

HOUSE BILL 813

R5, R1

2lr0333

By: **Montgomery County Delegation**

Introduced and read first time: February 3, 2022

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2022

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County – Speed and School Bus Monitoring Systems**

3 **MC 03–22**

4 FOR the purpose of ~~requiring the Montgomery County Department of Transportation, in~~
5 ~~conjunction with the State Highway Administration, to construct a median divider~~
6 ~~at certain locations where certain citations are issued for violations recorded by~~
7 ~~school bus monitoring systems; repealing a prohibition on implementing new speed~~
8 ~~monitoring systems to enforce speed limits that have been decreased under a certain~~
9 ~~provision of law; requiring the fines collected as a result of violations enforced by~~
10 ~~certain new speed monitoring systems to be used to enhance safety at certain~~
11 ~~locations; requiring Montgomery County to annually submit a certain report;~~
12 requiring Montgomery County, in coordination with the Maryland Department of
13 Transportation, to examine data relating to school bus stop violations and implement
14 certain measures; and generally relating to speed and school bus monitoring systems
15 in Montgomery County.

16 BY adding to
17 Article – Transportation
18 Section 8–663
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2021 Supplement)

21 ~~BY repealing and reenacting, with amendments,~~
22 ~~Article – Transportation~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~Section 21-803(a)~~
~~Annotated Code of Maryland~~
~~(2020 Replacement Volume and 2021 Supplement)~~
~~(As enacted by Chapter 689 of the Acts of the General Assembly of 2021)~~

~~BY repealing and reenacting, with amendments,~~
~~Article — Courts and Judicial Proceedings~~
~~Section 7-302(e)(4)~~
~~Annotated Code of Maryland~~
~~(2020 Replacement Volume and 2021 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Transportation

8-663.

(A) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

~~(B) (1) THE MONTGOMERY COUNTY DEPARTMENT OF
TRANSPORTATION, IN CONJUNCTION WITH THE ADMINISTRATION, SHALL
CONSTRUCT A MEDIAN DIVIDER AT EACH LOCATION ON A STATE HIGHWAY WITH TWO
OR MORE TRAFFIC LANES IN EACH DIRECTION WHERE, DURING A 12-MONTH
PERIOD, MORE THAN 1,000 CITATIONS ARE ISSUED BY A SCHOOL BUS MONITORING
CAMERA UNDER § 21-706.1 OF THIS ARTICLE FOR VEHICLES RECORDED
APPROACHING A SCHOOL BUS FROM THE OPPOSITE DIRECTION.~~

~~(2) (i) SUBJECT TO SUBPARAGRAPH (ii) OF THIS PARAGRAPH, THE
COST OF CONSTRUCTION FOR ANY MEDIAN DIVIDER CONSTRUCTED UNDER THIS
SECTION SHALL BE SHARED EQUALLY BETWEEN THE MONTGOMERY COUNTY
DEPARTMENT OF TRANSPORTATION AND THE ADMINISTRATION.~~

~~(ii) IF THE TOTAL AMOUNT OF FINES COLLECTED FOR
CITATIONS DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND ISSUED
FOR VIOLATIONS RECORDED AT A PARTICULAR LOCATION IS INSUFFICIENT TO PAY
FOR MONTGOMERY COUNTY'S SHARE OF THE COST OF THE REQUIRED MEDIAN
DIVIDER AT THAT LOCATION, THE ADMINISTRATION SHALL PAY THE REMAINING
COST.~~

~~21-803.~~

~~(a) (1) Except as provided in paragraphs (3) and (4) of this subsection, if, on
the basis of an engineering and traffic investigation, a local authority determines that any
maximum speed limit specified in this subtitle is greater or less than reasonable or safe~~

~~under existing conditions on any part of a highway in its jurisdiction, it may establish a reasonable and safe maximum speed limit for that part of the highway, which may:~~

~~(i) Decrease the limit at an intersection;~~

~~(ii) Increase the limit in an urban district to not more than 50 miles per hour;~~

~~(iii) Decrease the limit in an urban district; or~~

~~(iv) Decrease the limit outside an urban district to not less than 25 miles per hour.~~

~~(2) An engineering and traffic investigation is not required to conform a posted maximum speed limit in effect on December 31, 1974, to a different limit specified in § 21-801.1(b) of this subtitle.~~

~~(3) Calvert County may decrease the maximum speed limit to not less than 15 miles per hour on Lore Road and, except for Solomons Island Road, each highway south of Lore Road without performing an engineering and traffic investigation, regardless of whether the highway is inside an urban district.~~

~~(4) (i) This paragraph applies only to:~~

~~1. Montgomery County; and~~

~~2. Municipalities located in Montgomery County.~~

~~(ii) A local authority may decrease the maximum speed limit to not less than 15 miles per hour on a highway only after performing an engineering and traffic investigation.~~

~~[(iii) A local authority may not implement a new speed monitoring system to enforce speed limits on any portion of a highway for which the speed limit has been decreased under this paragraph.]~~

~~Article Courts and Judicial Proceedings~~

~~7-302.~~

~~(e) (4) (i) From the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems or school bus monitoring cameras, a political subdivision:~~

~~1. May recover the costs of implementing and administering the speed monitoring systems or school bus monitoring cameras; and~~

~~2. Subject to subparagraphs (ii), (iii), [and] (iv), AND (VI) of this paragraph, may spend any remaining balance solely for public safety purposes, including pedestrian safety programs.~~

~~(ii) 1. For any fiscal year, if the balance remaining from the fines collected by a political subdivision as a result of violations enforced by speed monitoring systems, after the costs of implementing and administering the systems are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than 10% of the total revenues of the political subdivision for the fiscal year, the political subdivision shall remit any funds that exceed 10% of the total revenues to the Comptroller.~~

~~2. The Comptroller shall deposit any money remitted under this subparagraph to the General Fund of the State.~~

~~(iii) The fines collected by Prince George's County as a result of violations enforced by speed monitoring systems on Maryland Route 210 shall be remitted to the Comptroller for distribution to the State Highway Administration to be used solely to assist in covering the costs of:~~

~~1. Examining the engineering, infrastructure, and other relevant factors that may contribute to safety issues on Maryland Route 210 in Prince George's County;~~

~~2. Reporting its findings and recommendations on any solutions to these safety issues; and~~

~~3. Implementing any solutions to these safety issues.~~

~~(iv) 1. From the fines collected by Baltimore City as a result of violations enforced by speed monitoring systems on Interstate 83, any balance remaining after the allocation of fines under subparagraph (i)1 of this paragraph shall be remitted to the Comptroller for distribution to the Baltimore City Department of Transportation to be used solely to assist in covering the cost of roadway improvements on Interstate 83 in Baltimore City.~~

~~2. Fines remitted to the Baltimore City Department of Transportation under subparagraph (iv)1 of this paragraph are supplemental to and are not intended to take the place of funding that would otherwise be appropriated for uses described under subparagraph (iv)1 of this paragraph.~~

~~(v) From the fines collected by Anne Arundel County as a result of violations enforced by speed monitoring systems on Maryland Route 175 (Jessup Road) between the Maryland Route 175/295 interchange and the Anne Arundel County Howard County line, any balance remaining after the allocation of fines under subparagraph (i)1 of this paragraph shall be remitted to the Comptroller for distribution to the State Highway Administration to be used solely to assist in covering the cost of speed reduction measures and roadway and pedestrian safety improvements on Maryland Route 175 (Jessup Road)~~

~~between the Maryland Route 175/295 interchange and the Anne Arundel County Howard County line.~~

~~(VI) 1. FROM THE FINES COLLECTED BY MONTGOMERY COUNTY AS A RESULT OF VIOLATIONS ENFORCED BY SPEED MONITORING SYSTEMS INSTALLED ON OR AFTER OCTOBER 1, 2022, ON ANY PORTION OF A HIGHWAY FOR WHICH THE SPEED LIMIT WAS DECREASED UNDER § 21-803 OF THE TRANSPORTATION ARTICLE, ANY BALANCE REMAINING AFTER THE ALLOCATION OF FINES UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH SHALL BE USED ONLY TO ENHANCE SAFETY AT LOCATIONS IN MONTGOMERY COUNTY AT WHICH HIGH NUMBERS OF VIOLATIONS ARE RECORDED BY SPEED MONITORING SYSTEMS, AS DETERMINED BY THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION.~~

~~2. ANY FUNDS USED IN ACCORDANCE WITH SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY BE USED ONLY AT THE LOCATION OF THE SPEED MONITORING SYSTEM THAT RECORDED THE VIOLATION. ON OR BEFORE DECEMBER 31 EACH YEAR, MONTGOMERY COUNTY SHALL:~~

(I) COMPILE AND MAKE PUBLICLY AVAILABLE A REPORT FOR THE PREVIOUS FISCAL YEAR ON EACH SCHOOL BUS MONITORING SYSTEM OPERATED BY A LOCAL JURISDICTION UNDER THIS SECTION; AND

(II) SUBMIT THE REPORT TO MONTGOMERY COUNTY PUBLIC SCHOOLS, THE MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION, THE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION, THE MONTGOMERY COUNTY VISION ZERO COORDINATOR, AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE MONTGOMERY COUNTY DELEGATION TO THE GENERAL ASSEMBLY.

(2) THE REPORT SHALL INCLUDE:

(I) THE NUMBER OF VIOLATIONS THAT OCCURRED AT EACH SCHOOL BUS STOP IN THE PREVIOUS FISCAL YEAR;

(II) THE NUMBER OF VIOLATIONS THAT OCCURRED AT EACH SCHOOL BUS STOP IN EACH OF THE 5 FISCAL YEARS PRECEDING THE PREVIOUS FISCAL YEAR;

(III) A BREAKDOWN OF THE VIOLATIONS BY THE DIRECTION IN WHICH EACH VEHICLE INVOLVED IN A VIOLATION WAS TRAVELLING IN RELATION TO THE STOPPED SCHOOL BUS;

(IV) THE TOTAL AMOUNT OF FINES ISSUED FOR VIOLATIONS AT EACH SCHOOL BUS STOP IN THE PREVIOUS FISCAL YEAR; AND

(V) THE TOTAL AMOUNT OF FINES ISSUED FOR VIOLATIONS AT EACH SCHOOL BUS STOP IN EACH OF THE 5 FISCAL YEARS PRECEDING THE PREVIOUS FISCAL YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Montgomery County, in coordination with the Maryland Department of Transportation, shall examine school bus stop violation data to determine the 10 school bus stop locations at which the highest number of citations for passing a stopped school bus are issued and implement operational alternatives for those stops including:

(1) ensuring that all public outreach and information about the school bus camera program and citations issued for violations relating to passing a stopped school bus are provided in multiple languages;

(2) producing and implementing public hyperlocal education campaigns about school bus stop laws, in coordination with the Maryland Department of Transportation State Highway Administration;

(3) improving signage and markings at school bus stops;

(4) identifying and implementing strategies that will improve driver expectancy and pedestrian safety;

(5) examining alternative penalties for a driver's first offense for the purpose of not financially penalizing a driver for failure to know the law or the area;

(6) relocating school bus stops at which the most violations occur to safer locations, if warranted; and

(7) convening regular meetings between the Montgomery County Public Schools, the Montgomery County Police Department, and other stakeholders to examine data trends and explore other plans to reduce violations and improve safety at school bus stops; and

(b) On or before December 31, 2022, and 2023, Montgomery County shall report, in accordance with § 2-1257 of the State Government Article, to the Senate Judicial Proceedings Committee, the House Environment and Transportation Committee, and the Montgomery County Delegation to the General Assembly on the findings of the examination that the County has conducted and the actions taken to implement improvements.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2022. Section 2 of this Act shall remain effective for a period of 2 years and, at the end of May 31, 2024, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.