

# HOUSE BILL REPORT

## HB 1279

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**As Reported by House Committee On:**  
Transportation

**Title:** An act relating to traffic safety at certain intersections and on certain streets.

**Brief Description:** Concerning traffic safety at certain intersections and on certain streets.

**Sponsors:** Representatives Ladenburg, Asay, Dammeier, Ryu, Liias, Jinkins, Takko, Fitzgibbon and Kenney.

**Brief History:**

**Committee Activity:**

Transportation: 2/1/11, 2/22/11 [DPS].

**Brief Summary of Substitute Bill**

- Adds requirements to the automated traffic safety camera law, including requirements for the yellow change interval, for signs, for reporting, and for analyzing proposed locations for new cameras.
- Places limitations on when infractions may be issued, how infractions may be issued, and who may access information on infractions issued to individuals.
- Places limitations on how camera vendors may be compensated and how local jurisdictions may use revenue from traffic camera infractions.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Clibborn, Chair; Armstrong, Ranking Minority Member; Asay, Eddy, Fitzgibbon, Jinkins, Kristiansen, Ladenburg, Moeller, Morris, Moscoso, Reykdal, Rolfes, Ryu, Takko and Zeiger.

**Minority Report:** Do not pass. Signed by 11 members: Representatives Liias, Vice Chair; Hargrove, Assistant Ranking Minority Member; Angel, Finn, Johnson, Klippert, Overstreet, Rivers, Rodne, Shea and Upthegrove.

**Staff:** Wendy Malkin (786-7114).

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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.*

## **Background:**

Local governments are authorized to use automated traffic safety cameras subject to the following conditions:

- 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;
- use of the automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only, except in the case of ongoing pilot projects involving the use of automated traffic safety cameras to detect speed violations and work zone safety violations;
- pictures may be taken of only vehicles and vehicle license plates while an infraction is occurring and must not reveal driver or passenger faces;
- all locations where a camera is used must be clearly marked by signs indicating the presence of a camera zone;
- 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;
- the compensation paid to the manufacturer or vendor of the equipment must be based only on the value of the equipment and services provided and not on a portion of the fines or revenue;
- infractions detected through the use of cameras are not part of the registered owner's driving record;
- infractions detected through the use of cameras must be processed in the same manner as parking infractions; and
- 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.

The Washington State Department of Transportation periodically adopts the Manual on Uniform Traffic Control Devices (MUTCD), published by the Federal Highway Safety Administration. The MUTCD provides guidance on a variety of traffic control topics. The MUTCD recommends that a yellow change interval should have a duration of approximately three to six seconds. The longer intervals should be reserved for use on approaches with higher speeds. The MUTCD also recommends that the yellow change interval be followed by a red clearance interval to provide additional time before conflicting traffic movements, including pedestrians, are released. The red clearance interval should have a duration not exceeding six seconds.

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## **Summary of Substitute Bill:**

Requirements are added to the automated traffic safety camera law, including requirements for the yellow change interval; requirements for reporting and analysis related to initiating cameras use, adding cameras, and adjusting cameras; requirements for how infractions may be issued, and requirements for signage at intersections with traffic safety cameras.

Use of automated traffic safety cameras in school zones is limited, and local jurisdictions are prohibited from using cameras for stoplight violations without signage that indicates motorists must come to a full stop on red before making a right turn.

Local jurisdictions are restricted with regard to how camera vendors may be compensated, and local jurisdictions are restricted to using the revenue from the cameras for only vendor payments and traffic calming, traffic enforcement, and traffic and pedestrian safety programs.

Local jurisdictions are required to issue warnings instead of infractions for 30 days after a camera is newly installed or relocated.

**Substitute Bill Compared to Original Bill:**

The substitute bill makes the following changes to the original bill:

- changes the requirement for the duration of the yellow change interval from applying to every traffic control signal to applying to traffic signals with cameras;
- requires a local jurisdiction to discontinue the use of a camera at an intersection before adjusting the yellow change interval, and requires the jurisdiction to comply with the steps for relocating or adding cameras before camera use is resumed at the intersection;
- removes the provisions allowing for and restricting the use of cameras when issuing infractions regarding right turn movements that violate crosswalk laws;
- limits the use of cameras for stoplight violations to intersections clearly marked with a sign that indicates that an operator of a motor vehicle must come to a full stop before making a right turn movement;
- removes the expansion that allows the use of the cameras to detect speed limit violations on arterial streets adjacent to major transit stations, public parks, or recreation facilities;
- limits the use of cameras in school speed zones;
- requires that for a 30-day period after a fixed camera is newly installed or relocated only warnings may be issued;
- requires local jurisdictions to use camera revenues for only vendor payments and traffic calming, traffic enforcement, and traffic and pedestrian safety programs;
- requires a notice of infraction to be reviewed and issued by a law enforcement officer, and requires the officer to use the same discretion in issuing an infraction for a stoplight violation as an officer on patrol;
- requires that compensation paid to a traffic camera manufacturer or vendor be a flat fee based only on the value of the equipment and service provided; and
- prohibits infractions generated through the use of cameras from being made available to the registered owner's insurance company or employer.

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**Appropriation:** None.

**Fiscal Note:** Available on original bill.

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

**Staff Summary of Public Testimony:**

(In support) This bill will provide for more accountability and transparency for the red light camera program. It requires a study to be done prior to adopting a traffic camera ordinance, which is important to decide which intersections need cameras. Studies done on intersections with traffic cameras show a reduction in T-bone accidents and a slight increase in rear-end accidents, but the rear-end accidents decrease over time. The T-bone accidents are the higher injury and fatality accidents. The experiences of many cities confirm the studies. Cameras are also effective for speeding. There have been good results from cameras in school speed zones. Cameras are really about safety. The revenue generated is secondary. In many cities, the fines for traffic cameras are the same as if a person were stopped by an officer.

Increased safety comes from sound laws and consistent and fair enforcement. Cameras are an effective tool. As an officer, I can stop only one person at a time. At some intersections it is hard to set up an officer who can effectively stop people. The police officer has to be able to wait and stop without blocking traffic, and it is hard to stop someone without running the red light behind the driver who ran the light.

(With concerns) Traffic safety improvements, such as signal timing studies, lane improvements, and site distance evaluations are supported. Law enforcement officers are the most effective means of enforcing traffic safety; however, cameras can be appropriate to improve safety in selected situations. Language in this bill would expand the use of cameras for speed violations near parks, recreation facilities, and transit facilities. The only rationale to expand use is upon a determination the cameras will actually improve safety, and the cameras should be used only at locations where safety is a concern and driver behavior can be changed. The continuity requirement for the timing of yellow lights in the bill is a good idea. The amount of the infraction should be no more than what it would be if the motorist were issued a ticket by an officer. Use of cameras should be coupled with an education campaign started before camera use to change driver behavior, which should be the ultimate goal. Survey of our members shows that a minority do not support cameras in any situation.

One section of the bill requires analysis after a camera is installed, but the section does not require data to be gathered before the camera is installed, so even with the analysis it would be hard to evaluate effectiveness. Also, another section lists factors that officers must consider before an infraction is issued for crosswalk violations, but current law says that cameras can take a picture only of the vehicle license plate, so it is not clear how an officer could see the required factors in the photograph before issuing a ticket.

(Opposed) Pulling someone over for running a red light is a way to catch drunk drivers because a lot of people run red lights when they are drunk. Cameras catch the red light violation, but police officers are much better enforcement because they can screen for impaired driving.

There are many studies that break down the myth that traffic cameras improve safety. There are many abuses of traffic cameras. Many cities get a lot of money from the traffic cameras,

so the cities cannot be trusted to give accurate information about the effects of the cameras. It is not responsible to create new regulations on cameras when we have many regulations about cameras that are ignored. Cities are not sticking to the statutory limits on how cameras can be used and where they can be placed.

Cities should ask voters to approve all changes to the camera laws, not let one initial ordinance pass and then let cities change the law later. The long-term solution is to repeal the whole traffic camera law, not make it more palatable.

A profit motive for the government to rely on law breakers is bad. It makes cities want to create law breakers. The voters should decide whether they want traffic cameras, and the voters will vote them down. These cameras are simply taxation through citation. Cameras erode liberty and intrude on individual rights. Individual rights are very important. Our state Constitution holds these rights very dear.

These cameras encourage unsafe behavior by making people stop too fast to avoid running a red light. Sometimes cars end up blocking the crosswalk because drivers must stop too fast. Some people will not turn right on red light because they do not trust cameras even when it is safe and legal to turn. People get tickets from cameras for red light violations for rolling through a red light to make a right turn when the intersection is clear. Cameras lead to skittish drivers, which is not safe.

**Persons Testifying:** (In support) Representative Ladenburg, prime sponsor; Corey Darlington, Tacoma Police Department; Bob Kardecki, Auburn Police Department; Mike Zaro, Lakewood Police Department; Dick Reed and Dean Shirey, Seattle Police Department; Steve Lind, Washington Traffic Safety Commission; and Chris Van Dyke, BYG Taxi Cooperative.

(With concerns) Dave Overstreet, Automobile Association of America Washington; Nathan Randall; and Ezekiel Lyen.

(Opposed) Tim Eyman; Nick Sherwood, BanCams.com; Michael Delavar, City of Washougal; Tiffany Sherwood; Mark Stewart; Matthew Carey; John Burke, Campaign for Liberty; and Alex Ron.

**Persons Signed In To Testify But Not Testifying:** None.