



**Committee:** T&E  
**Committee Review:** At a future date  
**Staff:** Ludeen McCartney-Green, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #safestreetsactof2023

AGENDA ITEM #2A  
February 28, 2023  
**Introduction**

## SUBJECT

Bill 11-23, Motor Vehicles and Traffic – Traffic Signals, Devices, and Automated Enforcement Plan (The Safe Streets Act of 2023)

Lead Sponsor: Council President Glass

Co-Sponsors: Councilmembers Luedtke, Stewart, Katz, Fani-González, and Council Vice-President Friedson

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A; Introduction

## DESCRIPTION/ISSUE

Bill 11-23 would :

- (1) require an infrastructure review for pedestrian-related collisions within a County's school zone;
- (2) prohibit a driver of a motor vehicle from making a right turn on a red at certain intersections;
- (3) require certain traffic control devices at crosswalks in the County's downtown and town center areas;
- (4) require the County Executive to provide an automated traffic enforcement plan; and
- (5) generally amend the law regarding motor vehicles and traffic control.

## SUMMARY OF KEY DISCUSSION POINTS

- N/A

### This report contains:

Staff Report  
Bill 11-23

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**M E M O R A N D U M**

February 23, 2023

TO: County Council

FROM: Ludeen McCartney-Green, Legislative Attorney

SUBJECT: **Introduction:** Bill 11-23, Motor Vehicles and Traffic – Traffic Signals, Devices, and Automated Enforcement Plan (The Safe Streets Act of 2023)

Bill 11-23, Motor Vehicles and Traffic – Traffic Signals, Devices, and Automated Enforcement Plan, also known as, The Safe Streets Act of 2023, sponsored by Lead Sponsor Council President Glass with Co-Sponsors Councilmembers Luedtke, Stewart, Katz, Fani-González and Council Vice-President Friedson, is scheduled to be introduced on February 28, 2023. A public hearing is tentatively scheduled for March 21, 2023, at 1:30 p.m. A Transportation and Environment Committee is tentatively scheduled for March 30, 2023.

Bill 11-23 would :

- (1) require an infrastructure review for pedestrian-related collisions within a County’s school zone;
- (2) prohibit a driver of a motor vehicle from making a right turn on a red at certain intersections;
- (3) require certain traffic control devices at crosswalks in the County’s downtown and town center areas;
- (4) require the County Executive to provide an automated traffic enforcement plan; and
- (5) generally amend the law regarding motor vehicles and traffic control.

**PURPOSE**

The purpose of this bill is to advance the County’s Vision Zero goals by eliminating serious and fatal crashes through the means of addressing specific transportation initiatives, including prioritizing student safety in school zones, providing more access for pedestrians in a crosswalk, prohibiting a right turn on red, and requiring a plan for increased automated traffic enforcement.

**BACKGROUND**

In 2016, the Council adopted Vision Zero to make road safety a top priority in Montgomery County.<sup>1</sup> As outlined in the Vision Zero action plan describes, “using data-informed and equitable approaches, Montgomery County will systematically update the roadway network to create

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<sup>1</sup> [Resolution 18-390](#), Resolution to adopt Vision Zero in Montgomery County and urge the State of Maryland to also adopt Vision Zero. Adopted February 2, 2016.

complete, safe streets and build a culture of safety through purposeful campaigns and engagement to eliminate serious and fatal collisions by 2030.”<sup>2</sup> Since then, even though, the County has made advancements in safety for pedestrians and cyclists, residents in our equity-emphasis areas are still more likely to experience an injury or fatality on our roads. Since 2015, there have been 64% of all pedestrian-involved crashes occurred at intersections. For bicyclists, 74% of all incidents occurred at intersections. Since 2020, there have been 41 pedestrians and bicyclists killed by motorists, and over 1,400 have been injured. In 2022 alone, 19 non-motorists died and 574 were hit.

The neighboring jurisdiction, Washington D.C. has also adopted a Vision Zero program, which set the goal that, by 2024, it will “reach zero fatalities and serious injuries to travelers of its transportation system through more effective use of data, education, enforcement, and engineering.” The District passed its Vision Zero Enhancement Omnibus Amendment Act of 2019, back in September of 2020, to address right turns on red in some locations; however, the legislation remains unfunded, and therefore not in effect.

### *State v. Local Authority*

The Maryland Vehicle Law<sup>3</sup> expressly preempts local regulation on any subject that is within the Maryland Vehicle Law, See Transp. § 25-101.1. However, there are exceptions to the preemption. Transp. § 25-102(a) states that the Maryland Vehicle Law “do[es] not prevent a local authority, in the reasonable exercise of its police power, from exercising [certain enumerated] powers as to highways under its jurisdiction. One of those powers is “...regulating the traffic by [...] traffic control devices; [or] regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections...” Transp. § 25-102(a)(2) and (9). As a result, the County has the authority to legislate within this scope.

## **BILL SPECIFICS**

### *Traffic Infrastructure Review*

Bill 11-23 would require that an infrastructure review must be performed if a student going to or from school is involved in a collision within a County’s school zone. An infrastructure review is a study of several factors that led to the collision and recommendations for traffic improvements, specifically, the review must include the following:

*Lines 22-27:*

- (1) any deficiencies in engineering, traffic control, and traffic operations; and
- (2) appropriate corrective actions and crash reduction countermeasures that are consistent with the United States Department of Transportation’s best practices and the County’s Vision Zero program.

### *No Right Turn On Red*

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<sup>2</sup> [Vision Zero 2030 Action Plan](#)

<sup>3</sup> The Maryland Vehicle Law is found in Titles 11 through 27 of the Transportation Article, Md. Code Ann., Transp. § 11-206.

Further, the Bill would require Montgomery County’s Department of Transportation to post signs marked, “No Right Turn On Red” at the intersection of a County road in a downtown area or town center area. A downtown or town center area is defined under recently adopted, [Bill 24-22, Streets and Roads](#), and corrective [Bill 34-22, Streets and Roads – Classifications of Roads](#), codified in Sections 49-31 of the County Code. A driver of a motor vehicle would be prohibited from making a right turn on red in those specific locations.

*Leading Pedestrian Interval*

A leading pedestrian interval (LPI) is a traffic control device that, “gives pedestrians the opportunity to enter the crosswalk at an intersection 3-7 seconds before vehicles are given a green indication. Pedestrians can better establish their presence in the crosswalk before vehicles have priority to turn right or left.”<sup>4</sup> The bill requires LPI in downtown and town center areas.

*Lines 76-80 of the Bill:*

Leading pedestrian interval – required. The Director must install or cause to be installed a leading pedestrian interval at every crosswalk of a County road located:

- (1) in a downtown area; and
- (2) in a town center area.

*Automated Traffic Enforcement Plan*

Lastly, Bill 11-23 would require the County Executive to provide an automated traffic enforcement plan. See, lines 82 -100 of the Bill. (©6).

This packet contains:  
Bill 11-23

Circle #  
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<sup>4</sup> U.S. Department of Transportation Federal Highway Administration. Leading Pedestrian Interval., <https://highways.dot.gov/safety/proven-safety-countermeasures/leading-pedestrian-interval>.

Bill No. 11-23  
Concerning: Motor Vehicles and Traffic –  
Traffic Signals, Devices, and  
Automated Enforcement Plan (The  
Safe Street Act of 2023)  
Revised: 2/23/2023 Draft No. 3  
Introduced: February 28, 2023  
Expires: December 7, 2026  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President Glass  
Co-Sponsors: Councilmembers Luedtke, Stewart, Katz, Fani-González, and Council Vice-President  
Friedson

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**AN ACT** to:

- (1) require an infrastructure review for pedestrian-related collisions within a County’s school zone;
- (2) prohibit a driver of a motor vehicle from making a right turn on a red at certain intersections;
- (3) require certain traffic control devices at crosswalks in the County’s downtown and town center areas;
- (4) require the County Executive to provide an automated traffic enforcement plan; and
- (5) generally amend the law regarding motor vehicles and traffic control.

By amending

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

By adding

Montgomery County Code  
Chapter 31, Motor Vehicles and Traffic  
Sections 31-9C and 31-9D

<b>Boldface</b>	<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:*

1           **Sec. 1.       Short Title.**

2           This Act may be cited as “The Safe Streets Act of 2023.”

3           **Sec. 2.       Sections 31-9A is amended and 31-9C and 31-9D are added**  
 4 **as follows:**

5 **31-9A. Speed Monitoring Systems Authorized; traffic infrastructure review.**

6           (a)   *Definitions.* In this Section, the following words have the meanings  
 7 indicated:

8           *School zone* means an area within a half-mile radius of any school  
 9 established by the State Highway Administration or the County pursuant  
 10 to the Maryland Transportation Code § 21-803.1.

11                                   \*       \*       \*

12           (e)   Traffic infrastructure review within a school zone - required. The  
 13 Department of Transportation must coordinate with the Montgomery  
 14 County Public School to conduct a traffic infrastructure review of each  
 15 collision that:

16                   (1)   occurs on a County road;

17                   (2)   involves a student going to or from school; and

18                   (3)   occurs in a designated school zone or on school property during  
 19 arrival or dismissal times.

20           (f)   Contents of the traffic infrastructure review. The review under subsection  
 21 (e) must identify:

22                   (1)   any deficiencies in engineering, traffic control, and traffic  
 23 operations; and

24                   (2)   appropriate corrective actions and crash reduction  
 25 countermeasures that are consistent with the United States  
 26 Department of Transportation’s best practices and the County’s  
 27 Vision Zero program.

(g) The Department of Transportation must:

- (1) complete the traffic infrastructure review within 6 months after an injury or fatality has occurred; and
- (2) post the contents of the review on the County’s website.

**31-9C. Traffic Control Signals and Devices.**

(a) Legislative findings. The County Council finds and declares that:

- (1) In 2016, the Montgomery County Council passed Resolution No. 18-390 supporting Vision Zero and the policies and investments necessary to achieve it by 2030. Vision Zero is a strategy to eliminate all traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all.
- (2) Progress has been made to reduce injuries and deaths on our roadways due to more sidewalk installations, dedicated bike lanes, automated traffic enforcement, and other traffic calming techniques that decrease safety risks for non-motorists and motorists alike. While we have made advancements in our safety investments for pedestrians and cyclists in the County, residents in our equity-emphasis areas are still more likely to experience an injury or fatality on our roads.
- (3) Since 2020, 41 pedestrians and bicyclists have been killed by motorists, and over 1,400 have been injured. In 2022 alone, 19 non-motorists died and 574 were hit.
- (4) Since 2015, 64% of all pedestrian-involved crashes occurred at intersections. For bicyclists, 74% of all incidents occurred at intersections.
- (5) Ensuring the health and safety of 1.1 million residents will continue to be a top priority for the Montgomery County



55                    government. By implementing evidence-based measures and  
56                    maximizing resources to areas in critical need, more lives can be  
57                    saved.

58            (b) Definitions. As used in this Section:

59                    Department means the Department of Transportation.

60                    Director means the Director of Transportation or the Director’s designee.

61                    Downtown area has the same meaning as stated in Section 49-31.

62                    Leading pedestrian interval means a traffic control device that:

63                    (1) allows a pedestrian to establish a presence in the crosswalk  
64                    before vehicles are given a green indication; and

65                    (2) has specifications in accordance with the most recent edition of  
66                    the Manual on Uniform Traffic Control Devices for Highways  
67                    and Streets.

68                    Town center area has the same meaning as stated in Section 49-31.

69            (c) Signage - required. The Department must erect signage that indicates  
70                    “No Right Turn on Red” at the intersection of a County road located:

71                    (1) in a downtown area; and

72                    (2) in a town center area.

73            (d) Right turn on red – prohibited. A driver of a motor vehicle must not make  
74                    a right turn on a red signal as marked by a posted sign under subsection  
75                    (c).

76            (e) Leading pedestrian interval – required. The Director must install or cause  
77                    to be installed a leading pedestrian interval at every crosswalk of a  
78                    County road located:

79                    (1) in a downtown area; and

80                    (2) in a town center area.

81            **31-9D. Automated Enforcement Action Plan.**

82           (a)    The County Executive, or the Executive’s designee, must transmit to the  
 83           Council an automated enforcement action plan that includes:

84           (1)    an explanation of the plan, the goals, and the strategies to increase  
 85           automated enforcement cameras:

86           (A)   at red traffic lights;

87           (B)   stop signs; and

88           (C)   speed monitoring devices;

89           (2)    a recommended number of automated enforcement cameras, by  
 90           camera type, that should be deployed in the County to achieve  
 91           appropriate levels of enforcement and related traffic safety results;

92           (3)    a timeline for deploying the recommended number of cameras,  
 93           including the number of additional cameras to be deployed, by  
 94           camera type and by fiscal year;

95           (4)    the amount of funding necessary, in addition to what has been  
 96           authorized as of the date of the plan’s publication, by fiscal year,  
 97           to attain the target number of cameras; and

98           (5)    any other necessary recommendations for consideration.

99           (b)    Annual plan. The plan must be updated and resubmitted to the Council  
 100          annually.

101          **Sec. 3.        Transition; effective date.**

102          The County Executive must provide an automated enforcement action plan as  
 103          required under Section 31-9D within 180 days after the enactment of this Act. Sections  
 104          31-9A and 31-9C, as added by Section 2 of this Act, take effect on July 1, 2025.