

The Town of Upper Marlboro
Board of Commissioners

RESOLUTION: 2022-02

SESSION: Regular/Special Town Meeting

DATED: January 11th, 2022

A RESOLUTION OF THE TOWN BOARD OF COMMISSIONERS DESIGNATING RESIDENTIAL DISTRICTS ALONG CERTAIN SEGMENTS OF OLD CRAIN HIGHWAY AND OLD MARLBORO PIKE (MD-725) FOR THE DEPLOYMENT OF SPEED MONITORING SYSTEMS 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, on May 30, 2021, the General Assembly of Maryland enacted HB 619 (Ch. 447 of the 2021 Laws of Md.) authorizing, in addition to designated school zones, the placement of speed monitoring systems (also known as speed cameras) in Prince George’s County on highways in residential districts with a maximum posted speed limit of 35 miles per hour to be effective on October 1, 2021; and

WHEREAS, The Board of Commissioners for the Town of Upper Marlboro previously approved Ordinance 2018-02 (Automated Traffic Enforcement) which was amended by Ordinance 2021-06; and

WHEREAS, Ordinance 2021-06 further authorized the Board to designate by ordinance or resolution certain roadways to be designated as Residential Districts in addition to those designated as School Zones; and

WHEREAS, consistent with State law, Section 1 of Ordinance 2021-06 defines a residential district as an area that: (a) is not a business district; and (b) adjoins and includes a highway where the property along the highway, for a distance of at least 300 feet, is improved mainly with residences or residences and buildings used for business; and (c) has a speed limit established using generally accepted traffic engineering practices; and

WHEREAS, the Board finds that it will enhance the health, safety, and welfare of the Town’s residents and visitors to designate the substantially same two "school zone" sites initially designated in 2018 as Residential Speed Zones; 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

The Town of Upper Marlboro
Board of Commissioners

WHEREAS, Section 6(B) of Ordinance 2018-02 originally designated a school zone along Maryland Route 725 (Old Marlboro Pike) from Marlborough Drive to Elm Street; 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 the speed limit on Old Marlboro Pike in the proposed residential area is 25 MPH and that the Upper Marlboro Police Department conducted a traffic study on seven separate school days using a radar device between April 1, 2018 and May 13, 2018 and recorded a total sum of 219,608 vehicle trips or an average of 31,373 vehicle trips per day; and

WHEREAS, the Board of Commissioners further finds that said traffic analysis indicates that the number of speed violations by motor vehicle drivers for the subject period were 165,200 (23,600 per day average) or an average of 74% of all passing vehicles exceeded the posted speed limit at an average speed of 38 MPH; and

WHEREAS, the Board of Commissioners further finds that the highest speeds recorded during the subject study period exceeded 70 MPH on each of the seven monitored school days and the highest speed recorded was 90 MPH on May 6, 2018; 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 Chief of Police has advised that Speed Monitoring Systems in the below designated districts or zones will advance public safety if they are 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 certain residential districts or zones and authorize the use of speed monitoring systems within designated residential districts or 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 Residential District 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.

The Town of Upper Marlboro
Board of Commissioners

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Upper Marlboro, that the following Residential District, and SMS Boundary and Location Plan for Old Crain Highway and Old Marlboro Pike are hereby approved, adopted and established according to applicable statutes and ordinances referenced in the recitals above and incorporated herein by reference, and the provisions stated herein below describing the boundary of the applicable Residential Districts and the proposed location of speed monitoring systems:

- A. The Proposed Boundary of the Applicable Residential Districts: This Resolution establishes and designates Residential Districts that specifically include (i) Old Marlboro Pike (MD 725) from Spring Branch Drive to Elm Street, (ii) Old Crain Highway (Rt. No. CO 1212) from Church Street to Pennsylvania Avenue (MD Rt. 4), and (iii) Marlboro Pike (MD 725) between Governor Oden Bowie Drive and Largo Road (MD 202). See Exhibit A (1, 2 & 3), attached hereto and incorporated by reference herein.
- B. The Proposed Location of the Speed Monitoring Systems: The entire segment or segments of roadway designated as a Residential District are depicted on a map attached herein as Exhibit A. The Upper Marlboro Police Department will operate a camera system using a hand-held device, mounted on a mobile trailer, on a pole, or in a fixed cabinet. The systems will monitor traffic in both directions. If placed on a mobile trailer, the camera system may be further mounted on a single pole attached to the trailer and may require 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 as shown on Exhibit A, attached hereto and incorporated by reference herein. The speed monitoring devices shall be initially deployed within said corporate boundaries along a segment or segments of the above-referenced Residential Districts, as designated herein above, which are rights-of-way owned and maintained by the State, the County, the Town or another public entity. The Town shall obtain the appropriate permissions or permits from other public entities having jurisdiction over the applicable roadway.
- C. Signage: The current posted speed limit along the relevant segments of Old Marlboro Pike (MD 724) and Old Crain Highway (Rt. No. CO 1212) is 25 MPH. The Town shall ensure that additional signs will be posted designating the Residential Districts and indicating that a speed monitoring system is in use in the designated Residential Districts. 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 residential Districts established by this Resolution.

AND BE IT FURTHER RESOLVED that this Resolution definitely establishes, designates or supersedes any Residential Districts or School Zones as defined and previously designated in Ord. 2021-06 or any subsequent resolution passed pursuant thereto within the corporate limits of the Town of Upper Marlboro and any conflict between this Resolution and any previous ordinance or resolution regarding said districts or zones shall be controlled by the provisions of this Resolution.

AND BE IT FURTHER RESOLVED that as prescribed by law, reasonable notice of the

The Town of Upper Marlboro
Board of Commissioners

use of Speed Monitoring Systems shall be provided through advertisement in a newspaper of general circulation in Upper Marlboro and the Town's website at least fifteen (30) days prior to the activation of an unmanned speed monitoring system in a Residential District for the first time.

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 immediately.

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 January 11, 2022.

ATTEST:



Clerk, John Hoatson

Date: January 11, 2022



THE TOWN OF UPPER MARLBORO



Sarah Franklin, President



Janice Duckett, Commissioner



Thomas Hanchett, Commissioner

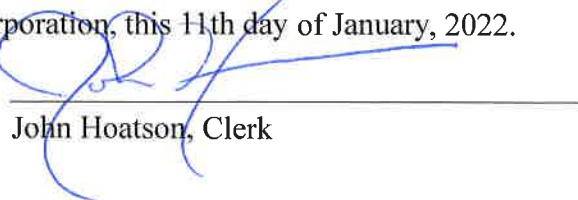


Karen Lott, Commissioner

Vacant, Commissioner

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 Order, and that said Resolution and Order 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 11th day of January, 2022.



John Hoatson, Clerk