

HOUSE BILL REPORT

HB 2403

As Reported by House Committee On:
Transportation

Title: An act relating to transit-only lane enforcement cameras.

Brief Description: Concerning transit-only lane enforcement cameras.

Sponsors: Representatives Fitzgibbon and Tarleton.

Brief History:

Committee Activity:

Transportation: 1/15/18, 1/17/18 [DPS].

Brief Summary of Substitute Bill

- Allows transit-only lane enforcement automated cameras to be used in pilot projects to detect transit-only lane violations.
- Authorizes pilot projects in up to three transit-lane corridors in cities with populations greater than 500,000 from September 1, 2018, to December 31, 2020.
- Extends current requirements for the use of automated traffic safety cameras, restrictions on their use, and the requirements governing the administration of traffic infractions captured by them to apply to transit-only lane enforcement cameras.
- Establishes a work group for any pilot project, which must recommend the transit-lane corridors to be selected for inclusion in a pilot project, and must provide an update by November 30, 2019, and a report by December 31, 2020, to the transportation committees of the Legislature.
- Mandates that, for a first-time violation for an infraction generated by a transit-only lane enforcement camera, no fine may be issued and only a warning of infraction, rather than a notice of infraction, must be mailed to the registered owner of the vehicle for which the infraction has been generated.

HOUSE COMMITTEE ON TRANSPORTATION

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Clibborn, Chair; Wylie, Vice Chair; Chapman, Gregerson, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Riccelli, Tarleton, Valdez and Young.

Minority Report: Do not pass. Signed by 9 members: Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes, Irwin, Rodne, Shea, Stambaugh and Van Werven.

Minority Report: Without recommendation. Signed by 1 member: Representative Pike.

Staff: Jennifer Harris (786-7143).

Background:

Authorized Uses and Requirements for Automated Traffic Safety Cameras.

The use of automated traffic safety cameras is permitted at red light intersections that meet minimum yellow change interval requirements, at railroad crossings, and in school speed zones, if the following criteria are met:

1. The local legislative authority with jurisdiction where the cameras are to be located prepares an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located before enacting an ordinance authorizing their use and before adding additional cameras or relocating any existing camera.
2. An ordinance must be enacted in cities and counties with automated traffic safety cameras installed on or after July 24, 2005, and must include the restrictions required by state law and provisions for public notice and signage.
3. The location where the camera has been installed is clearly marked at least 30 days prior to activation of the camera through the placement of signs at that location that follow federal guidelines as adopted by the Washington State Department of Transportation.
4. Cities and counties using traffic safety cameras post an annual report on their websites that includes the number of traffic collisions that occurred at each location with a camera, the number of notices of traffic infractions issued for each camera, and any other relevant information.

The use of automated traffic safety cameras to detect speed violations is highly restricted (with the exception of cameras in school speed zones), and must meet the following criteria:

1. be located in a city west of the Cascade mountains with a population greater than 195,000, within a county with a population of fewer than 1.5 million;
2. be the only such camera located in a city that meets the above criteria; and
3. have been authorized by the Legislature as a pilot project for at least one full year.

Currently, only one such camera has met these requirements, and it is located in the City of Tacoma.

Restrictions on the Use of Automated Traffic Safety Cameras.

Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate while an infraction is occurring, and the pictures taken must not reveal the face of the driver or passengers in the vehicle. Photos and electronic images captured by a camera may only be used for the enforcement of traffic infractions for which their use has been authorized, and may not be retained longer than would be necessary for these enforcement purposes. Photos and electronic images are not available to the public and may not be used in a court in a pending action or proceeding unless that action or proceeding relates to a traffic infraction for which their use has been authorized.

Automated Traffic Safety Camera-Captured Infractions.

A notice of traffic infraction must be mailed to the registered owner of the vehicle within 14 days of the violation (or to its renter within 14 days of his or her name and address being established). The law enforcement officer issuing the notice must include a certificate or copy of a certificate stating the facts supporting the notice, which serves as prima facie evidence of the facts contained in it. The photographs or electronic images that serve as evidence of the violation must be available for inspection and admission into evidence in a proceeding on the infraction.

The infraction is not part of the registered owner's driving record and must be processed in the same manner as parking infractions. The infraction may not exceed the fine amount for other parking infractions in a jurisdiction in which it has occurred, and also may not exceed the monetary penalty for failure to obey a traffic control device (currently \$136), as set by rule by the Washington State Supreme Court.

The registered owner of a vehicle is held responsible for the infraction unless he or she states under oath in a written statement to the court or in testimony before the court that the vehicle was stolen or in the care, custody, or control of some other person at the time of the infraction.

Summary of Substitute Bill:

The use of transit-only lane enforcement cameras is authorized for the exclusive use of transit lanes in pilot projects that may be conducted in up to three transit-lane corridors in cities with populations greater than 500,000. Automated transit-only lane enforcement camera pilot projects may be conducted from September 1, 2018, to December 31, 2020.

Current requirements for the use of automated traffic safety cameras, restrictions on their use, and the requirements governing the administration of traffic infractions captured by them are all extended to apply to transit-only lane enforcement cameras. A notice of infraction for an automated transit-only lane enforcement camera must be issued in the same manner and be subject to the same evidentiary, inspection, and admission requirements, and opportunity for the recipient to respond by mail, as is required for automated traffic safety cameras.

A work group must be established for any pilot project, which must include the local transportation authority of the city in which an included transit-lane corridor is located, the

metropolitan municipal corporation that operates transit on an included transit-lane corridor, and the Washington State Department of Transportation. The work group must recommend the transit-lane corridors to be selected for inclusion in a pilot project, and must provide an update by November 30, 2019, and a report by December 31, 2020 to the transportation committees of the Legislature. The report must include recommendations on the following: (1) transit-lane usage policies that may be used to address building and roadway construction projects adversely impacting traffic; and (2) enforcement policies for traffic infractions that are generated through the use of automated transit-only lane enforcement cameras.

For a first-time violation within a five-year period, only a warning of infraction, rather than a notice of infraction, must be mailed to the registered owner of a vehicle or the renter of a vehicle for an infraction generated by a transit-only lane enforcement camera. A fine may not accompany a warning of infraction. A notice of warning must be issued in the same manner and be subject to the same evidentiary, inspection, and admission requirements, and opportunity for the recipient to respond by mail, as is required for automated traffic safety cameras.

Substitute Bill Compared to Original Bill:

The substitute bill restricts the use of automated transit-only lane enforcement cameras to pilot projects that may be conducted in up to three transit-lane corridors in cities with populations greater than 500,000. It authorizes automated transit-only lane enforcement camera pilot projects from September 1, 2018, to December 31, 2020, and also mandates that a notice of infraction for an automated transit-only lane enforcement camera be issued in the same manner and be subject to the same evidentiary, inspection, and admission requirements, and opportunity for the recipient to respond by mail, as is required for automated traffic safety cameras.

The substitute bill requires that a work group be established for any pilot project, which must include the local transportation authority of the city in which an included transit-lane corridor is located, the metropolitan municipal corporation that operates transit on an included transit-lane corridor, and the Washington State Department of Transportation. The work group must recommend the transit-lane corridors to be selected for inclusion in a pilot project, and must provide an update by November 30, 2019, and a report by December 31, 2020, to the transportation committees of the Legislature. The report must include recommendations for how transit-lane usage policies may be used to address building and roadway construction projects adversely impacting traffic and for enforcement policies for traffic infractions generated through the use of automated transit-only lane enforcement cameras.

The substitute bill also establishes that, for a first-time violation within a five-year period, only a warning of infraction, rather than a notice of infraction, must be mailed to the registered owner of a vehicle or the renter of a vehicle for an infraction generated by a transit-only lane enforcement camera, and prohibits a fine from accompanying a warning of infraction. It mandates that a notice of warning must be issued in the same manner and be subject to the same evidentiary, inspection, and admission requirements, and opportunity for the recipient to respond by mail, as is required for automated traffic safety cameras.

The substitute bill expires the act on December 31, 2020.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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) As the use of transit increases and record ridership is reached, transit agencies need to be able to get customers to their destinations on time. In cases of congestion, delays cost transit agencies and their riders. Transit carries 50 percent of all commuters to work in downtown Seattle. King County Metro has well over 400,000 boardings of transit vehicles per day, and uses over 40 miles of transit lanes on surface streets throughout the Puget Sound area.

Non-transit vehicles must turn right at intersections in transit-only lanes; only transit vehicles can continue to go straight. Non-transit vehicles in transit lanes contribute to frequent delays, and cause safety and reliability problems for all traffic. Transit-only lanes in the King County Metro usage area have very clear signage and are often marked in red paint. To improve vehicles complying with transit-only lane usage restrictions, either law enforcement resources need to be directed away from their current duties or cameras need to be used. Other cities in the country that have started using transit-lane cameras have seen a 15 to 20 percent increase in bus speeds and up to a 70 percent improvement in transit-time reliability.

(Opposed) None.

Persons Testifying: Justin Leighton, Washington State Transit Association; and Bill Bryant, King County Metro.

Persons Signed In To Testify But Not Testifying: None.