

HOUSE BILL REPORT

ESSB 5060

As Reported by House Committee On: Transportation

Title: An act relating to regulating the use of automated traffic safety cameras.

Brief Description: Regulating the use of automated traffic safety cameras.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker and Jacobsen).

Brief History:

Committee Activity:

Transportation: 3/29/05, 3/31/05 [DP].

Brief Summary of Engrossed Substitute Bill

- Allows local governments to use automated traffic safety cameras to detect stoplight, railroad crossing, and school zone speeding violations.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 18 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Buck, Dickerson, Flannigan, Hankins, Hudgins, Jarrett, Kilmer, Lovick, Nixon, Sells, Shabro, Simpson, B. Sullivan, Takko and Wood.

Minority Report: Do not pass. Signed by 8 members: Representatives Appleton, Campbell, Curtis, Ericksen, Morris, Rodne, Schindler and Upthegrove.

Staff: David Munnecke (786-7315).

Background:

Current law contains no express statutory authority allowing local governments to use automated traffic enforcement systems such as photo radar, photo devices at stop lights, and photo devices at railroad crossings. However, in 2004 the Legislature allowed for the use of photo enforcement systems to deter toll collection evasion. Additionally, the state transportation budgets for the 2001-03 and 2003-05 fiscal bienniums contained provisos establishing pilot projects, to be monitored by the Washington Traffic Safety Commission, utilizing traffic safety cameras.

City treasurers are currently required to remit to the State Treasurer 32 percent of the non-interest money received from penalties, fines, bail forfeitures, fees and costs for violations of municipal or town ordinances, together with any other non-interest revenues received by the clerk. Such funds are deposited by the State Treasurer into the Public Safety and Education Account. The 32 percent remittance does not include monies received for parking infractions.

Summary of Bill:

Local governments may use "automated traffic safety cameras" (cameras) subject to the following conditions: (1) an ordinance must first be enacted by the local legislative authority allowing their use to detect only stoplight, railroad crossing, or school speed zone violations and setting forth public notice and signage provisions; (2) use of the cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only; (3) pictures may only be taken of vehicles and vehicle license plates and only while an infraction is occurring, and must not reveal driver or passenger faces; (4) all locations where a camera is used must be clearly marked by signs indicating the presence of a camera zone; (5) infraction notices must be mailed to the registered owner of the vehicle within 14 days of the infraction, and may be responded to by mail; and (6) infractions detected through the use of cameras are not part of the registered owner's driving record.

The registered owner of a vehicle is responsible for an infraction detected by an automated traffic safety camera unless the owner states under oath that the vehicle involved was, at the time, stolen or in the care, custody, or control of another person.

Infractions detected through the use of cameras must be processed in the same manner as parking infractions.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Traffic safety cameras work. They reduce red-light violations and they are effective sentinels. The cameras take pictures of the entire rear of the vehicle and the time that has elapsed since the light turned red. Running red-lights is an example of the type of aggressive driving that needs to be stopped, and cities throughout the state should be able to use these devices to do so.

Budget provisos are what have allowed these programs to operate. Because they only provide that authority for two years, cities are reluctant to invest in the equipment. Placing the authority in statute would allow more programs to go forward.

Automated enforcement is particularly useful where enforcement is time-consuming but essential, such as school zones. The number of traffic enforcement officers has remained roughly the same recently, and with the number of drivers up they have been moved to high traffic areas. This has led to the neglect of neighborhoods and school zones. The risk of death in an accident goes up with the speed. Cameras are better than officers in school zones and they lead to a decrease in speeding and fatalities. They are another necessary tool to increase compliance with the law.

Testimony Against: None.

Persons Testifying: Mel Sorenson, Property Casualty Insurance Association; Larry Saunders, Lakewood Police Department and Pierce County Police Chiefs Association; Will Lathrop, Auburn Police Department; Steve Lind, Washington Traffic Safety Commission; and Candice Bock, City of Lakewood.

Persons Signed In To Testify But Not Testifying: None.