



Senate Bill 207

Vehicle Laws – Speed Monitoring and Work Zone Speed Control Systems

MACo Position: **OPPOSE**

To: Environmental Matters Committee

Date: April 2, 2013

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **OPPOSES** SB 207. The bill's provisions would make needless and potentially detrimental changes to current speed camera law.

As amended, SB 207 would: (1) require speed camera photographs to contain enough information to show the progression of a motor vehicle; (2) clarify that school zones only include elementary or secondary schools; (3) require speed cameras to undergo quarterly calibration checks; and (4) prohibit a vendor's fee from being based on a per-citation basis.

The quarterly calibration requirement is unnecessary and simply serves to increase costs and camera downtime for local jurisdictions. A calibration is a time consuming and expensive process (Montgomery County estimates a cost in the bill's fiscal note of \$1,000 per camera). Speed camera equipment is typically designed to only require an annual calibration – the process is akin to a full "tune up" for an automobile. Quarterly calibration checks would do little to improve the accuracy of a properly maintained camera and simply increase costs and camera downtime for local jurisdictions. State law currently requires a daily check-up and diagnostic test be performed for each speed camera in operation.

The bill also provides that a vendor who provides or deploys speed cameras or administers and processes civil citations on behalf of a local jurisdiction may not have its fee be contingent on the number of citations issued or paid. While MACo strongly supports a prohibition on vendors being paid based on the number of potential citations that the vendor submits for review by a law enforcement officer, the bill would also prohibit the reasonable and logical practice of adjusting a vendor's fee based on the number of validated citations issued.

Unlike a vendor, a law enforcement officer has no incentive to artificially boost citation numbers and is presumed to make neutral judgments on the validity of a citation submitted by a vendor (hence the existing statutory requirement that a law enforcement officer review

each potential citation). Likewise, a vendor has no financial incentive to submit invalid citations as they will be rejected by the law enforcement officer. By setting the vendor's fee based on validated citations, the vendor is paid based on the vendor's actual performance.

A flat fee does not reflect the vendor's actual performance and runs the risk of under- or over-compensating the vendor (usually over-compensating as revenues from speed camera programs typically decline over time). Increasingly, vendors themselves are showing a preference towards flat fees rather than a fee based on reviewed and validated citations.

Finally, MACo has no issue with requiring school zone speed cameras to be located in zones with schools from Kindergarten to Grade 12. The requirement is keeping with current accepted national practices and model guidelines.

MACo supports accurate and properly managed speed camera programs and has been productively engaged in session-long House efforts to address recognized deficiencies in state laws. However, rather than address potential concerns, MACo believes that the Senate bill's provisions do little to enact meaningful reform and could actually create new deficiencies in the speed camera law.

The Transportation and Motor Vehicle Subcommittee of this Committee has dedicated hours of study and work on provisions to improve local speed camera programs. If this Committee decides to report out SB 207, the Committee should amend the bill to conform to the work of the Subcommittee. Otherwise, MACo urges the Committee to adopt an **UNFAVORABLE** report on SB 207.