

# Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

## BILL 14-24: VEHICLE NOISE ABATEMENT MONITORING – PILOT PROGRAM

### SUMMARY

The Office of Legislative Oversight (OLO) finds the anticipated impact of Bill 14-24 on racial equity and social justice (RESJ) in the County is indeterminant because the anticipated locations of the noise cameras are unknown. Further, because the pilot program created by the Bill would only install three noise cameras, the RESJ impact will likely be small. Nonetheless, data on traffic violations for noise suggests that Latinx community members could be disproportionately impacted by this Bill and by any future expansions of a noise camera program. While noise cameras could help reduce one source of noise pollution in Latinx communities, fines from noise cameras could also worsen existing racial disparities in fines and civic debt. OLO offers one policy option for Council consideration.

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### PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.<sup>1</sup> Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social inequities that have caused racial and social disparities.<sup>2</sup>

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### PURPOSE OF BILL 14-24

Noise abatement monitoring systems, also known as noise cameras, are devices that detect noise levels above an established limit. When noise from a vehicle exceeds the limit, a noise camera captures identifying images of the vehicle for law enforcement. In recent years, several cities in the U.S. and around the globe have installed noise cameras on their roads to help control loud noises from vehicles, including from modified mufflers and exhaust systems.<sup>3</sup>

In 2024, the Maryland General Assembly passed a bill allowing Montgomery and Prince George's Counties to establish pilot programs for installing noise cameras on their roads.<sup>4</sup> The purpose of Bill 14-24 is to establish this pilot program in the County – the Vehicle Noise Abatement Monitoring Pilot Program – under the Montgomery County Police Department (MCPD).<sup>5</sup>

If enacted, Bill 14-24 would allow MCPD to install three noise cameras within the County for the sole purpose of enforcing legal noise requirements for vehicles.<sup>6</sup> As described in the Council's press release for Bill 14-24:

Under Maryland law, vehicles must not exceed a sound limit of 80 decibels. When the volume is detected at least five decibels above the standard set by state law, the camera would capture a video of the vehicle causing the noise for identification.<sup>7</sup>

Before activating a noise camera, MCPD would be required to:<sup>8</sup>

- Publish notice of the location of the noise camera on the County website; and

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- Ensure that each noise camera is near a sign that indicates that noise cameras are in use in the area.

The Police Chief would also be required to designate a liaison to investigate and respond to concerns, review citations upon request, and respond to questions from community members.

MCPD would issue a warning for the first offense detected by a noise camera. A fine of no more than \$75 would be issued for the second offense and any subsequent offenses. The pilot program would end on June 30, 2026 as required by the state's enabling legislation.<sup>9</sup>

The Council introduced Bill 14-24, Vehicle Noise Abatement Monitoring – Pilot Program, on July 30, 2024.

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### CIVIL FINES, NOISE POLLUTION & RACIAL EQUITY

**Civil fines.** A civil fine is a non-criminal penalty for a violation of laws or regulations.<sup>10</sup> In Maryland, a wide range of violations can result in civil fines. For instance, one fine schedule from the District Court of Maryland lists over 100 pages of fines for motor vehicle violations.<sup>11</sup> Any fines incurred by an individual creates a civic debt that is owed to the government. As described by the Maryland Consumer Rights Coalition (MCRC), other government expenses that also create civic debts include “video tolls and associated civil penalties, tuition and fees at State schools, public assistance and food stamp overpayment, fines for lapsed auto-insurance, and court-ordered criminal restitution.”<sup>12</sup>

Unpaid civic debts arising from fines and other government-imposed expenses can escalate into larger consequences. In *No Exit: How Maryland's Debt Collection Practices Deepen Poverty & Widen the Racial Wealth Gap*, MCRC describes the civic debt collection process in Maryland. After a period of non-payment, civic debts in Maryland are eventually transferred to the state's internal debt collection department, the Central Collection Unit (CCU). The CCU reports on their collection efforts to the major credit bureaus,<sup>13</sup> which could negatively impact credit. In coordination with the Motor Vehicle Administration, the CCU can also collect debt by flagging “vehicle registrations for non-renewal or immediate suspension.” This can lead to a maximum penalty of \$500 and driver's license restrictions for people who continue driving without a valid registration.<sup>14</sup> Negative impacts to credit and driving privileges from debt collection can spill into other areas of life for people with civic debts, including housing and employment opportunities.

An analysis by MCRC found that Black, Indigenous, and Other People of Color (BIPOC) communities in Maryland “bear the brunt of debt collection efforts” for state-owned debts.<sup>15</sup> Racial inequities in various domains – including in economic security and policing – make BIPOC more likely to accumulate civic debt from fines and experience the resulting consequences. These racial inequities are rooted in government policies and practices that have historically oppressed and excluded BIPOC, including slavery, occupational segregation, exclusion from New Deal economic programs,<sup>16</sup> and targeting in the criminal legal system.<sup>17</sup>

Over-policing in BIPOC communities exposes BIPOC community members to more law enforcement interactions that lead to fines. A 2022 analysis by OLO found that Black and Latinx community members were overrepresented among the recipients of the over 200,000 traffic citations issued by MCPD officers between FY18 and FY22.<sup>18</sup> Black and Latinx community members are also overrepresented among the community members with lower incomes who are more likely to have challenges affording fines and thus accumulate civic debt. Locally, 14 percent and 9 percent of Black and Latinx families have incomes below the poverty level, compared to 5 percent of Asian families and 3 percent of White families.<sup>19</sup>

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**Noise pollution.** The American Public Health Association (APHA) defines noise pollution, or environmental noise, as “unwanted and/or harmful outdoor sound created by human activities...to which the public is exposed involuntarily.”<sup>20</sup> A few common sources of noise pollution include:<sup>21,22,23</sup>

- Road, rail, and air traffic (e.g., cars, buses, metro, airplanes);
- Recreational vehicles (e.g., motorcycles);
- Social, sports, and entertainment venues;
- Sirens and alarms; and
- Outdoor power equipment (e.g., construction equipment, gas powered lawn equipment).

Noise pollution has been recognized as a public health hazard in the United States for the last fifty years.<sup>24</sup> Noise exposure is a common cause of auditory health conditions such as hearing loss. Stress and sleep disruption from noise exposure can also increase the risk of non-auditory health conditions such as stroke, hypertension, and heart disease.<sup>25</sup>

Racial inequities in housing and land use – entrenched by historical racial inequities such as residential segregation —<sup>26</sup> situates BIPOC and low-income communities in areas that are more exposed to noise pollution.<sup>27</sup> For instance, one 2017 study found that BIPOC and lower-income communities in the U.S. were generally exposed to higher levels of outdoor noise, especially in communities that were more racially segregated.<sup>28</sup> As noted by researchers at the Center for Progressive Reform, noise pollution interacts with many other cumulative stressors that also worsen health outcomes in BIPOC communities, including “inadequate access to healthcare, food insecurity, higher rates of unemployment and underemployment, and disproportionately greater exposures to various types of air pollution.”<sup>29</sup>

To effectively address noise pollution, advocates and researchers have generally called for policy solutions that would provide more oversight and regulation of noise at the federal level.<sup>30,31,32</sup> Nonetheless, several local level actions have also been suggested, including:

- Enacting noise ordinances to control road traffic noise, including noise from vehicle operation and illegally modified exhaust systems;<sup>33</sup>
- Enacting ordinances to control neighborhood noise from equipment and households;<sup>34</sup>
- Considering potential impact on noise when procuring municipal goods and services that contribute to noise pollution, including emergency sirens, transit vehicles, garbage and street maintenance equipment, and construction equipment;<sup>35</sup> and
- Promoting changes to the built environment (e.g., housing, roads) that can protect community members against noise exposure with careful analysis and planning to prevent inequities in the burden of noise reduction.<sup>36</sup>

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## ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 14-24 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?

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- What racial and social inequities could passage of this bill weaken or strengthen?

**For the first question,** OLO considered the demographics of community members who are most likely to receive a fine from a noise camera. According to the Bill, three noise cameras will be placed in various locations in the County at the discretion of MCPD. To help identify the community members who are most likely to be cited by noise cameras, OLO analyzed available data on traffic violations for noise to understand potential demographic and geographic patterns in noise-related violations issued by MCPD.

According to traffic violations data in dataMontgomery, since 2012, MCPD has issued nearly 3,000 traffic warnings or citations to drivers for violations of noise abatement transportation laws.<sup>37</sup> Table 1 summarizes the noise-related violations by the race or ethnicity of the driver receiving the violation. This data suggests that Latinx drivers are overrepresented among drivers receiving noise related traffic violations. Conversely, White, Asian, and Black drivers are underrepresented among drivers receiving these violations.

**Table 1: Noise Related Traffic Warnings and Citations Issued by MCPD by Driver Race or Ethnicity**

Race or ethnicity <sup>38</sup>	Number of Traffic Violations	Percent of Traffic Violations	Percent of County Population
Asian	120	4.1	15.2
Black	399	13.8	18.2
Native American	5	0.2	0.1
White	741	25.6	41.4
Latinx	1437	49.7	20.0

Source: OLO analysis of [Traffic Violations](#) dataset, dataMontgomery and [Table DP05](#), 2022 American Community Survey 5-Year Estimates, Census Bureau.

The map in Figure A (Appendix) shows the locations of the noise related traffic violations issued by MCPD since 2012 along with a heat map that depicts where the violations are concentrated. The map shows the violations are especially concentrated in Aspen Hill, Gaithersburg, Glenmont and Wheaton. Table A (Appendix) summarizes the demographics of community members in each of these communities by race and ethnicity. This data shows that Latinx community members are overrepresented in all four communities. Black and Asian community members are overrepresented in one of the four communities.

**For the second question,** OLO considered how noise cameras could impact racial inequities and disparities in noise pollution and in fines. As previously described, BIPOC are disproportionately impacted by noise pollution as well by the imposition of fines and the collection of civic debt. If noise cameras are primarily installed in BIPOC communities, this could help to reduce one source of noise pollution – cars that emit excessive noise. However, these benefits would be offset by an increase in fines on BIPOC community members, which could worsen existing racial disparities in fines and civic debt.

Taken together, OLO finds the anticipated impact of Bill 14-24 on RESJ is indeterminant as the anticipated locations of the noise cameras are unknown. Further, because the pilot program created by the Bill would only install three noise cameras, the RESJ impact will likely be small. Nonetheless, data on traffic violations suggests that Latinx community members could be disproportionately impacted by this Bill and by any future expansions of a noise camera program. Latinx community members are overrepresented among drivers receiving noise-related traffic warnings or citations. Latinx community members are also overrepresented in communities where noise-related traffic violations are concentrated. While noise cameras could help reduce one source of noise pollution in Latinx communities, fines from noise cameras could also worsen existing racial disparities in fines and civic debt.

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### RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.<sup>39</sup> OLO finds the anticipated impact of Bill 14-24 is indeterminant. Should the Council seek to improve the RESJ impact of this Bill, OLO offers one policy option for consideration:

- **Engage BIPOC community stakeholders to update Bill 14-24, draft Method 2 regulations, and develop annual reporting requirements to the Council.** The Council can consider engaging BIPOC community stakeholders, including Latinx and BIPOC youth stakeholders, to amend Bill 14-24 as needed to reflect the needs and priorities of the BIPOC communities who are most impacted by the Bill. The Council can also consider amending the Bill to require MCPD to partner with BIPOC community stakeholders to develop Method 2 regulations and annual reporting requirements for the noise camera program that help evaluate the program's impact on RESJ.

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### CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

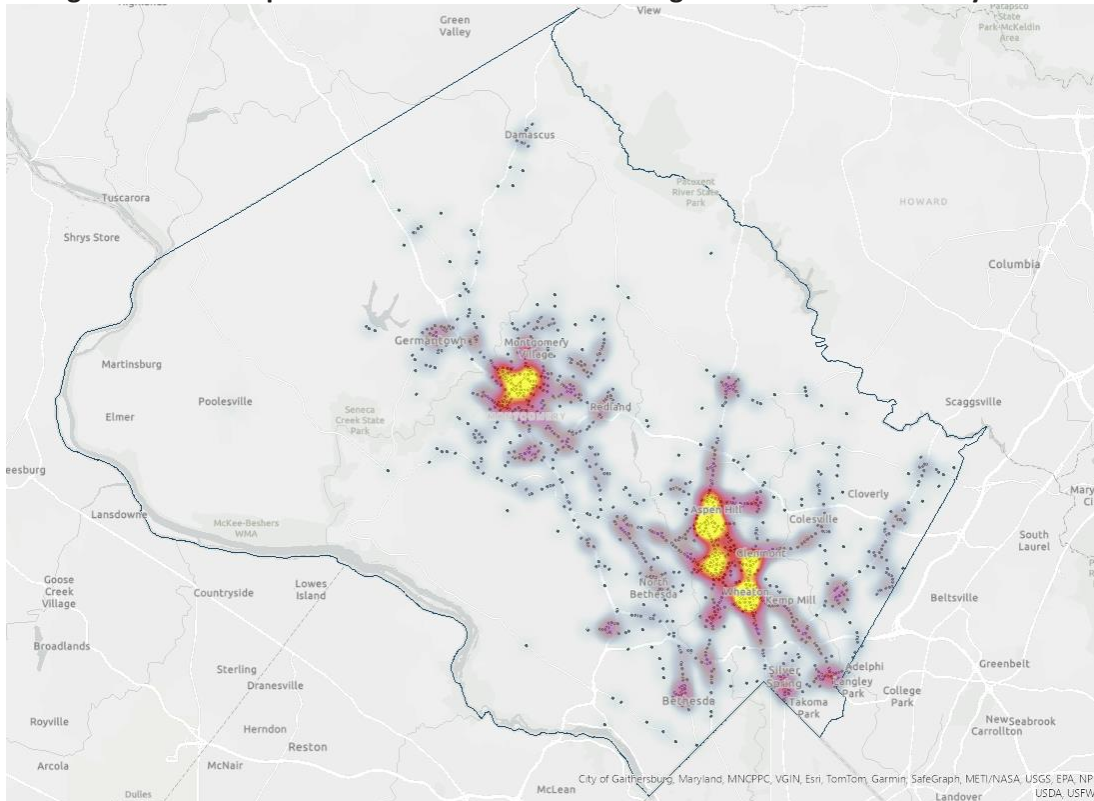
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### APPENDIX

**Figure A: Heat Map of Noise Related Traffic Warnings and Citations Issued by MCPD**



Source: OLO analysis of [Traffic Violations](#) dataset, dataMontgomery.

**Table A: Percent of Population by Race and Ethnicity, Aspen Hill, Gaithersburg, Glenmont, and Wheaton**

Race or ethnicity <sup>40</sup>	Percent of Aspen Hill Population	Percent of Gaithersburg Population	Percent of Glenmont Population	Percent of Wheaton Population	Percent of County Population
Asian	9.3	20.9	10.2	11.0	15.2
Black	17.1	15.5	24.5	18.8	18.2
Native American	0.1	0.2	0.0	0.1	0.1
White	34.2	32.5	22.6	22.1	41.4
Latinx	33.1	26.0	38.3	44.2	20.0

Source: [Table DP05](#), 2022 American Community Survey 5-Year Estimates, Census Bureau.

<sup>1</sup> Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

<sup>2</sup> Ibid.

<sup>3</sup> Arianna Johnson, “[What To Know About Noise Cameras — As NYC Lawmakers Consider Cracking Down On Illegal Mufflers And Exhaust Systems](#),” Forbes, December 4, 2023.

<sup>4</sup> [HB0212](#), Maryland General Assembly, Effective July 1, 2024.

<sup>5</sup> [Introduction Staff Report for Bill 14-24](#), Montgomery County Council, July 30, 2024.



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- <sup>6</sup> Ibid.
- <sup>7</sup> [“Council Vice President Stewart and Councilmember Fani-González Introduce Bill to Reduce Excessive Vehicular Noise with Automated Noise Cameras,”](#) Montgomery County Council, July 30, 2024.
- <sup>8</sup> Introduction Staff Report for Bill 14-24
- <sup>9</sup> Ibid.
- <sup>10</sup> Definition adapted from definition of [civil penalties \(civil fines\)](#), Legal Information Institute, Cornell Law School.
- <sup>11</sup> [Fine schedule for certain motor vehicle violations](#), District Court of Maryland, October 2023.
- <sup>12</sup> Robyn Dorsey and Marceline White, [“No Exit: How Maryland’s Debt Collection Practices Deepen Poverty & Widen the Racial Wealth Gap,”](#) Maryland Consumer Rights Coalition, June 2018, pg. 18.
- <sup>13</sup> Ibid, pg. 19.
- <sup>14</sup> Ibid, pg. 29.
- <sup>15</sup> Ibid, pg. 29.
- <sup>16</sup> Elaine Bonner-Tompkins, et. al., OLO Report 2024-11, [“Racial Equity and Social Justice Policy Handbook: Land Use, Housing, and Economic Development,”](#) Office of Legislative Oversight, June 18, 2024, pgs. 52-57.
- <sup>17</sup> Elizabeth Hinton, et. al., [“An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System,”](#) Vera Institute of Justice, May 2018, pgs. 2-3.
- <sup>18</sup> Natalia Carrizosa, OLO Memorandum Report 2022-12, [Analysis of dataMontgomery Traffic Violations Dataset](#), Office of Legislative Oversight, October 25, 2022.
- <sup>19</sup> Poverty rates for families and people for whom poverty status is determined, [Table S0201: Selected Population Profile in the United States](#), 2022 American Community Survey 1-Year Estimates, Census Bureau.
- <sup>20</sup> [“Noise Pollution as a Public Health Hazard,”](#) American Public Health Association, October 26, 2021.
- <sup>21</sup> Ibid.
- <sup>22</sup> Will Dobbs-Allsopp, et. al., [“Safe and Sound: How the Environmental Protection Agency Can Protect Us from Dangerous Noise,”](#) Center for Progressive Reform, January 2024, pgs. 22-24.
- <sup>23</sup> Monica S. Hammer, et. al., [“Environmental Noise Pollution in the United States: Developing an Effective Public Health Response,”](#) Environmental Health Perspectives, December 5, 2013.
- <sup>24</sup> “Noise Pollution as a Public Health Hazard”
- <sup>25</sup> Will Dobbs-Allsopp, et. al., pg. 10.
- <sup>26</sup> Bonner-Tompkins, et. al., pgs. 15-21.
- <sup>27</sup> “Noise Pollution as a Public Health Hazard”
- <sup>28</sup> Joan A. Casey, et. al., [“Race/Ethnicity, Socioeconomic Status, Residential Segregation, and Spatial Variation in Noise Exposure in the Contiguous United States,”](#) Environmental Health Perspectives, July 25, 2017.
- <sup>29</sup> Will Dobbs-Allsopp, et. al., pg. 11.
- <sup>30</sup> “Noise Pollution as a Public Health Hazard”
- <sup>31</sup> Will Dobbs-Allsopp, et. al., pg. 21.
- <sup>32</sup> Monica S. Hammer, et. al.
- <sup>33</sup> “Noise Pollution as a Public Health Hazard”
- <sup>34</sup> Ibid.
- <sup>35</sup> Monica S. Hammer, et. al.
- <sup>36</sup> Ibid.
- <sup>37</sup> OLO analysis of [Traffic Violations](#) dataset as of August 19, 2024, dataMontgomery. Dataset was filtered to include charges related to the state’s noise abatement program (22-602(a), 22-602(b), 22-609(a), 22-609(b), 2-611(b)). For a description of each charge and the associated fine refer to [fine schedule for certain motor vehicle violations](#), pgs. 88-89.
- <sup>38</sup> Racial groups included in this table are non-Latinx.
- <sup>39</sup> Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council
- <sup>40</sup> Racial groups included in this table are non-Latinx.