

PS/E&C COMMITTEE #1
July 29, 2019

MEMORANDUM

July 24, 2019

TO: Public Safety Committee
Education and Culture Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*
Craig Howard, Senior Legislative Analyst *CH*

SUBJECT: **Update: School Bus Safety**

PURPOSE: **To receive updated information on the school bus camera program, no vote needed.**

Those expected to brief the Joint Committee include:

- Assistant Chief David Anderson, Field Services Bureau, Montgomery County Police Department (MCPD)
- Captain Tom Didone, Traffic Division, MCPD
- Richard Hetherington, Manager Automated Traffic Enforcement Unit, MCPD
- Todd Watkins, Transportation Director, Montgomery County Public Schools (MCPS)

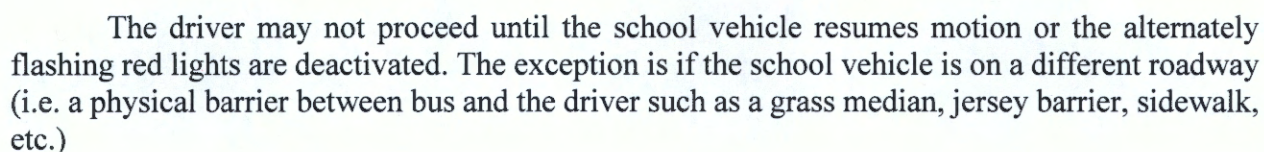
BACKGROUND

The County has multiple initiatives that focus on pedestrian safety, which are embodied in the Executive's Vision Zero Initiative (with a goal of zero fatalities by 2030). Several of these cross-departmental approaches focus on prevention through education and enforcement. Today's worksession focuses on one of those initiatives -- school bus cameras used to enhance student safety as children travel to and from school each day.

Taking advantage of State legislation that permits local jurisdictions to implement school bus camera programs, the Council passed legislation in 2012 that allowed the County to implement its own program. School bus cameras are attached to buses and can photograph and videotape vehicles that pass the stopped bus when it has its red lights flashing and stop sign/arm extended.

STATE LAW

Maryland Transportation Article 21-706 provides that a driver must stop at least 20 feet from the rear of a stopped school vehicle that is operating flashing lights. If the driver is approaching the school vehicle from the front, it must stop at least 20 feet in front of the school vehicle. This requirement keeps other vehicles well outside the identified pedestrian "danger zones" surrounding a school bus as shown in the picture on the next page.



While County administers the bus camera program, the enabling legislation and the specific fines are State law. The State enacted enabling legislation in 2011 that permits local jurisdictions to implement school bus camera programs. The maximum penalty was \$250. At the time, the Courts set the penalty at \$125.

Believing that \$125 was too low, several local and State legislators pushed for legislation to increase the fine. Chapter 744 of 2017 increased the maximum fine to \$500. The Courts set the penalty at \$250. Chapter 744 had a sunset provision, which would abrogate the law effective June 30, 2019 if further data showed no benefit of the more punitive fines. To aid the General Assembly in determining whether the maximum fine should be permanent, the law required that by December 2018, the Montgomery County Police Department report on its bus camera program. The report must include the total number of violations recorded by school bus monitoring cameras, the effect of this law on the frequency of violations in Montgomery County, and the number of violations recorded in Montgomery County for vehicles travelling in the opposite direction of school buses on multilane highways with painted medians.¹

The MCPD report stated, in part:

"In order to improve the effect of the enforcement program, legislation was introduced to increase the fine to \$250 for the civil violation in the automated program. The intent of the legislation was to bolster the deterrent effect and make the fine an amount that is not easily accepted as a cost of traveling on the highways and can have an impact on driver behavior."

The report noted that while the number of citations increased during the studied time frame, due to an expansion of the program to more buses, the number of citations per bus/per day actually decreased. The General Assembly subsequently passed legislation in the 2019 session that repealed the sunset provision and made the maximum penalty of \$500 permanent.

CURRENT PROGRAM

MCPS operates more than 1,400 school buses. At the end of the 2018-2019 school year, 1,000 buses were equipped with cameras and were in service conducting enforcement operations. Since the end of the school year, MCPD has added camera systems to 138 more buses. The remaining 300 buses should be completed by mid-August.

The Review Process: There are multiple steps in the review process before a driver is issued a citation, and the review is conducted both by the vendor and by the Police Department. The school bus camera equipment captures video of vehicles as they approach and pass a stopped school bus. The video also captures data on when the school bus driver activates the yellow flashing lights, and then the red flashing lights. This video is uploaded to the vendor, and the vendor reviews the video to identify vehicles that have committed a violation. The vendor sends an inquiry to the Motor Vehicle Administration (MVA) to get the registered owner information. The vendor then reviews the information a second time. If the event meets the criteria of a moving violation, it is sent to the Police Department to be reviewed by Automated Traffic Enforcement Unit (ATEU) staff. These staff have been trained in the law, its meaning, and its practical application. If the ATEU reviewers approve the event as a violation, it is sent back to the vendor for final creation of a citation. The final citation is once again returned to the Police Department

¹ November 6, 2018 Report to the General Assembly on School Bus Camera Violations.
[http://mgaleg.maryland.gov/ess06-pubs/Counties/Montgomery/SB154Ch744\(2\)_2017.pdf](http://mgaleg.maryland.gov/ess06-pubs/Counties/Montgomery/SB154Ch744(2)_2017.pdf)

for a final inspection, mailed back to the vendor, and finally mailed to the violator. This process is required to be completed within 14 days of the event.

Once the driver receives the citation, the driver can access a website to view the same video used by the vendor and Police. The driver can then either pay the citation or request a court date to contest it. If the driver is not satisfied with the District Court determination, the case may be appealed to the Circuit Court. In 2018, a little more than 700 individuals requested a court date, but 25% failed to appear. In 2019, there were 307 people who requested a court date. Again, about one quarter of them failed to appear in court.

Citations Issued: During the 2016-2017 school year, the program issued approximately 16,257 citations. During the 2017-2018 year, it issued 33,564. And during 2018-2019 school year, it issued 54,458. The significant growth in the number of citations stems from increasing the number of equipped buses from 80 in 2016 to 1,000 in 2018-19. MCPD indicates that while the number of citations increased, the per bus/per day rate has dropped from 1.06 to 0.42.

Typical Types of Complaints: The Council has received several complaints about the program. Two scenarios are the most common:

- A driver is approaching a stopped bus from the opposite direction on a street that is more than four lanes wide. There is no median where the bus is stopped.
- A driver is turning left onto a street and suddenly sees a bus stopped in the opposite direction. The bus was not initially seen from the turn lane. But once the driver turns, the driver must choose between stopping in oncoming traffic or passing the school bus.

MCPD advises that both of these situations still require a driver to stop and not pass the stopped school bus. However, video reviewers are instructed to take all circumstances into consideration when making a decision about an event, and in approximately 25% of the cases, reviewers give the driver the benefit of the doubt and reject the violation.

Public Education: MCPD staff have given interviews to both radio and print media outlets. The department also advertises the law and the camera program on Ride-On buses. Information about the school bus law and the camera program are available on the MCPD website. MCPS also provides information to students at the beginning of each school year.

Pedestrian Injuries: MCPD has documented dozens of cases where there have been near misses. The most serious injury captured on video was of a young girl crossing the street in a crosswalk, heading to her school bus. The girl crossed the street and was struck by a vehicle in the middle of the roadway, in the crosswalk, and launched down the street.

Areas with Most Violations: The table on ©5 lists the locations with the most citations issued since the program began in October 2016. The most common area for violation is the 880 block of Colesville Road, and most of the stops with the most violations are on State roads as previously discussed by the Education Committee in 2018. In October 2018, the Council President, Chair of the Education and Culture Committee, and Board of Education President sent a letter to the Maryland State Highway Administration (©6-7) requesting that the “State install signage or

other notification mechanisms” near bus stops with the most violations. The letter noted that “we believe that an additional visual reminder could provide an effective deterrent to continued high numbers of violations.”

DISCUSSION ISSUES

- 1) The expansion of the program to include most of the bus fleet has resulted in considerably more citations. In turn, that has resulted in more complaints. Is there a need for a more significant public campaign to educate drivers on the law, and to alert them of the camera program?
- 2) Is it feasible to add messaging to the school buses themselves? Or display street signs near high-incidence areas?
- 3) Do the police engage in police stops to provide warnings/education to drivers in high-incidence areas?
- 4) Are 14 days sufficient for the multiple steps in the review process? Is there any need for additional staff or resources to ensure citations are reviewed in a timely manner?

This packet contains

MCPD Response to Questions

October 29, 2018 letter to State Highway Administration

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1-5

6-7

Responses to Questions for Joint PS/ED Committee (07/22/19)

1. Please provide a brief overview of current law. (Graphics are helpful, if you have them)

The law regarding stopping for stopped school buses can be found in the Maryland Transportation Article Section 21-706- Overtaking and Passing School Vehicles. There are three sections to the law and are as follows:

(a) *Driver to stop on meeting or overtaking stopped school vehicle – In general.*- If a school vehicle has stopped on a roadway and is operating the alternatively flashing red lights specified in Section 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle shall stop at least 20 feet from the rear of the school vehicle, if approaching the school vehicle from its rear, or at least 20 feet from the front of the school vehicle, if approaching the school vehicle from its front.

(b) *Driver to stop on meeting or overtaking stopped school vehicle – When vehicles may proceed.* - If a school vehicle has stopped on a roadway and is operating the alternately flashing red lights specified in Section 22-228 of this article, the driver of any other vehicle meeting or overtaking the school vehicle may not proceed until the school vehicle resumes motion or the alternately flashing red lights are deactivated.

(c) *Exceptions.* - This section does not apply to the driver of a vehicle on a divided highway, if the school vehicle is on a different roadway.

In simple terms, the law requires every vehicle to stop for a stopped school bus whether their vehicle is traveling the same or opposite direction of the stopped school bus regardless of the number of lanes on either side of the roadway. The only exception allowed is that vehicles traveling the opposite direction of the school bus are not required to stop if they are on a divided highway. In other words, unless there is a physical barrier such as a grass median, jersey wall, curbed sidewalk/median, etc. you are required to stop for a bus which is stopped and operating it alternatively flashing red lights. The definition of a “divided highway” is also provided in the Maryland Transportation Article Section 11-113 which states the following:

“Divided highway” means a highway that is divided into two or more roadways by:

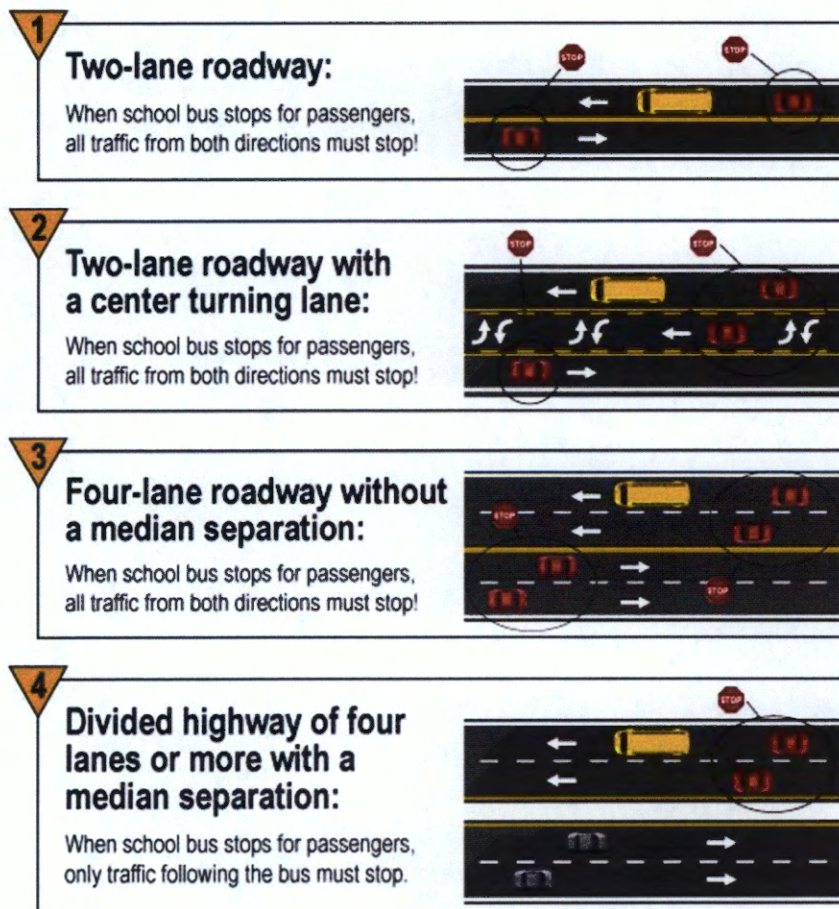
- (1) An intervening space;
- (2) A barrier; or
- (3) A clearly indicated dividing section constructed to impede vehicular traffic.

It is worthwhile to note that since the inception of this program we have had two cases appealed to the Circuit Court of Montgomery County. In both cases, the judges ruled in our favor and in one case in particular, **Montgomery County, MD vs. Johari Aziza Moore**, the Honorable James A. Bonifant addressed and affirmed some specific items that are pertinent to the typical types of complaints that we have received. In Judge Bonifant’s Opinion he stated, “the cardinal rule of statutory construction is to ascertain and carry out the intention of the Legislature. Our search for legislative intent begins,

and usually ends, with the words of the statute at issue. When the statutory language is clear, we need not look beyond the statutory language to determine the Legislature's intent. Often referred to as the 'Plain Meaning Rule', courts generally look to the ordinary definition of the words used to determine the Legislature's intent".

Judge Bonifant went on to say, "The appellate courts have cautioned that the Plain Meaning Rule of statutory construction is not rigid and does not require a court to ignore the overall purpose of the law. An equally well-settled principle of statutory interpretation is that a statute is to be construed with reference to the purpose, aim or policy of the legislature reflected in that statute. The Court of Appeals has gone so far as to state the real legislative intent prevails over the intention indicated by the literal meaning of the words used. Clearly, the purpose of Transportation Article Section 21-101 is to protect children. The legislative intent is to establish a policy requiring drivers to stop their vehicles to avoid striking an inattentive child running to or departing from a school bus. With that purpose in mind, the Court believes the Legislature intended a broad application of the law to reduce the possibility of a catastrophic event for a child".

It is with this guidance and understanding of the law that is the basis for our enforcement. The law is very clear on which vehicles and under what circumstances vehicles are required to stop for a stopped school bus with its red lights flashing. Below is a graphic that helps articulate the requirements under the law:



2. Please provide a brief description of the violation/citation process, including review and ability to contest the ticket.

The process is designed to mirror the same approval process that has been in effect for many years in our speed and red-light programs. The equipment on the buses capture video of vehicles approaching and passing a school bus slowing and stopping. Within the panes of the video there are yellow and red light indicators which show the activation of the yellow lights and the subsequent activation of the red lights. The video tracks the approach of the bus as well as the vehicle activity around the bus and records this activity. The video is then uploaded to the vendor and their team of reviewers watch the video and identify potential vehicles that have committed a violation of the law. These potential violators, or events, are then used to create the framework of a citation. The vendor then sends an inquiry to MVA to get the registered owner information. Once that information is received it is placed in the citation framework and it is reviewed a second time, by the vendor, at a higher level. If the event passes both levels of review it is sent to the Police Department to be reviewed by ATEU staff. Our reviewers then verify the MVA information and ensure that the information received by MVA matches the vehicle in the video and they review the video to affirm or reject that a violation has taken place. The staff has been trained in the law, its meaning, and practical application.

If our reviewers approve the event as a violation, they turn the event into a citation and it gets sent back to the vendor for final creation of the citation. Once the "final" version has been created it is sent back to us again for final inspection. Once approved, the final version is sent back to the vendor to be printed and mailed to the violator. This process is legislatively required to be completed within 14 days of the date of the event.

Once the violator receives the citation they have the ability to go on to the website, with their citation number, and review the same video that we used to make a determination as to the validity of the violation. At that point they have option to either pay the citation or request a court date to contest the citation. If they choose to go to court, they mail that request back in and a court date is scheduled. They then have the opportunity to address the court with their concerns and all parties review the video in court in front of the Judge. The Judge then makes his ruling on the citation based on the evidence and testimony provided. Additionally, if a violator is not satisfied with the verdict rendered in District Court they can appeal the decision to the Circuit Court and possibly beyond.

3. How many citations have been issued by year, for the past three years?

Our program went "live" on October 13th, 2016. During the 2016-2017 school year we issued approximately 16,257 citations. During the 2017-2018 school year we issued approximately 33,564 citations. During the 2018-2019 school year we issued approximately 54,458 citations. It is important to understand that during that period of time we went from 80-200 buses during the '16-'17 school to 200-500 buses during the '17-'18 school year, and from 500 to 1,000 buses during the '18-'19 school year.

While the overall number of citations has increased dramatically over that period of time. Our per bus, per day rate has dropped from 1.06 to approximately .42 citations per bus, per day.

4. Do you know how many citations are contested in court?

Our rate of court requests is similar to that of our speed and red-light program. We generally have one court date per month for each type of enforcement program, speed, red-light, and school bus. In 2018, we had approximately 713 people request a court date with about 25% of those failing to appear. In 2019, we have had 307 people request a court date, to date, and have roughly the same failure to appear rate.

5. Most of the recent complaints to Council involve two scenarios. the first is driving in the opposite direction of a stopped bus on a street that is more than four lanes wide. For example, the corner of Montgomery Ave. and Hurley Ave. in Rockville. This one can be particularly confusing because one side of Montgomery has a raised median and the other doesn't. (The bus stops on the side without the median). The other situation is turning left onto a street and suddenly seeing a bus stopped in the opposite direction. it is not easily seen from the road people are turning from. But once they see it, they can't stop in the lanes of oncoming traffic. they must complete their turn and this sometimes means passing the stopped bus.

Without restating the law, both of these scenarios are very clearly outlined in what is permissible and what is not. Both of these situations require that the vehicles come to a complete stop prior to passing a stopped school bus. In terms of the first scenario, the description answers the question. Where there is no median the vehicle must come to a stop. In the second scenario, if a vehicle is making a left hand turn onto another roadway they should be looking to their left for oncoming traffic before making the turn. Since there is no obligation for traffic to stop if they are in front of the bus it would stand to reason that there would be no traffic that would obstruct their view of the school bus to their left before they make the turn. That being the case, they would be required to remain on the street they are on if they don't feel they can make the turn without passing the stopped bus with its red lights flashing. We instruct our reviewing staff to take all circumstances into consideration when making a decision about an event. We provide the benefit of the doubt to drivers in most cases and reject approximately 25% of the events that get forwarded to us by the vendor for a variety of reasons to include both of these scenarios.

6. How do you inform the public about the school bus law? Publicity campaigns? Social media coverage? do you need additional resources? Do you have publicity/education campaigns developed for the upcoming school year?

Since the beginning of the program, and even prior during our pilot program, we have used the "Paint Doesn't Protect" diagram as the basis for our educational program. Myself and Captain Didone have taken part in several local radio programs, we advertised on Ride-On buses, we have taken part in several print news stories explaining the program and the law, not to mention that it is still covered in drivers-ed. The bus law and associated graphics are on our website and I believe MCPS sends information home with students at the beginning of each school year.

7. Have you had any pedestrian injuries near bus stops this year?

We have documented dozens of cases where there have been near misses and potential catastrophic incidents. The most serious involved a young female who was crossing the street, in a crosswalk, to get to her bus, which was stopped with the red lights activated. As the girl crossed the street, she was struck by a vehicle in the middle of the roadway, in the crosswalk, and launched down the street. She recovered from her injuries and the driver was charged with striking the pedestrian after a police investigation. Unfortunately, the number of near misses continues to astound staff with increasing frequency. Fortunately, there have been no fatalities or serious injuries.

8. What areas/routes have the most violations?

Historically, we have not tracked the most offended locations by route but by stop location. The table below shows the stop locations with the most violations since the inception of the program on October 13, 2016.

Location	Number of Issued Citations	Percentage of Total Issued
8800 Blk. Of Colesville Road	3,900	3.7%
1400 Blk. Of East West Highway	2,345	2.2%
400 Blk. Of North Frederick Avenue	2,285	2.1%
8800 Blk. Of Piney Branch Road	1,661	1.6%
2200 Blk. Of Bel Pre Road	1,282	1.2%
5100 Blk. Of River Road	1,211	1.1%
8900 Blk. Of Piney Branch Road	1,190	1.1%
11900 Blk. Of Rockville Pike	1,076	1.0%
8400 Blk. Of 16 th Street	1,024	.97%
5400 Blk. Of Tuckerman Lane	968	.92%



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

October 29, 2018

Gregory Slater, Administrator
Maryland Department of Transportation
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21202-3601

Dear Mr. Slater:

In 2014, the Montgomery County Council (Council) passed legislation to implement a school bus safety camera program, as authorized under State law. Given the potential dire consequences of drivers illegally passing stopped school buses, the Council and the Montgomery County Board of Education (Board) believe that this program is of the utmost importance in keeping the County's children safe.

During the most recent school year, the Montgomery County Department of Police (Police Department) issued more than 34,000 citations from cameras installed on 500 Montgomery County Public Schools' (MCPS) buses—less than one-half of the entire bus fleet. The fact that the Police Department has recorded and issued so many violations is an unfortunate sign of the necessity of this program.

While MCPS is working to install cameras on its remaining school buses, the school system and the Police Department are involved in ongoing efforts to increase drivers' awareness and understanding of the law prohibiting the passing of a school bus that is stopped on a roadway and operating its flashing red lights. While reviewing the bus camera program in September 2018, the Council's Education Committee learned that the five MCPS bus stops with the most bus camera violations are all along State roads:

- 8800 block of Colesville Road (US 29)
- 1400 block of East-West Highway (MD 410)
- 300 block of North Frederick Avenue (MD 355)
- 5100 block of River Road (MD 190)
- 8800 block of Piney Branch Road (MD 320)

Overall, these five locations account for 7,295 (or 14%) of all the bus camera violations issued in Montgomery County since October 2016.

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Mr. Gregory Slater

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October 29, 2018

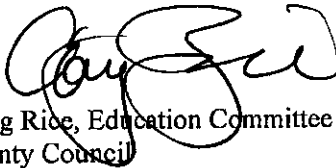
The Council and Board respectfully request that the State install signage or other notification mechanisms near these five bus stops to remind drivers of the requirement to stop for a school bus. We believe that an additional visual reminder could provide an effective deterrent to continued high numbers of violations at these locations. We are happy to work with the State to determine the most appropriate signage or other notification mechanism for each location.

The Council and the Board appreciate your consideration of this request as part of our continued efforts to ensure the safety of our schoolchildren. Please feel free to contact us if you would like to discuss this matter further.

Sincerely,



Hans Riemer, President
County Council



Craig Rice, Education Committee Chair
County Council



Michael A. Durso, President
Board of Education

Cc: Councilmembers
Board of Education Members
Andre Futrell, District Engineer, State Highway Administration, District 3

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