

M E M O R A N D U M

TO: Transportation, Infrastructure, Energy and Environment Committee

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Worksession:** Expedited Bill 7-10, Motor Vehicles and Traffic - Speed-Monitoring Systems

Those Expected to attend this worksession:

Captain John Damskey, Montgomery County Police
William Snoddy, Associate County Attorney

Expedited Bill 7-10, Motor Vehicles and Traffic - Speed-monitoring systems, sponsored by the Council President at the request of the County Executive, was introduced on March 2, 2010. A public hearing was held on March 23.

Background

Bill 7-10 would permit the County Executive, by Executive Order, to authorize the Police Department to deploy new fixed and mobile speed monitoring systems on streets in residential districts with a maximum posted speed limit of 35 miles per hour and in school zones.

The use of speed monitoring systems in Montgomery County was authorized by Chapter 15, Laws of Maryland 2006, codified at §21-809 of the Transportation Article of the Maryland Code. This law permitted Montgomery County and municipalities within the County that have police departments to operate speed monitoring systems on a highway in a residential district with a maximum posted speed of 35 miles per hour and in established school zones. By Chapter 500 of the Laws of Maryland 2009, the General Assembly amended §21-809 of the Transportation Article by prohibiting the operation of a speed monitoring system “unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.” This new law applies to any speed monitoring system the County activates after October 1, 2009.

Public Hearing

There were 2 speakers at the March 23 public hearing. Both Lyle Schwartz, representing the Chevy Chase West Neighborhood Association (©6-7), and Police Lt. James Humphries, representing the Executive (©8-10), supported the Bill. Mr. Schwartz testified that Chevy Chase West Neighborhood Association has had a request pending with the Police Department to install

a new speed camera on Wisconsin Avenue in Chevy Chase that cannot be acted upon without enactment of this Bill. Lt. Humphries testified that the Police Department has a current backlog of approximately 100 locations where residents have requested speed cameras that cannot be acted upon without enactment of this Bill.

Issues

1. What is the fiscal and economic impact of the Bill?

The OMB fiscal impact statement (©5) anticipates no fiscal impact to the County from the enactment of this Bill because it establishes a procedure for installing new speed cameras, but does not authorize any new cameras. The cost to install and monitor a new speed camera is offset by citation revenue. Under the County's current vendor contract, the vendor is responsible for the cost of installing a speed camera. The vendor is paid \$16.25 for each paid citation. Each citation imposes a \$40 fine. Speed camera program revenues were estimated to exceed program costs by \$13 million in the FY10 approved budget.

The Department of Finance concluded that the Bill would not have an economic impact in the County.

2. How does the new State law change the County's speed monitoring program?

The 2006 law authorized speed cameras only in Montgomery County. The cameras could be placed in an established school zone or on a highway in a residential zone with a maximum speed limit of 35 miles per hour. Pursuant to this enabling act, the County currently operates 60 fixed speed camera sites (22 in school zones) and 6 mobile speed camera vans at 59 mobile enforcement sites. The 2009 State law authorized speed cameras in all Maryland Counties in established school zones and permitted Montgomery County to install new speed cameras in both established school zones and other residential districts with a maximum speed limit of 35 miles per hour. However, the 2009 law restricts the operation of cameras in school zones to weekdays from 6 am to 8 pm, throughout the State, including Montgomery County. The 2006 law permitted a citation for exceeding the posted speed by 10 miles per hour. The 2009 law permits a citation for exceeding the posted speed limit by 12 miles per hour, throughout the State, including Montgomery County.

The 2009 law contains additional procedural requirements for the installation of new speed cameras. First, the governing body of a local jurisdiction must enact a local law authorizing the installation of speed cameras. A local jurisdiction must publish the location of an unmanned stationary speed camera on its website and in a newspaper of general circulation in the jurisdiction before activating a new speed camera. The local jurisdiction must also place notice of the use of a speed camera on each sign designating a school zone before activating an unmanned stationary speed camera in a school zone. The 2009 law exempts speed cameras installed in Montgomery County before October 1, 2009 from these new procedural requirements. The County Attorney described the effect of this 2009 law on the County's speed monitoring program in an opinion dated July 21, 2009 at ©11-14.

The County has been unable to install new stationary speed cameras or move the existing speed cameras to new locations since the new law took effect on October 1, 2009. Expedited

Bill 7-10 would enable the County to do this by permitting the Executive, by Executive Order, to authorize the Police Department to install new speed cameras. Bill 7-10 would also require compliance with the new notice requirements of the 2009 law described above.

3. How would the process to establish a new unmanned stationary speed camera work under Bill 7-10?

A description of the process that the Police Department would use to establish a new unmanned stationary speed camera location under Bill 7-10 is at ©15. The site selection process would include crash data analysis, community input, a review of complaints and requests, roadway assessments, a review of vehicular and pedestrian traffic characteristics, and a site visit. The final decision on suitability and ultimate deployment would be a balance of safety, needs of the community and the limited nature of this resource. Each site selected must be approved by Executive Order. The Department of Police would then publish the location of the selected site on its website and in a newspaper of general circulation within Montgomery County before the camera would be activated.

4. Should the Council enact Bill 7-10?

The Council’s Office of Legislative Oversight (OLO) published a comprehensive review of the County’s speed camera program in September 2009.¹ OLO found that few drivers repeatedly pass speed cameras at excessive speeds, speed camera citations for a location drop precipitously during the first year, vehicle speeds declined by an average of 6% at speed camera locations, and vehicle collisions near speed cameras declined by 28% over one year. All of these findings support the extension of the speed monitoring program in the County for safety reasons. Bill 7-10 is an essential first step toward extending this program. Since the 2009 State law, both Baltimore County (©16) and Prince George’s County (©17) have enacted similar local laws authorizing the installation of speed cameras. **Council staff recommendation:** enact Expedited Bill 7-10 as introduced.

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¹ The full OLO Report can be viewed on the Council’s website at http://www.montgomerycountymd.gov/content/council/olo/reports/pdf/2010-3_speed.pdf.

Expedited Bill No. 7-10
Concerning: Motor Vehicles and Traffic -
Speed-monitoring systems
Revised: February 16, 2010 Draft No. 2
Introduced: March 2, 2010
Expires: September 2, 2011
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: The Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) authorize the use of speed monitoring systems on certain highways under certain circumstances; and
- (2) generally regulate the use of speed monitoring systems in the County .

By adding

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

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:

LEGISLATIVE REQUEST REPORT

Expedited Bill 7-10

Motor Vehicles and Traffic - Speed-monitoring systems

DESCRIPTION: This Bill would permit the County Executive, by Executive Order, to authorize the Department of Police to deploy new fixed and mobile speed monitoring systems on streets in residential districts with a maximum posted speed limit of 35 miles per hour and in school zones.

PROBLEM: The use of speed monitoring systems in Montgomery County was authorized by Chapter 15, Laws of Maryland 2006, codified at § 21-809 of the Transportation Article of the Maryland Code. This law permitted Montgomery County and municipalities within the County that have police departments to operate speed monitoring systems on a highway in a residential district with a maximum posted speed of 35 miles per hour and in established school zones. By Chapter 500 of the Laws of Maryland 2009, the General Assembly amended § 21-809 of the Transportation Article by prohibiting the operation of a speed monitoring system “unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.” This new law applies to any speed monitoring system the County activates after October 1, 2009.

GOALS AND OBJECTIVES: To permit the County to continue to deploy speed monitoring systems on residential streets and in school zones within Montgomery County in accordance with State law.

COORDINATION: Department of Police, County Attorney’s Office

FISCAL IMPACT: None.

ECONOMIC IMPACT: None.

SOURCE OF INFORMATION: William A. Snoddy, Associate County Attorney, (240) 777-6722

APPLICATION WITHIN MUNICIPALITIES: Yes.

PENALTIES: None.

BILL



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

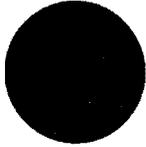
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Isiah Leggett
County Executive

MEMORANDUM

February 2, 2010



TO: Nancy Floreen, President
Montgomery County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Speed Camera Authorization

I am submitting for Council introduction a bill that would authorize Montgomery County to deploy new speed cameras on streets in residential districts with a maximum posted speed limit of 35 miles per hour and in school zones. I am also attaching a Legislative Request Report for the bill. The bill would allow the Montgomery County Police Department (MCPD) to deploy cameras at sites where cameras were not in operation before October 1, 2009, as required by legislation enacted by the Maryland General Assembly in 2009.

In 2006, the General Assembly enacted a law which authorized Montgomery County and municipalities within the County which have police departments to operate speed monitoring systems on streets in residential districts with a maximum posted speed of 35 miles per hour and in school zones. In 2009, the General Assembly enacted a law which extended this authority to other counties and municipalities in the State. However, the 2009 law prohibited any jurisdiction from operating a speed monitoring system "unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing." This requirement applies to any new speed camera deployed in the County after October 1, 2009.

I look forward to working with the Council to enact this bill.

cc: J. Thomas Manger, Chief, Department of Police
William Snoddy, Assistant County Attorney
Captain John Damskey, SOD Traffic Division
Kathleen Boucher, Assistant Chief Administrative Officer

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RECEIVED
MONTGOMERY COUNTY
COUNCIL (4)

BILL 7-10

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OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett
County Executive

Joseph F. Beach
Director

MEMORANDUM

March 25, 2010

TO: Nancy Floreen, County Council President
FROM: Joseph F. Beach, Director
SUBJECT: Expedited Bill 7-10, Motor Vehicles and Traffic – Speed Monitoring

2010 MAR 29 AM 10:30

RECEIVED
MONTGOMERY COUNTY
COUNCIL

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

LEGISLATION SUMMARY

The proposed legislation would permit the County Executive, by Executive Order, to authorize the Police Department to deploy new fixed and mobile speed monitoring systems on streets in residential districts with a maximum posted speed limit of 35 miles per hour and in school zones.

FISCAL SUMMARY

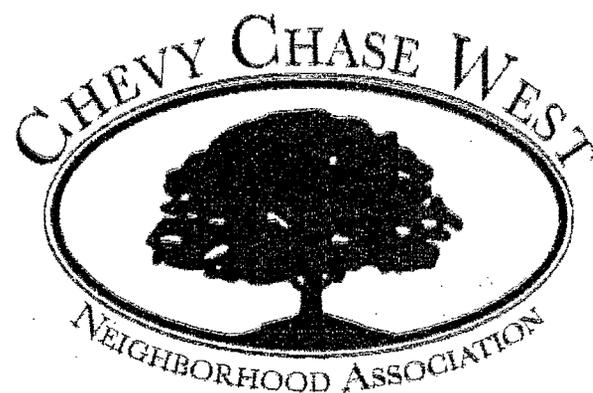
There is no anticipated fiscal impact to the County from the enactment of this Bill. State Law (Chapter 15, Laws of Maryland 2006) governing County operation of speed monitoring systems requires that any new speed cameras activated after October 1, 2009 must be authorized by the County's governing body. This Bill, to comply with the State Law, establishes a procedural approval process for authorizing new speed cameras that are activated after October 1, 2009 in which the County Executive, by Executive Order, authorizes new cameras. The Bill requires the County Executive to publish notice of the location of new speed monitoring system on the County's website and in a newspaper of general circulation in the County. The Bill itself does not authorize any new cameras. The costs of installing any additional speed monitoring cameras, however, are the responsibility of the vendor under contract with County government. The related fiscal impact of any additional speed monitoring cameras including vendor payments and citation revenues is addressed during the annual consideration of the County's operating budget.

ECONOMIC IMPACT STATEMENT

The Department of Finance reviewed the bill and determined that there is no economic impact to the County.

Office of the Director

Bill 7-10
#1



March 23, 2010

Good evening and thank you for the opportunity to speak. My name is Lyle Schwartz and I represent the Chevy Chase West Neighborhood Association. We are a community of nearly 500 homes between Wisconsin Avenue and Little Falls Parkway and Bradley and Drummond. For several years our Association has actively pursued improvements in traffic and transportation that would ease pedestrian and bicycle mobility and safety while facilitating vehicular traffic both within and through our neighborhood. We have commissioned independent studies by professional traffic engineers and presented their findings and suggestions to local and state officials in an ongoing effort to improve transportation in our neighborhood.

In particular this evening, I would like to address our advocacy for speed cameras on Wisconsin Avenue between Dorset Avenue and Bradley Boulevard. Heavy vehicular traffic (approximately 40,000 vehicles per day) on Wisconsin Avenue imposes a barrier to motorists as well as pedestrians and bicyclists attempting to cross traffic or to walk or bike adjacent to traffic. In addition Somerset Elementary School and Concord Hill Schools are located within close proximity to this stretch of highway. 89 collisions (including one fatality) occurred on this short stretch between January 2004 and November 2007.

The Chevy Chase West Association has worked for over a year to implement strategies similar to those successfully utilized on Connecticut Avenue, a corridor to the east with remarkably similar characteristics. In the Connecticut Avenue corridor, the posted speed limit was reduced from 35 to 30 mph, and speed cameras, pedestrian crossings and warning signs were all installed.

In its comprehensive review of the Safe Speed Program, the Council's Office of Legislative Oversight found that the two fixed cameras and four portable cameras on Connecticut led to 13% reduction in overall speed and a 34% overall drop in crashes, after only one year of operation.

Implementing a similar use of speed cameras and speed limit reduction in the Wisconsin Avenue corridor north of Dorset Avenue would reduce the traveling speed in this section of corridor. However, a 5 mph reduction in speed between Bradley and Dorset would only increase travel time by approximately 11 seconds.

Given the effectiveness of the County's speed program in general, as well as the effectiveness of speed cameras and other measures in the similar Connecticut Avenue corridor, a practical and logical conclusion is to implement similar strategies in the Wisconsin Avenue corridor.

We strongly endorse passage of the proposed legislation that would expedite the process for addressing the installation of speed cameras. Our request has been pending for months along with other locations recommended by other communities. We await the opportunity to present our case to the Police but they need this legislation enacted to begin the process. We urge the Council to approve it.

Expedited Bill 7-10
Motor Vehicles and Traffic – Speed Monitoring Systems
Public Hearing – March 23, 2010

Testimony of Lieutenant Jim Humphries on behalf of the County Executive

Good Evening. I am Lieutenant Jim Humphries with the Montgomery County Police Department and I am here to testify in support of Expedited Bill 7-10 on behalf of the County Executive and the Police Chief.

This bill would authorize the Police Department to deploy new speed cameras on streets in residential districts with a maximum posted speed limit of 35 miles per hour and in school zones. More specifically, the bill would allow the Police Department to deploy cameras at sites where cameras were not in operation before October 1, 2009, as required by legislation enacted by the Maryland General Assembly in 2009.

In 2006, the General Assembly enacted a law which authorized Montgomery County, and municipalities within the County which maintain police departments, to operate speed monitoring systems on streets in residential districts with a maximum posted speed of 35 miles per hour and in school zones. In 2009, the General Assembly enacted a law which extended this authority to other counties and municipalities in the State. However, the 2009 law prohibited any jurisdiction from operating a speed monitoring system “unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing.” This 2009 requirement applies to any new speed camera deployed in the County after October 1, 2009.

Today, the Safe Speed Program utilizes automated enforcement in many different locations, including 60 fixed camera sites (22 of which are in school zones) and 6 mobile speed camera vans at 59 mobile enforcement sites. This bill would allow for deployment on roads in need of automated enforcement but not identified before October 1, 2009.

Montgomery County began automated speed enforcement in 2007 following approval of the General Assembly. Since that time, we have observed speeds on targeted roadways decrease and safety increase in the following ways.

- The annual number of collisions within a half mile of speed camera sites decreased by 28% in the 12 months after speed camera activation as compared to the annual number for the previous four years.
- Collisions involving an injury or fatality declined by 39% in the vicinity of speed cameras compared to the pre-program rate.
- The annual number of rear-end collisions in the vicinity of speed cameras decreased by 18% in the 12 months after speed camera activation.
- Speeds have decreased near speed camera sites. After one year of automated enforcement, the percent of vehicles exceeding the speed limit within ½ mile of camera sites was cut in half. During the 1st full month after activation, 25% of vehicles passed fixed speed camera sites traveling above the speed limit, with 2% of those vehicles passing at 11 or more miles per hour above the speed limit. 1 year later, the percent of vehicles traveling above the speed limit decreased to 13% with less than 1% of vehicles speeding at 11 or more miles above the speed limit.

This bill will allow the County to continue to address speeding concerns voiced by the public in an effective and efficient manner. At the present time, there is a backlog of approximately 100 locations where residents have requested the use of speed cameras. When a possible location is suggested, the Police Department completes an extensive threat assessment which includes a site analysis, traffic study, and review of accident rates. The presence of schools, sidewalks, and pedestrians is considered. A panel of community representatives is convened and this Citizens Advisory Board for Traffic Issues (CABTI) is then consulted for input.

In sum, enactment of Bill 7-10 would allow the Police Department to continue to address concerns about speeding throughout our County. The Safe Speed Program is successful. The decrease in collisions and the percent of vehicles traveling above the speed limit provides further evidence of the effect of speed cameras on the safety of drivers in the County and on driver behavior. Residents, workers, and visitors currently enjoy safer roadways as a result. This bill would allow the County to extend these results to new parts of the County in the coming years.

Thank you for your attention and for allowing me to speak on this matter.



Isiah Leggett
County Executive

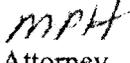
Leon Rodriguez
County Attorney

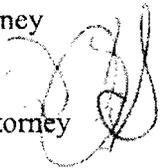
OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM

TO: Karen Orlansky, Director
Office of Legislative Oversight

THRU: Leon Rodriguez 
County Attorney

THRU: Marc Hansen 
Deputy County Attorney

FROM: William A. Snoddy 
Associate County Attorney

DATE: July 21, 2009

RE: Impact of the 2009 Statewide Speed Camera Law on the County's Safe Speed Program

You requested that the County Attorney advise your office how the recently enacted 2009 State law authorizing statewide use of automated speed monitoring systems will affect the implementation, administration, and operation of existing County and municipal speed camera programs. You asked that the opinion answer six questions. In short, the 2009 speed camera law's impact on County and municipal speed camera programs is relatively minor. The new law, however, will require that the County and other municipal speed camera operators to make changes to their respective programs.

BACKGROUND:

The use of speed cameras in Montgomery County was authorized by Chapter 15, Laws of Maryland 2006 (HB 443). The speed camera law is codified at § 21-809 of the Transportation Article of the Maryland Code. The law permits Montgomery County and municipalities within the County that have police departments, to operate speed monitoring systems on a highway in a residential district with a maximum posted speed of 35 miles per hour and in established school zones. MD. CODE ANN., TRANS. § 21-809(b)(1)(i), (2)(i). Tickets may only be issued to registered owners of vehicles that a speed monitoring system records as traveling at least 10 miles per hour above the posted speed limit. See, MD. CODE ANN., TRANS. § 21-809(a)(5). And the civil penalty for a violation may not exceed \$40. MD. CODE ANN., TRANS. § 21-809(c)(3). If

the owner of the vehicle was not operating the vehicle at the time of the violation, the owner can transfer liability to the driver by affirming that fact under oath and submitting the actual driver's name and address to the district court. MD. CODE ANN., TRANS. § 21-809(f)(4). If the fine is not paid, the State Motor Vehicle Administration may refuse to register the vehicle cited or suspend its registrations, regardless of who was driving. MD. CODE ANN., TRANS. § 21-809(g).

QUESTIONS AND ANSWERS:

1. The 2009 law restricts the operation of speed cameras in school zones to weekdays from 6:00 A.M. to 8:00 P.M. Will this new time restriction apply to speed cameras in school zones that were operational before October 1, 2009? What about speed cameras in residential districts.

The school zone time restriction, which will be codified at MD. CODE ANN. TRANS. § 21-809(b)(1)(vi), will apply to all school zone speed monitoring systems in the County regardless of when they became operable. Section 2 of Chapter 500 of the Laws of Maryland 2009 (SB 277) is an uncodified provision that excludes application of certain subsections of the new law to speed monitoring systems installed and operated in Montgomery County before October 1, 2009, specifically § 21-809(b)(i), (iii), and (v). This uncodified provision does not exempt the County's currently operating speed cameras from the requirement in the 2009 law that restricts the hours of operation of a speed camera in a school zone. This provision will likely have the greatest impact on the County's program as it will require the County to take school zone cameras out of service on Saturdays and Sundays and for 10 hours on weekdays.

With respect to speed cameras in residential districts, the new law does not impact the County's ability to continue to place cameras in those areas. After October 1, 2009, however, the County may place a speed monitoring system in a residential district only after the cameras use has been authorized by the County Executive and Council "by local law enacted after reasonable notice and a public hearing." See, MD. CODE ANN. TRANS. § 21-809(b)(1)(i). This provision also applies to cameras placed in school zones after October 1, 2009.

2. The 2009 law increases the threshold for photographing speeding vehicles from 10 to 12 miles per hour above the posted limit[.]. How will this provision affect the operation of the County's speed cameras, including those installed before October 2009?

This change, which applies to all speed cameras, should have little impact on the County's speed cameras. Currently, County speed cameras are set to record images of vehicles that are going at least 11 miles per hour above the posted speed limit. Complying with this provision will only require an adjustment of the speed threshold.

3. How will the provisions on highway work zone speed cameras in the 2009 law affect County and municipal speed camera programs? Will local or State entities be responsible for the implementation and administration of work zone speed camera enforcement in the County?

The highway work zone speed camera provisions in the 2009 law will have minimal impact on County and municipal speed camera programs. The law does not require County and municipal police departments to place speed cameras in highway work zones. The law simply permits the placement of speed cameras in highway work zones subject to regulations establishing standards and procedures for such systems. The State Police and the State Highway Administration are charged with responsibility for adopting those regulations. See, SB 277 at MD. CODE ANN. TRANS., § 21-810(k). The Montgomery County Department of Police has no present intention of placing work zone speed cameras on I-495 and I-270.

4. The 2009 law includes new provisions that specify local authorization, warning periods, and notice/outreach requirements for speed cameras. The law exempts speed cameras in the County from these provisions. Please clarify how these exemptions apply to speed cameras installed both before and after October 1, 2009?

Section 7 of Chapter 500 of the Laws of Maryland 2009 (SB 277) is an uncodified provision that states, “§ 21-809(b)(1)(i), (iii), and (v) of the Transportation Article, as enacted in Section I of this Act, does not apply to speed monitoring systems installed and operated in Montgomery County before October 1, 2009.” This means that only those speed monitoring systems that are up and running prior to October 1, 2009, are not subject to the requirement that they are authorized by local law and that their location be advertised on the web and in a local newspaper. Any speed monitoring system in the County that begins operating after October 1, 2009, would be subject to all of the new law’s provisions except the requirement regarding the issuance of warning tickets since speed cameras would not be the “first” in the County. As stated above each individual speed monitoring system or camera placed in service after October 1, 2009, must be authorized by local law enacted after reasonable notice and a public hearing.

5. How will the 2009 law affect the County’s and municipalities’ collection and allocation of revenue from speed cameras?

Under the new law municipalities in the County will be able to collect their own fines. See, SB 277 at § 21-809(d)(5)(i). Presently, all fines must be paid to the County, which then forwards payments on a monthly basis to municipalities for tickets issued by them. Additionally, the new law caps the amount of speed camera-generated revenue local and municipal governments may keep. Governments may recover the cost implementing and administering speed cameras and spend the remaining balance “solely for public safety purposes, including traffic safety programs.” SB 277 at MD. CODE ANN. CTS. & JUD. PROC. § 7-302(e)(4)(i). If, after the costs of operating speed monitoring systems are recovered, the balance remaining from fines collected by a political subdivision exceeds 10 percent of the total revenues for the fiscal year, the political subdivision must remit any funds that exceed the 10 percent threshold to the State Comptroller. MD. CODE ANN. CTS. & JUD. PROC. § 7-302(e)(4)(ii). This provision will not have any impact on the County.

6. The 2009 law requires all jurisdictions operating speed cameras to report back to the Governor and General Assembly by December 31, 2013 on the “effectiveness of speed monitoring systems” in their respective jurisdiction. Since Montgomery County is

reporting back to the legislature by December 31, 2009, does this new provision for reporting mean the County is required to provide a second report in 2013?

Yes, the County is subject to the 2013 reporting provision. The issue is whether the County is subject to the 2009 reporting provision. I do not believe that it is. The Court of Appeals has held that when the legislature repeals and reenacts a statute in such a manner as to demonstrate its intention that the statute be a "complete system of legislation in regard to the matter, the statute thus passed must be considered as a substitute for all prior laws on the subject, and the provisions of such prior laws as are not embraced by the latter statute are thereby repealed." *State v. American Bonding Co. of Baltimore*, 128 Md. 268, 272-273 (1916). *See also, Aviles v. Eshelman Electric Corp.*, 281 Md. 529, 535 (1977) (holding that once prior law was repealed without a savings provision the affected sections disappeared "as though they never existed"). Despite this state of the law, it is my strong recommendation that the County file the report by the current deadline.

If you have any concerns or questions concerning this memorandum please call William A. Snoddy, Associate County Attorney at (240) 777-6722

Montgomery County Police Safe Speed Site Selection Process

Identifying roadways for automated enforcement is key to the success of the Safe Speed program and the first step in an extensive process of threat assessment and site selection. Selection is the responsibility of the Department of Police and includes crash data analysis, community input, complaints and requests, roadway assessments and vehicular and pedestrian traffic characteristics. The review of crash data includes the number of property damage, personal injury and fatal collisions.

After identifying a roadway for potential selection based on the above information, a thorough review process is initiated encompassing the following:

- Site visit to examine the following:
 1. topography
 2. roadway design
 3. presence of sidewalks, crosswalks
 4. volume of pedestrian traffic influenced by attractions such as schools, community centers, places of worship, recreation centers and the like
 5. presence of driveways, intersections
 6. existence of schools, daycare facilities, playgrounds, parks, retirement communities, pools
 7. proximity of bus stops
 8. existence of alternative traffic calming methods such as speed humps or roadway redesign

- Complete a traffic volume and speed analysis
- Collision endangerment review
- Review data/findings with the Citizens Advisory Board on Traffic Issues (CABTI) for input, comment and prioritization of enforcement
- Compliance with all Maryland Transportation Article elements

The final decision on suitability and ultimate deployment is a balance of safety, needs of the community and the limited nature of this resource. The Traffic Division conducts periodic reviews of the sites to determine suitability for continued Safe Speed enforcement efforts based upon revised collision data, speed analysis and/or roadway design changes being initiated, completed or planned.

Once a site is selected, the Department of Police will prepare for the County Executive's signature an Executive Order pursuant to Administrative Procedure 1-3 authorizing the use of the speed monitoring system. The Department of Police will then publish the location of the selected site on its website and in a newspaper of general circulation within Montgomery County before the camera is activated. These procedures only apply to speed monitoring system sites established after October 1, 2009.

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Baltimore County Code

ARTICLE 18. TRANSPORTATION
TITLE 4. SPEED MONITORING SYSTEMS

TITLE 4. SPEED MONITORING SYSTEMS

Section

- 18-4-101. Definition
- 18-4-102. Enforcement of citations
- 18-4-103. Limited use in school zones

§ 18-4-101. DEFINITION.

In this title, “speed monitoring system” means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 12 miles per hour above the posted speed limit.

(Bill No. 61-09, § 1, 10-1-2009)

§ 18-4-102. ENFORCEMENT OF CITATIONS.

In accordance with § 21-809 of the Transportation Article of the Annotated Code of Maryland, the county may use and enforce citations issued from speed monitoring systems within the county.

(Bill No. 61-09, § 1, 10-1-2009)

Editor’s note:

Section 2 of Bill No. 61-09 provides that for 30 days after the first speed monitoring system is activated under Article 18, Title 4 of the Baltimore County Code, 2003, a violation recorded by any speed monitoring system may only be enforced by issuance of a warning.

§ 18-4-103. LIMITED USE IN SCHOOL ZONES.

The Police Department, in consultation with other offices and departments of the county government, may develop a program for the procurement, use and implementation of speed monitoring systems in not more than 15 school zones, in accordance with § 21-809 of the Transportation Article of the Annotated Code of Maryland.

(Bill No. 61-09, §1, 10-1-2009)

16

Prince George's County Code

Sec. 26-114.01. Authority to install and utilize speed monitoring systems..

(a) Pursuant to Section 21-809 of the Transportation Article of the Annotated Code of Maryland, as may be amended from time to time, Prince George's County is authorized to use Speed Monitoring Systems to regulate traffic.

(b) The Director, in conjunction with the Chief of Police, and the County Council is authorized to determine those locations where speed monitoring systems are to be installed.

(c) All speed monitoring systems shall conform to, and be used in accordance with, the requirements of the Transportation Article of the Annotated Code of Maryland.

(CB-37-2009)