



Written by [Raven Clabough](#) on March 5, 2016

Maryland Senate Advances Bill to Limit Audio Recordings on Mass Transit

Since 2012, public buses in Maryland have featured devices that record the private conversations of passengers, raising concerns about infringement on civil liberties. Efforts in the Maryland Senate to address these concerns have failed so far; however, a recent bill that seeks to limit the recording capabilities of the equipment has advanced after passing unanimously in the Senate Judicial Proceedings Committee.



The *Baltimore Sun* reports that the audio recording equipment was rolled out in 2012, originally placed in 10 Maryland Transit Administration buses but can now be found on 65 percent of MTA's local buses. The MTA also indicates that 82 percent of its Metro Subway cars are "audio cable" though they have not installed the necessary circuits to make them functional. If they decided to do so, they could have it done in as little as six months, the *Sun* writes.

Signs were posted to make travelers aware that the technology was in use, but opponents contend that the signs were not enough to undo the civil violations created by the presence of the equipment.

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Defenders of the technology claim it is necessary for homeland security, but opponents have raised concerns over constitutional violations and the technology's rollout without approval by lawmakers.

The Maryland Transit Administration claims that the audio recordings are a "vital public safety tool," since they capture information involving cases of driver error or instances of criminal activity such as fighting on mass transit.

The Maryland Senate is considering legislation that would address some of the concerns that have been raised since the implementation of the equipment.

The bill proposes moving the recording devices to near the bus or train operator's seat so that the driver can turn the devices on only when a public-safety situation arises. The equipment would turn on automatically in the event that the driver suddenly brakes. Additionally, the bill imposes a \$1,000 fine if ever the audio tapes are "improperly disseminated," the *Baltimore Sun* writes, and the MTA must report when the material is to be used in a case.

The legislation would apply to all transit agencies in Maryland, but makes exceptions for the Washington Metropolitan Area Transit Authority, which handles transit in the D.C. area.

Senator Robert Zirkin (D-Baltimore County), chair of the Senate Judicial Proceedings Committee, has voiced his outrage over what he calls "mass surveillance" by the Maryland Transit Administration.

"I find it outrageous," he said. "I don't want to overstate it, but this is the issue of our generation. As technology advances, it becomes easier and easier to encroach on people's civil liberties."

Lawmakers in the Senate are in disagreement over the legislation, however.



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A vote on the bill has been delayed after lawmakers raised concerns over the cost of moving the existing equipment. Others defended the equipment as necessary for security, and yet more have asked for a delay on the legislation to draft amendments.

Baltimore County Senator Jim Brochin compared MTA surveillance to something out of George Orwell's novel *1984*, even reading passages from it at a recent hearing, and took issue with the notion that there should be "no expectation of privacy" on public transit.

"They believe there is no expectation of privacy on any mode of public transportation that the state of Maryland controls," Brochin told WYPR. "If you're with your significant other, your kids, your loved one and having a conversation, then you should have no expectation of privacy. And I reject that."

Sandy Arnette, a spokeswoman for the MTA, asserts that the recordings are not maintained for very long, as they are taped over when the storage becomes full, and are reviewed only when an incident has occurred.

"We feel we should have as many tools at our disposal as possible to keep the public safe when they're on our buses," MTA Chief of Staff Jim Knighton told legislators at a February hearing.

But Zirkin notes that the legislation includes "a public safety exemption."

"What would not be permitted is simply the indiscriminate mass surveillance of citizens just because they happen to be riding on the bus," he added.

Ultimately, Zirkin contends that the constitutional liberties of Maryland's citizens should remain the top priority.

"I can make an argument to tape everybody, everywhere, everywhere they walk, everywhere they talk, and you can make the excuse for homeland security," Zirkin said. "But that is not a valid reason to encroach this fundamentally on people's privacy rights."

Photo: Maryland Transit Administration



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