



Committee: T&E
Committee Review: At a future date
Staff: Ludeen McCartney-Green, Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #safestreetsactof2023

AGENDA ITEM #6
March 21, 2023
Public Hearing

SUBJECT

Bill 11-23, Motor Vehicles and Traffic – Traffic Signals, Devices, and Automated Enforcement Plan (The Safe Streets Act of 2023)

Lead Sponsor: Council President Glass

Co-Sponsors: Councilmembers Luedtke, Stewart, Katz, Fani-González, Council Vice-President Friedson, and Councilmembers Jawando, Balcombe, Albornoz, Mink, and Sayles

EXPECTED ATTENDEES

Members of the Public

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; to receive public testimony

DESCRIPTION/ISSUE

Bill 11-23 would :

- (1) require an infrastructure review for pedestrian-related collisions within a County's school zone;
- (2) prohibit a driver of a motor vehicle from making a right turn on a red at certain intersections;
- (3) require certain traffic control devices at crosswalks in the County's downtown and town center areas;
- (4) require the County Executive to provide an automated traffic enforcement plan; and
- (5) generally amend the law regarding motor vehicles and traffic control.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report
Bill 11-23

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MEMORANDUM

March 16, 2023

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: **Public Hearing:** Bill 11-23, Motor Vehicles and Traffic – Traffic Signals, Devices, and Automated Enforcement Plan (The Safe Streets Act of 2023)

Bill 11-23, Motor Vehicles and Traffic – Traffic Signals, Devices, and Automated Enforcement Plan, also known as, The Safe Streets Act of 2023, sponsored by Lead Sponsor Council President Glass with Co-Sponsors Councilmembers Luedtke, Stewart, Katz, Fani-González, Council Vice-President Friedson, and Councilmembers Balcombe, Albornoz, Mink, and Sayles is scheduled to be introduced on February 28, 2023. A public hearing is tentatively scheduled for March 21, 2023, at 1:30 p.m. A Transportation and Environment Committee is tentatively scheduled for March 30, 2023.

Bill 11-23 would :

- (1) require an infrastructure review for pedestrian-related collisions within a County’s school zone;
- (2) prohibit a driver of a motor vehicle from making a right turn on a red at certain intersections;
- (3) require certain traffic control devices at crosswalks in the County’s downtown and town center areas;
- (4) require the County Executive to provide an automated traffic enforcement plan; and
- (5) generally amend the law regarding motor vehicles and traffic control.

PURPOSE

The purpose of this bill is to advance the County’s Vision Zero goals by eliminating serious and fatal crashes through the means of addressing specific transportation initiatives, including prioritizing student safety in school zones, providing more access for pedestrians in a crosswalk, prohibiting a right turn on red, and requiring a plan for increased automated traffic enforcement.

BACKGROUND

In 2016, the Council adopted Vision Zero to make road safety a top priority in Montgomery County.¹ As outlined in the Vision Zero action plan describes, “using data-informed and equitable

¹ [Resolution 18-390](#), Resolution to adopt Vision Zero in Montgomery County and urge the State of Maryland to also adopt Vision Zero. Adopted February 2, 2016.

approaches, Montgomery County will systematically update the roadway network to create complete, safe streets and build a culture of safety through purposeful campaigns and engagement to eliminate serious and fatal collisions by 2030.”² Since then, even though, the County has made advancements in safety for pedestrians and cyclists, residents in our equity-emphasis areas are still more likely to experience an injury or fatality on our roads. Since 2015, 64% of all pedestrian-involved crashes occurred at intersections. For bicyclists, 74% of all incidents occurred at intersections. Since 2020, there have been 41 pedestrians and bicyclists killed by motorists, and over 1,400 have been injured. In 2022 alone, 19 non-motorists died and 574 were hit.

The neighboring jurisdiction, Washington D.C. has also adopted a Vision Zero program, which set the goal that, by 2024, it will “reach zero fatalities and serious injuries to travelers of its transportation system through more effective use of data, education, enforcement, and engineering.” The District passed its Vision Zero Enhancement Omnibus Amendment Act of 2019, back in September of 2020, to address right turns on red in some locations; however, the legislation remains unfunded, and therefore not in effect.

State v. Local Authority

The Maryland Vehicle Law³ expressly preempts local regulation on any subject that is within the Maryland Vehicle Law, *See Transp.* § 25-101.1. However, there are exceptions to the preemption. *Transp.* § 25-102(a) states that the Maryland Vehicle Law “do[es] not prevent a local authority, in the reasonable exercise of its police power, from exercising [certain enumerated] powers as to highways under its jurisdiction. One of those powers is “...regulating the traffic by [...] traffic control devices; [or] regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections [...]” *Transp.* § 25-102(a)(2) and (9). As a result, the County has the authority to legislate within this scope.

BILL SPECIFICS

Traffic Infrastructure Review

Bill 11-23 would require that an infrastructure review must be performed if a student going to or from school is involved in a collision within a County’s school zone. An infrastructure review is a study of several factors that led to the collision and recommendations for traffic improvements, specifically, the review must include the following:

Lines 22-27:

- (1) any deficiencies in engineering, traffic control, and traffic operations; and
- (2) appropriate corrective actions and crash reduction countermeasures that are consistent with the United States Department of Transportation’s best practices and the County’s Vision Zero program.

² [Vision Zero 2030 Action Plan](#)

³ The Maryland Vehicle Law is found in Titles 11 through 27 of the Transportation Article, Md. Code Ann., *Transp.* § 11-206.

No Right Turn On Red

Further, the Bill would require Montgomery County’s Department of Transportation to post signs marked, “No Right Turn On Red” at the intersection of a County road in downtown and town center areas. A downtown or town center area is defined under recently adopted, [Bill 24-22, Streets and Roads](#), and corrective [Bill 34-22, Streets and Roads – Classifications of Roads](#), to be codified in Sections 49-31 of the County Code after 91 days of bill enactment.⁴ A driver of a motor vehicle would be prohibited from making a right turn on red in those specific locations.

Leading Pedestrian Interval

A leading pedestrian interval (LPI) is a traffic control device that, “gives pedestrians the opportunity to enter the crosswalk at an intersection 3-7 seconds before vehicles are given a green indication. Pedestrians can better establish their presence in the crosswalk before vehicles have priority to turn right or left.”⁵ The bill requires LPIs in downtown and town center areas.

Lines 76-80 of the Bill:

Leading pedestrian interval – required. The Director must install or cause to be installed a leading pedestrian interval at every crosswalk of a County road located:

- (1) in a downtown area; and
- (2) in a town center area.

Automated Traffic Enforcement Plan

Lastly, Bill 11-23 would require the County Executive to provide an automated traffic enforcement plan. See, lines 82 -100 of the Bill. (©6).

This packet contains:
Bill 11-23

Circle #
1

⁴ Bill 24-22 was enacted by the Council on 10/25/2022 and Bill 34-22 was enacted by the Council on 12/13/2022. A bill enacted becomes effective 91 days after the County Executive signs the bill. The text of the law will not be available online for the public to review until after 91 days.

⁵ U.S. Department of Transportation Federal Highway Administration. Leading Pedestrian Interval., <https://highways.dot.gov/safety/proven-safety-countermeasures/leading-pedestrian-interval>.

Bill No. 11-23
Concerning: Motor Vehicles and Traffic –
Traffic Signals, Devices, and
Automated Enforcement Plan (The
Safe Street Act of 2023)
Revised: 2/23/2023 Draft No. 3
Introduced: February 28, 2023
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President Glass
Co-Sponsors: Councilmembers Luedtke, Stewart, Katz, Fani-González, and Council Vice-President
Friedson, and Councilmembers Jawando, Balcombe, Mink, and Sayles

AN ACT to:

- (1) require an infrastructure review for pedestrian-related collisions within a County’s school zone;
- (2) prohibit a driver of a motor vehicle from making a right turn on a red at certain intersections;
- (3) require certain traffic control devices at crosswalks in the County’s downtown and town center areas;
- (4) require the County Executive to provide an automated traffic enforcement plan; and
- (5) generally amend the law regarding motor vehicles and traffic control.

By amending

Montgomery County Code
Chapter 31, Motor Vehicles and Traffic
Section 31-9A

By adding

Montgomery County Code
Chapter 31, Motor Vehicles and Traffic
Sections 31-9C and 31-9D

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

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

1 **Sec. 1. Short Title.**

2 This Act may be cited as “The Safe Streets Act of 2023.”

3 **Sec. 2. Sections 31-9A is amended and 31-9C and 31-9D are added**
4 **as follows:**

5 **31-9A. Speed Monitoring Systems Authorized; traffic infrastructure review.**

6 (a) *Definitions.* In this Section, the following words have the meanings
7 indicated:

8 *School zone* means an area within a half-mile radius of any school
9 established by the State Highway Administration or the County pursuant
10 to the Maryland Transportation Code § 21-803.1.

11 * * *

12 (e) Traffic infrastructure review within a school zone - required. The
13 Department of Transportation must coordinate with the Montgomery
14 County Public Schools to conduct a traffic infrastructure review of each
15 collision that:

- 16 (1) occurs on a County road;
- 17 (2) involves a student going to or from school; and
- 18 (3) occurs in a designated school zone or on school property during
19 arrival or dismissal times.

20 (f) Contents of the traffic infrastructure review. The review under subsection
21 (e) must identify:

- 22 (1) any deficiencies in engineering, traffic control, and traffic
23 operations; and
- 24 (2) appropriate corrective actions and crash reduction
25 countermeasures that are consistent with the United States
26 Department of Transportation’s best practices and the County’s
27 Vision Zero program.

(g) The Department of Transportation must:

- (1) complete the traffic infrastructure review within 6 months after an injury or fatality has occurred; and
- (2) post the contents of the review on the County’s website.

31-9C. Traffic Control Signals and Devices.

(a) Legislative findings. The County Council finds and declares that:

- (1) In 2016, the Montgomery County Council passed Resolution No. 18-390 supporting Vision Zero and the policies and investments necessary to achieve it by 2030. Vision Zero is a strategy to eliminate all traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all.
- (2) Progress has been made to reduce injuries and deaths on our roadways due to more sidewalk installations, dedicated bike lanes, automated traffic enforcement, and other traffic calming techniques that decrease safety risks for non-motorists and motorists alike. While we have made advancements in our safety investments for pedestrians and cyclists in the County, residents in our equity-emphasis areas are still more likely to experience an injury or fatality on our roads.
- (3) Since 2020, 41 pedestrians and bicyclists have been killed by motorists, and over 1,400 have been injured. In 2022 alone, 19 non-motorists died and 574 were hit.
- (4) Since 2015, 64% of all pedestrian-involved crashes occurred at intersections. For bicyclists, 74% of all incidents occurred at intersections.
- (5) Ensuring the health and safety of 1.1 million residents will continue to be a top priority for the Montgomery County

55 government. By implementing evidence-based measures and
 56 maximizing resources to areas in critical need, more lives can be
 57 saved.

58 (b) Definitions. As used in this Section:

59 Department means the Department of Transportation.

60 Director means the Director of Transportation or the Director’s designee.

61 Downtown area has the same meaning as stated in Section 49-31.

62 Leading pedestrian interval means a traffic control device that:

63 (1) allows a pedestrian to establish a presence in the crosswalk
 64 before vehicles are given a green indication; and

65 (2) has specifications in accordance with the most recent edition of
 66 the Manual on Uniform Traffic Control Devices for Highways
 67 and Streets.

68 Town center area has the same meaning as stated in Section 49-31.

69 (c) Signage - required. The Department must erect signage that indicates
 70 “No Right Turn on Red” at the intersection of a County road located:

71 (1) in a downtown area; and

72 (2) in a town center area.

73 (d) Right turn on red – prohibited. A driver of a motor vehicle must not make
 74 a right turn on a red signal as marked by a posted sign under subsection
 75 (c).

76 (e) Leading pedestrian interval – required. The Director must install or cause
 77 to be installed a leading pedestrian interval at every crosswalk of a
 78 County road located:

79 (1) in a downtown area; and

80 (2) in a town center area.

81 **31-9D. Automated Enforcement Action Plan.**

82 (a) The County Executive, or the Executive's designee, must transmit to the
 83 Council an automated enforcement action plan that includes:

84 (1) an explanation of the plan, the goals, and the strategies to increase
 85 automated enforcement cameras:

86 (A) at red traffic lights;

87 (B) stop signs; and

88 (C) speed monitoring devices;

89 (2) a recommended number of automated enforcement cameras, by
 90 camera type, that should be deployed in the County to achieve
 91 appropriate levels of enforcement and related traffic safety results;

92 (3) a timeline for deploying the recommended number of cameras,
 93 including the number of additional cameras to be deployed, by
 94 camera type and by fiscal year;

95 (4) the amount of funding necessary, in addition to what has been
 96 authorized as of the date of the plan's publication, by fiscal year,
 97 to attain the target number of cameras; and

98 (5) any other necessary recommendations for consideration.

99 (b) Annual plan. The plan must be updated and resubmitted to the Council
 100 annually.

101 **Sec. 3. Transition; effective date.**

102 The County Executive must provide an automated enforcement action plan as
 103 required under Section 31-9D within 180 days after the enactment of this Act. Sections
 104 31-9A and 31-9C, as added by Section 2 of this Act, take effect on July 1, 2025.