400 Block
-10500 Block

TRAVILAH RD
River Rd to Darnestown Rd
-12500 Block
-12600 Block
-12700 Block
-12800 Block
-12900 Block
-13000 Block
-13100 Block
-13200 Block
-13300 Block
-13400 Block
-13500 Block
-13600 Block
-13700 Block
-13800 Block
-13900 Block
-14000 Block
-14100 Block
-14200 Block
-14300 Block

TUCKERMAN LA
Seven Locks Rd to Falls Rd
-8000 Block
-8100 Block
-8200 Block
-8300 Block
-8400 Block
-8500 Block
-8600 Block
-8700 Block
-8800 Block
-8900 Block
-9000 Block

WAYNE AVE
Sligo Creek Pkwy to Cedar St
-100 Block
-200 Block
-300 Block
-400 Block
-500 Block
-600 Block
-700 Block

WILSON LA
Bradley Blvd to River Rd
River Rd to MacArthur Blvd
-5700 Block
-5800 Block
-5900 Block
-6000 Block
-6100 Block
-6200 Block
-6300 Block
-6400 Block
-6500 Block
-6600 Block
-6700 Block
-6800 Block
-6900 Block
-7000 Block
-7100 Block

WISCONSIN AVE
Oliver St to Bradley La
-5700 Block
-5800 Block
-5900 Block
-6000 Block
-6100 Block
-6200 Block
-6300 Block
-6400 Block
-6500 Block
-6600 Block

WISTERIA DR
Waring Station Rd to Walter Johnson Rd
-12000 Block
-12100 Block
-12200 Block
-12300 Block
-12400 Block
-12500 Block
-12600 Block
-12700 Block
-12800 Block
-12900 Block
-13000 Block
-13100 Block
-13200 Block
-13300 Block
-13400 Block
-19200 Block
-19300 Block

WOODFIELD RD
Kimblehunt Dr to Low Meadow Dr
Valley Park Dr to Bethesda Church Rd
-19400 Block
-19500 Block
-21100 Block
-23000 Block
-23600 Block
-23700 Block
-23800 Block
-23900 Block
-24000 Block
-24100 Block
-24200 Block
-24300 Block
-24400 Block
-25700 Block
-25800 Block
-25900 Block

NOTE: Blocks listed may include both directions of travel.

Montgomery County, Maryland
MCPD-ATEU

Speed Camera LOCATIONS

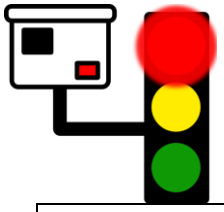
(Outside of speed corridors)

-13500 Block of Arctic Ave
-18500 Block of Barnesville Rd
-16800 Block of Bachellors Forest Rd
-14100 Block of Bauer Dr
-3100 Block of Bel-Pre Rd
-3200 Block of Bel-Pre Rd
-15000 Block Bitterroot Way
-2100 Block of Bordly Rd
-10400 Block of Boswell La
-4300 Block of Bradley La
-5800 Block of Brookside Dr
-7700 Block of Brookville Rd
-9200 Block of Brookville Rd
-9300 Block of Brookville Rd
-10600 Block of Brunswick Dr
-3100 Block of Calverton Blvd
-3200 Block of Calverton Blvd
-3300 Block of Calverton Blvd
-11000 Block of Candle Light La
-900 Block of Cannon Rd
-22300 Block of Canterfield Way
-11800 Block of Claridge Rd
-11900 Block of Claridge Rd
-11900 Block of Clover Knoll
-12000 Block of Clover Knoll
-15200 Block of Comus Rd
-19300 Block of Crystal Rock Dr
-19400 Block of Crystal Rock Dr
-200 Block Dale Dr
-1300 Block Dale Dr
-1400 Block Dale Dr
-10800 Block Deborah Dr
-11100 Block Deborah Dr
-11600 Block Deborah Dr
-500 Block of Dennis Ave
-600 Block of Dennis Ave
-5200 Block of Dorset Ave
-4200 Block East-West Hwy
-4300 Block East-West Hwy
-9000 Block of Emory Grove
-19400 Block of Fisher Ave
-19500 Block of Fisher Ave
-20100 Block of Fisher Ave
-20200 Block of Fisher Ave
-9000 Block of Friars Rd
-9100 Block of Friars Rd
-9200 Block of Friars Rd
-3400 Block of Gateshead Manor Rd
-15500 Block of Germantown Rd
-15700 Block of Germantown Rd
-15400 Block of Good Hope Rd
8200 Block of Grubb Rd
-8300 Block of Grubb Rd
-8600 Block of Grubb Rd
-100 Block Haviland Mill Rd
-6600 Block of Hillandale Rd
-6700 Block of Hillandale Rd
-16300 Block of Hill Croft Dr
-13600 Block Hopkins Rd
-13700 Block Hopkins Rd
-13800 Block Hopkins Rd
-4300 Block of Independence St
-9000 Block of Jones Mill Rd
-23700 Block of King Valley Rd
-18900 Block of Kingsview Rd
-4200 Block of Knowles Ave
-13400 Block of Layhill Rd
-13500 Block of Layhill Rd
-21400 Block of Laytonsville Rd
-21600 Block of Laytonsville Rd
-18800 Block of Liberty Mill Rd
-23500 Block of Log House Rd
-400 Block of Mansfield Rd
-18000 Block of Mateny Rd
-18100 Block of Mateny Rd
-18200 Block of Mateny Rd
-8000 Block of Mid-County Hwy
-8100 Block of Mid-County Hwy
-12500 Block of Middlebrook Rd
-12600 Block of Middlebrook Rd
-2600 Block of Mccomas Rd
-3000 Block of Mccomas Rd
-11700 Block of Morning Star Dr
-9600 Block of Mt. Pisgah Rd
-800 Block of Muddy Branch Rd
-22500 Block of Muscadine Dr
-14500 Block Nadine Dr
-12200 Block of New Hampshire Ave
-10100 Block of Norton Rd
-16900 Block of Norwood Rd
-25400 Block of Oak Dr
-10200 Block of Oaklyn Dr
-10300 Block of Oaklyn Dr
-10400 Block of Oaklyn Dr
-10500 Block Oaklyn Dr
-17000 Block of Old Baltimore Rd
-18000 Block of Old Baltimore Rd
-19000 Block of Old Baltimore Rd
-14100 Block of Old Columbia Pike
-14600 Block of Old Columbia Pike
-22300 Block of Old Hundred Rd
-2500 Block of Owens Rd
-2600 Block of Owens Rd
-2700 Block of Owens Rd
-15200 Block of Peach Orchard Rd
-15400 Block of Peach Orchard Rd
-7600 Block of Piney Branch Rd
-7900 Block of Piney Branch Rd
-8800 Block of Post Oak Rd
-18500 Block of Queen Elizabeth Rd
-1600 Block of Rainbow Dr
-1700 Block of Rainbow Dr
-16100 Block of Riffle Ford Rd
-9300 Block of Rockville Pike
-9400 Block of Rockville Pike
-4600 Block of River Rd
-4700 Block of River Rd
-4800 Block of River Rd
-4900 Block of River Rd
-11700 Block of Shakespeare Blvd
-2600 Block of Spencer Rd
-2700 Block of Spencer Rd
-2500 Block of Spencerville Rd
-11800 Block of Stoney Creek Rd
-6500 Block Tilden La
-22800 Block of Timber Creek La
- 22900 Block of Timber Creek La
- 23000 Block of Timber Creek La
- 23100 Block of Timber Creek La
-12900 Block of Twinbrook Pkwy
-6400 Block of Tuckerman La
-7400 Block of Tuckerman La
-14900 Block of Turkey Foot Rd
-300 Block Valley Brook Dr
-9900 Block of Valley Park
-18400 Block of Waring Station
-18500 Block of Waring Station
-1860 Block of Waring Station
-12700 Block of West Old Baltimore Rd
-12800 Block of West Old Baltimore Rd
-11600 Block of West Offutt Rd
-18200 Block of Wickham Rd
-18700 Block of Wickham Rd
-9200 Block of Wightman Rd
-9600 Block of Wightman Rd
-9700 Block of Wightman Rd
-9800 Block of Wightman Rd
-6600 Block of Whittier Blvd
-24100 Block of Woodfield School Rd
-20200 Block of Wynnfield Dr
-9200 Block of Warfield Rd
-9400 Block of Warfield Rd
-9500 Block of Warfield Rd
-9600 Block of Warfield Rd

NOTE: Blocks listed may include both directions of travel.

POLICE
Montgomery County, Md.

Appendix E: Red Light Camera Locations



MONTGOMERY COUNTY RED LIGHT ENFORCEMENT LOCATIONS BY STREET

CAMERAED STREET	CROSS STREET	DIRECTION	ACTIVATION DATE	DISTRICT
Colesville Road (RT29)	Dale Drive	NB	11-28-12	3
Colesville Road (RT29)	Fenton Street	SB	11-18-12	3
Colesville Road (RT 29)	Georgia Avenue	SB	10-31-14	3
Colesville Road (RT 29)	University Blvd.	NB	8-25-12	3
Colesville Road (RT 29)	University Blvd.	SB	10-24-14	3
Columbia Pike (RT29)	Fairland Rd.	NB	6-28-14	3
Columbia Pike (RT29)	Musgrove Rd.	NB	6-28-14	3
Columbia Pike (RT29)	Musgrove Rd.	SB	6-28-14	3
Columbia Pike (RT29)	Tech Road	NB	12-19-12	3
Columbia Pike (RT29)	Tech Road	SB	12-20-12	3
Connecticut Avenue	Knowles Avenue	NB	8-13-12	2
Connecticut Avenue	Randolph Road	NB	12-19-12	4
Crabbs Branch Way	Redland Rd	SB	7-11-13	1
East Gude Drive	Crabbs Branch Way	WB	2-10-12	1
East Gude Drive	Southlawn Lane	EB	9-15-12	1
Frederick Road (RT 355)	Middlebrook Road	SB	10-16-12	5
Frederick Road (RT 355)	Montgomery Village Ave	NB	12-20-12	6
Georgia Avenue	16th Street	SB	10-12-12	3
Georgia Avenue	Colesville Road (RT 29)	SB	8-7-12	3
Georgia Avenue	Connecticut Avenue	SB	10-10-12	4
Georgia Avenue	Norbeck Road	SB	12-11-12	4
Georgia Avenue	Randolph Road	SB	2-19-13	4
Georgia Avenue	Seminary Road	NB	11-4-14	3
Midcounty Road	Goshen Road	NB	9-30-12	6
Montgomery Village Ave	Frederick Road (RT355)	EB	10/7/16	6
New Hampshire Ave	Dilston Road	SB	10-26-12	3
New Hampshire Ave (RT 650)	Lockwood Drive	SB	11-18-12	3
Old Georgetown Road	Edson Lane	NB	10-18-12	2
Quince Orchard Rd	Firstfield Road	NB	9-19-12	6
Randolph Road	Dewey Road	EB	4-3-12	4
Randolph Road	Dewey Road	WB	3-29-12	4
Randolph Road	Kemp Mill Road	EB	4-11-13	4
Randolph Road	Kemp Mill Road	WB	2-16-12	4
Randolph Road	Selfridge Road	WB	2-1-12	4
Redland Road	Crabbs Branch Way	EB	1-30-12	1

Ridge Rd (RT 27)	Observation Dr	WB	4-4-14	5
River Road	Goldsboro Road	EB	11-30-12	2
River Road	Wilson Lane	EB	8-29-14	2
River Road	Wilson Lane	WB	10-15-12	2
Rockville Pike (RT 355)	Grosvenor Lane	SB	12-19-12	2
Rockville Pike (RT 355)	Halpine Road	SB	8-3-12	1
S. Frederick Road (RT 355)	Shady Grove Road	NB	10-1-12	6/1
Shady Grove Road	Research Blvd	WB	3-5-12	6/1
Shady Grove Road	S. Frederick Road (RT 355)	WB	9-28-12	1/6
E. University Blvd	Colesville Rd (RT 29)	EB	8-25-12	3
University Blvd	Columbia Pike (RT 29)	NB	11-6-14	3
University Blvd - W	Inwood Ave	EB	10-18-12	4
University Blvd - E	Piney Branch Rd	EB	8-4-14	3
Veirs Mill Road	Twinbrook Parkway	SB	9-18-12	1
Wisconsin Ave (RT 355)	Cheltenham Drive	SB	10-20-12	2
Wisconsin Avenue (RT 355)	Montgomery Avenue	NB	1-11-13	2

Up dated 3/18/20