

THE TOWN OF FOREST HEIGHTS
RESOLUTION 04-13

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND EXPRESSING OPPOSITION TO SENATE BILL 207 ENTITLED "VEHICLE LAWS – SPEED MONITORING AND WORK ZONE SPEED CONTROL SYSTEMS," THAT WOULD SUBSTANTIALLY WEAKEN IF NOT COMPLETELY ELIMINATE THE EFFECTIVENESS AND PURPOSES OF THE TOWN'S SPEED CAMERA PROGRAM IMPLEMENTED TO PROMOTE PUBLIC SAFETY IN DESIGNATED SCHOOL ZONES, AND HOUSE BILL 251 ENTITLED "VEHICLE LAWS - SPEED MONITORING AND WORK ZONE SPEED CONTROL SYSTEMS – REPEAL," THAT WOULD ALTOGETHER REPEAL THE USE OF SPEED CAMERAS BY A LOCAL GOVERNMENT, AND HEREBY URGING REPRESENTATIVES OF THE GENERAL ASSEMBLY OF MARYLAND, THE PRINCE GEORGE'S COUNTY DELEGATION AND THE MARYLAND MUNICIPAL LEAGUE TO REFRAIN FROM SUPPORTING SAID BILLS AND TO OTHERWISE VOTE IN OPPOSITION OF SB 207, HB 251, OR ANY SIMILAR BILLS, AND DIRECTING THAT THIS RESOLUTION BE FORWARDED TO THE COUNTY DELEGATION, THE COUNTY EXECUTIVE AND COUNTY COUNCIL, THE MARYLAND MUNICIPAL LEAGUE ("MML"), THE PRINCE GEORGE'S COUNTY MUNICIPAL ASSOCIATION, THE POLICE CHIEF'S ASSOCIATION OF PRINCE GEORGE'S COUNTY, AND ANY OTHER APPROPRIATE ORGANIZATION

Introduced By: Mayor Jacqueline Goodall

WHEREAS, the Town of Forest Heights, with a population of 2,447, straddles both sides of dual-lane Maryland Route 210 and includes two elementary schools causing children and parents to frequently cross the busy State highway; and

WHEREAS, the State has installed crosswalks on MD 210 north of the off ramp of the Capital Beltway, at Livingston Road and at Talbert Drive, near the northern town boundary, including relatively new crosswalks on MD 210 connecting the east and west sides of town were installed near the southern town limits approximately 1,000 feet west of Flintstone Elementary School; and

WHEREAS, the Mayor and Council on August 19, 2009, after a public hearing adopted three (3) formal resolutions: 1.) establishing school zones for the Forest Heights and Flintstone Elementary Schools (Resolution 43-09), 2.) authorizing photo speed enforcement in the Town (Resolution 44-09), and 3.) authorizing the Mayor to execute a contract with a vendor to provide automated speeding violation detection, imaging and citation services to the Town (Resolution 45-09); and

WHEREAS, the Mayor and Council on October 21, 2009 enacted Emergency Ordinance 47-09 amending Article 15 of the Town Ordinance Code by adding new Section 15.6 (Speed Monitoring Systems) and thereby establishing the penalty and fees associated with a violation of said section; and

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WHEREAS, according to a traffic study conducted by the Town's consultant in January 2010 prepared as part of the Town's state permit application, over 30% of drivers exceeded said highway's posted 35 mph speed limit by 11 mph or more; and

WHEREAS, according to a letter dated April 9, 2010 addressed to the Mayor from Principal Merrifield of the Forest Heights Elementary School, almost half of the school's students reside on the opposite side of MD 210 and each day approximately 25 to 30 students cross this busy highway because they have missed the morning school bus; and

WHEREAS, since 2009, the Town has made substantial investments in training its police department personnel, educating the public, engaging a qualified contractor, preparing appropriate policies and directives, implementing legislation, conducting traffic studies, obtaining permits from the State and the County, seeking amendments to State legislation, installing traffic control devices, prosecuting violations, and pursuing administration and enforcement efforts within the courts, defending litigation and other civil claims against the program, procuring and constructing extensive camera safety barriers mandated by SHA along Indian Head Highway, conducting special audits, and managing state-shared revenues; and

WHEREAS, with a comparatively smaller police department than surrounding jurisdictions, Forest Heights' officers patrol Indian Head Highway, a major thoroughfare handling between 40,000 to 60,000 vehicles a day, and said speed monitoring devices play a critical role in preventing injuries and accidents within the Town; and

WHEREAS, on January 18, 2013, Senators Brochin, Klausmeier, Muse (of District 26, Prince George's County), Peters (of District 23, Prince George's County), and Zirkin introduced and caused Senate Bill 207 to be read before the General Assembly of Maryland that has been assigned to the Senate Judicial Proceedings Committee, Chaired by Senator Brian E. Frosh of Montgomery County (District 16); and

WHEREAS, the Mayor and Town Council oppose the passage of SB 207 for the following reasons:

1. The Bill would prohibit the placement of a speed monitoring system more than 500 feet away from the property of an elementary or secondary school; whereas, the Town maintains two speed cameras oriented in opposite directions within the median of Indian Highway (MD 210) located approximately 1,175' (southeast) from the Forest Heights Elementary School property and approximately 2,400' (northwest) from the Flintstone Elementary School property, and
2. The Forest Heights Elementary School property line is at least 750' west of Indian Head Highway and the Flintstone Elementary School property line is approximately 680' east of the improved portion of MD 210, which both public school properties would well exceed the 500' limit proposed by SB 207 thereby effectively eliminating the Town's speed camera program along this major highway, and

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3. The distance between the Flintstone Elementary School property line is approximately 850' west of the improved portion of Livingston Highway, which public school property would also well exceed the 500' limit proposed by SB 207 thereby effectively eliminating the Town's speed camera program altogether, and
4. The Bill would further require the Town to apply markings or measurements to the roadway and place on the citation two (2) time-stamped images that would "provide sufficient information to allow for the calculation of the speed of the motor vehicle during the interval between the two images;" however, the Town's camera technology, which are LIDAR (laser detection and ranging) systems, do not use the images to primarily measure vehicle speed and camera shutter speeds would interfere with the accuracy of calculations based on said images, and
5. The Bill would alter the currently specified prohibition in Transp. Art., Section 21-809 relating to the fee of a contractor (i.e., Optotraffic) that administers and processes specified civil citations by requiring a flat rate instead of the Town's currently established fee sharing arrangement based on the percentage of fines collected, and such a restriction would interfere with vested contractual rights, and should otherwise be "grandfathered" for existing vendor contracts.

WHEREAS, on January 23, 2013, House Bill 251, sponsored by Delegates Smigiel, Frank, Haddaway-Riccio, Hershey, Jacobs, Krebs, W. Miller, Norman, O'Donnell, Oaks, Parrott, Ready, and Schuhwoud, was introduced to repeal "the authority of counties and municipalities in the State to use speed monitoring systems to enforce highway speed laws," and would further repeal the authority to use work zone speed control systems to enforce highway speed laws within designated work zones; and

WHEREAS, the Town Council finds that the Town and other municipalities of this State should encourage the General Assembly through its advocates at MML and elsewhere to avoid adverse legislation and either maintain the status quo or adopt legislation that does not impede the ability of municipalities in enforcing and collecting on behalf of the State and the Town, speed camera penalties that have proven to be greatly effective in decreasing speeding, reducing property damage and preventing personal injury, including the prevention of motor vehicle fatalities within the Town along MD 210.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby adopts and incorporates herein by reference the above stated recitals, and further approves and authorizes the submission by the Mayor of this Resolution and any other relevant information or testimony supporting this Resolution regarding the Town's automated speed monitoring systems, "Operation Get Home Safe," and the Town's continued ability to deploy said speed cameras to promote the health, safety and welfare of the Town's school children, residents, and the travelling public; and

BE IT FURTHER RESOLVED, that the Town Council further directs the Mayor and/or her designees to take such action as necessary to communicate the intent and purpose of this Resolution along with the distribution of copies hereof to appropriate members of the General

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Assembly, as stated hereinabove, their staff, MML staff or its other municipal members, the press and the general public; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

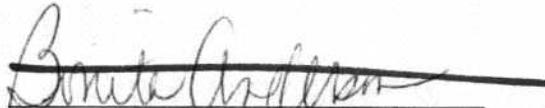
PASSED this 30th day of Feb 2013.

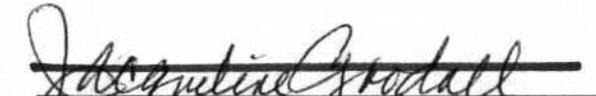
APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

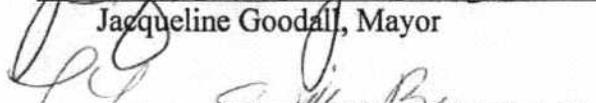
| <u>ROLL CALL VOTE</u> | <u>YEA/NAY/ABSTAIN/ABSENT</u> |
|-----------------------|-------------------------------|
| GOODALL | <u>YEA</u> |
| KENNEDY | <u>YEA</u> |
| STONER | <u>NAY</u> |
| BARNES | <u>YEA</u> |
| CLARKE | <u>YEA</u> |
| SMITH-BARNES | <u>YEA</u> |
| REIFSNEIDER | <u>ABSENT</u> |

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS

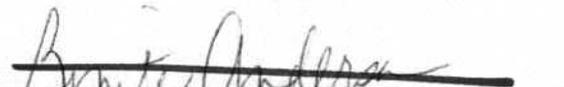

Bonita C. Anderson, Town Clerk


Jacqueline Goodall, Mayor


C. Lynn Smith-Barnes, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 30th day of January 2013 with 5 Aye votes and 1 Nay votes the aforesaid Resolution 04-13 passed. Feb


Bonita Anderson, Town Clerk