

Department of Legislative Services
 Maryland General Assembly
 2013 Session

FISCAL AND POLICY NOTE

Senate Bill 182 (Senators Brochin and Kittleman)
 Judicial Proceedings

Maryland Transit Administration - Activation of Audio Recording Devices on Vehicles Used for Transit Service - Prohibition

This bill prohibits the Maryland Transit Administration (MTA) from activating audio recording devices on transit vehicles used for transit service and requires MTA to post a specified notice on each transit service vehicle equipped with an audio recording device. The notice must state that the vehicle is equipped with an inactive audio recording device.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$10,700 in FY 2014 to deactivate audio recording systems and post signs on MTA buses. Future year signage expenditures can be absorbed within existing budgeted resources. Revenues are not directly affected.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	10,700	0	0	0	0
Net Effect	(\$10,700)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Except as otherwise specified in statute, it is unlawful for a person to:

- willfully intercept, endeavor to intercept, or procure any other person to intercept a wire, oral, or electronic communication;
- willfully disclose, or endeavor to disclose, to any other person the contents of a wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through an illegal intercept; and
- willfully use, or endeavor to use, the contents of a wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through an illegal intercept.

However, it is lawful for law enforcement officers and persons acting with the prior direction and under the supervision of law enforcement officials to intercept communications as part of a criminal investigation to provide evidence of the commission of specified crimes, including murder, kidnapping, rape, gambling, robbery, dealing in a controlled dangerous substance, manufacture or possession of a destructive device, and obstruction of justice.

Wiretapping is also authorized if a person has created a barricade situation and there is probable cause to believe a hostage or hostages may be involved. There are specified exceptions for lawful acts performed by such individuals as (1) a switchboard operator or wire or electronic communication service employee; (2) an investigative or law enforcement officer acting in a criminal investigation or other specified circumstances; (3) a person who is a party to the intercepted communication, where all of the parties have given prior consent; and (4) an employee of a governmental emergency communications center. Law enforcement may place a device within a vehicle to intercept communication to provide evidence of vehicle theft.

“Transit service” is the transportation of persons and their packages and baggage and of newspapers, express, and mail in regular route, special, or charter service by means of transit facilities between points within the metropolitan transit district. Transit service does not include taxicab service, vanpool operation, or railroad service. A “transit vehicle” is a mobile device used in rendering transit service.

Background: MTA operates a comprehensive transit system throughout the Baltimore-Washington metropolitan area, including more than 50 local bus lines in Baltimore and other services such as the light rail, metro subway, commuter buses, Maryland Area Regional Commuter (MARC) trains, and mobility/paratransit vehicles.

MTA has begun to install and activate audio surveillance equipment in its local bus vehicles, in part, to serve as an after-the-fact investigative tool in the event of a criminal incident or crash. By summer 2013, MTA anticipates that the audio surveillance function will be turned on in 158 buses. At this time, approximately 334 of MTA’s 758 buses are

equipped with new audio and video surveillance equipment. MTA's remaining buses are equipped with older video-only surveillance equipment that records to a unit onboard the bus. MTA plans to procure a total of 270 new buses during the fiscal 2013 through 2017 period: 67 in fiscal 2013, 50 in fiscal 2014, 44 in fiscal 2015, 50 in fiscal 2016, and 59 in fiscal 2017. MTA advises that audio and visual camera systems now come standard on new buses.

MTA's metro cars and light rail cars are equipped with cameras, without audio capability, that record video to a unit in the vehicle. At this time, due to cost, MTA does not have any plans to add audio surveillance equipment to metro cars. However, MTA advises that when new metro cars are ordered, they will be equipped with both audio and video camera equipment. MTA hopes to add audio surveillance equipment to the light rail fleet in the near future.

At this time, MTA does not have, nor does it plan to install, audio surveillance equipment in MARC trains or commuter buses. However, MTA is exploring the feasibility of installing video and audio on mobility vehicles beginning in fiscal 2014.

State Expenditures: MTA's TTF expenditures increase by \$10,715 in fiscal 2014 to deactivate audio recording systems and post signs on MTA buses used for transit service. This estimate assumes that (1) audio recording systems are deactivated on 158 buses at a cost of \$25 per bus and (2) 451 MTA buses are equipped with information signs at a cost of \$15 per sign. This estimate assumes that any costs associated with posting signs on MTA transit service vehicles with audio surveillance equipment in future years can be absorbed.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Transportation, Department of Legislative Services

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mm/lgc

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