

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor  
101 City Hall  
Baltimore, Maryland 21202

December 28, 2012

The Honorable President and Members  
of the Baltimore City Council  
Attn: Karen Randle, Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 12-0164 – Transit and Traffic – Speed and Red-light  
Camera Monitoring Systems – Violations by School Vehicles

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 12-00164 for form and legal sufficiency. The bill would add a section to Subtitle 16 of Article 31 of the City Code concerning Transit and Traffic to require the City's Department of Transportation ("DOT") in conjunction with the City's Department of Finance ("Finance") to report periodically on all citations and warnings issued to school vehicles. The report would include copies of all the citations and warnings, their disposition and any changes to any dispositions that were subjects of previous reports. The bill defines school vehicles to be those "used for the transportation of children, students or teachers for educational purposes" and registered as a Type I school vehicle as defined by state law or discernable by color or markings as a school vehicle. As a result of this additional emphasis on school vehicles, the bill would also rename Part 3 of that Subtitle from "School" to "School and School Vehicles."

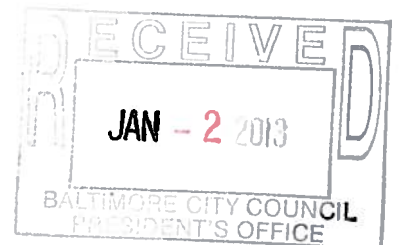
The Law Department defers to DOT and Finance as to whether those agencies have in their possession the requisite citations and warnings about which they are to report. It appears that under both Sections 21-809(a)(2)(i) (the state authorization for the City to utilize speed cameras in school zones under Subtitle 33 of Article 32 of the City Code) and Section 21-202.1(a)(2) of the Transportation Article of the Maryland Code, the state could be the custodian of some relevant records. Other city agencies or a private contractor may also be the proper records custodian. Md. Code, Transp. §§21-809(j). The bill should reflect the proper custodian of the records.

Since there is no conflicting state law and no impediment to reporting on criminal or civil violations, the Law Department approves this bill for form and legal sufficiency.

Very truly yours,

Hilary Ruley  
Assistant Solicitor

FOR



cc: George Nilson, City Solicitor  
Angela C. Gibson, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Ashlea Brown, Assistant Solicitor  
Victor Tervalá, Assistant Solicitor