The Town of Upper Marlboro

RESOLUTION: 2018-03

SESSION: Regular/Special Town Meeting

DATED: April 24, 2018

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS APPROVING THE DEPLOYMENT OF A SPEED MONITORING SYSTEM AND THE ESTABLISHMENT OF A SCHOOL ZONE ALONG OLD CRAIN HIGHWAY WITHIN THE CORPORATE LIMITS OF THE TOWN OF UPPER MARLBORO

WHEREAS, Title 21 of the Transportation Article of the Maryland Annotated Code (hereinafter, the "Maryland Code"), authorizes and empowers the Commissioners of the Town of Upper Marlboro, Maryland (hereinafter, the "Board of Commissioners") to implement and use a speed monitoring system ("SMS") that is consistent with the requirements of Title 21, Subtitle 8 of the Transportation Article of the Code on a public highway; and

WHEREAS, Maryland Code, Transportation Article, §21-803.1 allows School Zones and School Areas, to be established by a local authority within a one-half mile radius of any school; and

WHEREAS, Maryland Code, Transportation Article, §21-809(a)(7) defines a "School Zone" to mean a designated roadway segment within up to a half-mile radius of a school for any of grades kindergarten through grade 12 where school-related activity occurs including: (i) travel by students to or from school on foot or by bicycle; or (ii) the dropping off or picking up of students by school buses or other vehicles; and

WHEREAS, Maryland Code, Transportation Article, §21-809(b)(1)(i) requires that a speed monitoring system may not be used in a local jurisdiction unless its use is authorized by the governing body of the local jurisdiction by local law enacted after reasonable notice and a public hearing; and

WHEREAS, the Board of Commissioners has enacted Ordinance 2018-02 for the purpose of establishing the "safety for students program" by adopting provisions governing speed monitoring systems, in order to authorize the implementation of such systems in designated school zones to detect speed limit violations using vehicle sensors that produce recorded images of passing vehicles and generally governing the use and deployment of speed monitoring systems within the Town's corporate limits in accordance with State law; and

WHEREAS, in Prince George's County, the Maryland Code, Transportation Article, §21-809(b)(1)(iii), expressly authorizes a municipal corporation to implement and use a speed monitoring system consistent with the requirements of said subsection on a County highway at a location within its corporate limits if the municipal corporation: (i) submits to the County a plan describing the boundary of the applicable school zone and the proposed location of the speed monitoring system; and (ii) requests and receives permission from the County to use the speed monitoring system at the proposed location; and

WHEREAS, Maryland Code, Transportation Article, §21-809(b)(1)(iii), further states

that if the County fails to respond to the request within 60 days, the municipal corporation may implement and use the speed monitoring system as described in the plan submission, and the County may not: (i) unreasonably deny a request under this subparagraph; or (ii) place exactions, fees, or unreasonable restrictions on the implementation and use of a speed monitoring system under this subparagraph; and

WHEREAS, the Board of Commissioners finds that driving in excess of posted speed limits, and failing to stop at red lights is a major cause of accidents, injuries and death; and

WHEREAS, the Board of Commissioners further finds that traditional enforcement of red light violations, and posted speed limits in the vicinity of schools and school areas requires that law enforcement enter traffic and stop a motorist in order to cite that motorist as a violator; however, traffic volume and safety considerations limits the number of violators apprehended to a fraction of those in violation of posted speed limits or traffic control signal, and risks injury to the law enforcement officers, pedestrians and public, especially in the vicinity of schools; and

WHEREAS, the Board of Commissioners further finds that traffic studies indicate that the presence of speed cameras has contributed to as much as an 80% - 90% decrease in the number of drivers exceeding the speed limit by 12 miles per hour or more in the vicinity of school facilities; and

WHEREAS, the Board of Commissioners further finds that school-related activity occurs at or near the Sasscer Administration Building, including travel by students to or from school on foot or by bicycle; or the dropping off or picking up of students by school buses or other vehicles; and

WHEREAS, the "Safety for Students" program created by the Commissioners of the Town of Upper Marlboro, Maryland with a goal to increase safety for the motoring public as well as for students, parents, and teaching staff around schools with the use of automated speed enforcement will substantially protect the heath, safety and welfare of the public; and

WHEREAS, the Chief of Police has advised that Speed Monitoring Systems will advance the "Safety for Students" program; as strategically placed in designated areas to advance the safety of the motoring public and pedestrians; and

WHEREAS, upon due consideration of the testimony and comments of the public, experts and staff received at a duly convened public hearing and/or placed into the journal for review, and in furtherance of the public health, safety and welfare, the Board of Commissioners finds that it is in the best interest of the citizens of the Town of Upper Marlboro, Maryland and sojourners thereto to adopt and establish a school zone and authorize the use of speed monitoring systems within designated school zones; and

WHEREAS, the Board of Commissioners requires that appropriate signage shall be erected in accordance with the manual for and the specifications for a uniform system of traffic control devices adopted by the State Highway Administration before activating an unmanned stationary speed monitoring system, if not already in place, at each School Zone and publish the

location of the unmanned stationary speed monitoring system on the Town of Upper Marlboro Website, and in a newspaper of record, as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Upper Marlboro, that the following School Zone, and SMS Boundary and Location Plan for Old Crain Highway are hereby approved, adopted and established according to applicable statutes and ordinance referenced in the recitals above and incorporated herein by reference, and the provisions stated hereinbelow describing the boundary of the applicable school zone and the proposed initial location of the speed monitoring systems:

A. The Proposed Boundary of the Applicable School Zone: This Resolution 2018-03 establishes a school zone that specifically includes Old Crain Highway eastbound and west bound between the existing municipal corporate limits located near the Providence St. John Baptist Church and the Marlboro Track (Board of Education) properties and the vicinity of the Trinity Lane intersection. See Exhibit A, attached hereto and incorporated by reference herein. There are no other school zones established by another municipality within one-quarter mile of the school zone established by the Town.

B. The Proposed Location of the Speed Monitoring System: The entire segment of roadway designated as a School Zone is approximately 2,000 feet long and is depicted on a map attached herein as Exhibit A. The Upper Marlboro Police Department will operate a radar or lidar-based camera system mounted on a mobile trailer, on a pole or in a fixed cabinet. The system will monitor traffic in both (E/W) directions. If placed on a mobile trailer, the camera system is further mounted on a single pole attached to the trailer and requires no power, data, or traffic signal connections. The trailer, pole or fixed camera cabinet will be installed in the unimproved portion of the right of way or on Town-owned property as shown on Exhibit B, attached hereto and incorporated by reference herein. The speed monitoring devices shall be initially deployed within said corporate boundaries along a segment of Old Crain Highway at an initial camera location situated on or abutting Parcel 49 (Tax Account: 0197319), as depicted, which is real property owned by the Town.

C. Signage: The current posted speed limit along this segment of Old Crain Highway is 25 MPH. See Exhibits C & D, attached hereto and incorporated by reference herein. The Town shall ensure that additional signs will be posted designating the school zone and indicating that a speed monitoring system is in use in the school zone. The signs will be installed using existing or standard wooden poles installed in accordance with the Maryland Manual on Uniform Traffic Control Devices. The signs will be placed in such a manner as not to interfere with existing traffic control devices or infrastructure. The Town shall be responsible for the cost of placing and maintaining signs and other traffic control devices applicable to the school zone established on Old Crain Highway.

AND BE IT FURTHER RESOLVED that as prescribed by law, reasonable notice of the use of Speed Monitoring Systems shall be provided through advertisement in a newspaper of general circulation in Upper Marlboro and the Towns website at least fifteen (30) days prior to the activation of an unmanned speed monitoring system in a School Zone for the first time.

The Town of Upper Marlboro

AND BE IT FURTHER RESOLVED that the President shall be authorized to sign this Resolution on behalf of the Board.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect on and after the effective date of Ordinance 2018-02.

INTRODUCED AND PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland after a Public Hearing was conducted at a Meeting held on April 24, 2018.

PASSED this 24th Day of April 2018.

Attest:

THE TOWN OF UPPER MARLBORO
BOARD OF COMMISSIONERS

Tonga Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

[Exhibits A, B, C & D, Attached]

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this 24th day of April, 2018.

M. David Williams, Town Clerk