

# SENATE BILL REPORT

## SB 6431

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As Reported by Senate Committee On:  
Transportation, February 1, 2010

**Title:** An act relating to the use and disclosure of video camera or other recording device data on public transportation facilities.

**Brief Description:** Regulating the use and disclosure of video camera or other recording device data on public transportation facilities.

**Sponsors:** Senators Haugen, Swecker, Ranker, Berkey, Tom and Shin.

**Brief History:**

**Committee Activity:** Transportation: 1/19/10, 2/01/10 [DPS, w/oRec].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 6431 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Berkey, Delvin, Eide, Hatfield, Jacobsen, Kastama, Kauffman, Kilmer, King, Ranker and Sheldon.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Benton.

**Staff:** Wendy Malkin (786-7434)

**Background:** Many transit agencies use video cameras for security purposes on transit vehicles, at transit waiting areas, and at park and rides. Transit agencies that use cameras in at least one location include Everett Transit, Community Transit, King County Metro, Pierce Transit, Sound Transit, C-TRAN, and Spokane Transit.

The Public Records Act requires that most records maintained by state and local government, including transit agencies, be made available to the public. The definition of a public record includes videos. The Act requires that requested records be disclosed unless there is a statutory exemption or prohibition that covers the requested record. Currently, there is no provision that exempts transit agency security videos from disclosure under the Public Records Act.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Recommended Substitute):** The Department of Transportation and any local government, including transit agencies, that provides transit may use video cameras or other devices to record events on public transportation facilities. Public transportation facilities include transit waiting areas, buses, trains, and streetcars. The video must be recorded for the purpose of promoting public safety and assisting in crime or accident investigations. The video may be used for internal training purposes by the recording entity.

Data recorded under this provision, whether audio or video, is not subject to disclosure under the Public Records Act, except that such data may be disclosed to the news media when reporting on public transportation or public safety.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute as Passed Committee):** Tolling facilities were removed from the bill. An exception to allow disclosure to news media was added.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** Yes.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Proposed Substitute As Heard in Committee:**

**PRO:** The request for this bill comes out of a public disclosure request in Everett. The request led to a larger discussion about whether transit agencies should really be disclosing this information. The information can be used for purposes dangerous to the public. The Legislature has already decided that personally identifying information for persons with special transportation needs is not subject to disclosure under the Public Records Act. In addition, the Legislature has decided that personally identifying information collected from transit passes and toll transponders is not subject to disclosure under the Public Records Act. This bill is similar in policy to these already made decisions about disclosure. The transit agencies would be willing to share the information with law enforcement agencies for crime and accident investigation.

**CON:** There is no expectation of privacy when one is in public. Recording personally identifying information in a public place is very different than recording it for individuals who are in their cars, which makes this a different policy situation than recording at tolling facilities or through traffic cameras. There is a public safety need to disclose the recorded information because there is a public interest in how government agencies respond to the public and treat the public. There is a public interest in whether passengers are mistreated by transit drivers or mistreated by police who are called to handle incidents on public transportation.

This bill is another step toward a surveillance society. Video taken by transit agencies can be paired with video collected by other government agencies to fully track an individual's

movements. We would like to see strict guidelines on who can access the information on the cameras. We would like the information to be stored for only 24 hours and to be accessed only when there is a reasonable suspicion that a crime has taken place. We would like a system to know which government entities have accessed the information. We encourage the committee to think about the costs of installing and monitoring the cameras versus the safety benefits.

**Persons Testifying:** PRO: Michael Shaw, Washington Transit Association.

CON: Rowland Thompson, Allied Daily Newspapers; Shankar Narayan, ACLU-WA.