

FINAL BILL REPORT

ESHB 1793

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Synopsis as Enacted

Brief Description: Establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Fitzgibbon, Pettigrew, Macri, Valdez, Fey, Cody, Senn, Springer, Pollet and Tarleton).

House Committee on Transportation
Senate Committee on Transportation

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 is enacted in cities and counties with automated traffic safety cameras installed on or after July 24, 2005, that includes 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:

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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 meets these requirements, and it is located in the City of Tacoma.

With the exception of the camera located in the City of Tacoma, automated traffic safety cameras may only be located:

- at intersections of two arterials with traffic control signals that meet state yellow change interval duration requirements;
- at railroad crossings; and
- in school speed zones.

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 \$139), 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 was in the care, custody, or control of some other person at the time of the infraction.

Summary:

Pilot Program Scope.

A pilot program is established through June 30, 2023, authorizing cities with populations greater than 500,000 people to adopt an ordinance authorizing the use of automated traffic safety cameras to detect one or more of the following violations:

- stopping at intersection or crosswalk (20-intersection maximum, see below for details);
- stopping when traffic obstructed;
- public transportation only lane; and
- stopping or traveling in a restricted lane.

Stopping at intersection or crosswalk violations may only be enforced at the 20 intersections where the city would most like to address safety concerns related to these violations.

The use of automated traffic safety cameras for the pilot program is limited to the following locations:

1. the portion of state and local roadways in downtown areas used for office, commercial, retail shopping, support services, and mixed residential uses;
2. the portion of state and local roadways in areas within one-half mile north of the boundary of the downtown areas specified in (1) above;
3. the portion of non-interstate freeways that travel into and out of the surrounding area north of the downtown boundary identified in (2) above for up to four miles; and
4. the portion of roadway systems connected to these non-interstate freeway segments that are arterial roadways for up to 1 mile from their intersection with the non-interstate freeways specified above.

Automated traffic safety cameras may not be used on an on-ramp to an interstate. For the purposes of the pilot program, location types where automated traffic safety cameras are permitted are expanded to include midblock on arterial highways.

Pilot Program Restrictions.

The same rules and restrictions applicable to the use of automated traffic safety cameras generally apply to the use of automated traffic safety cameras for the violations specified above during the pilot program, except that an analysis of the locations where these cameras are proposed to be located is not required prior to the enactment of an ordinance allowing their use. The ordinance adopted to authorize the use of these cameras must include the restrictions provided under state law that apply to them, including provisions for public notice and signage.

The detection device used may not reveal the face of the driver or passengers in vehicles, and may not use any facial recognition technology in real time or after information has been captured. If the face of any individual in a crosswalk or otherwise in the frame of the image is incidentally captured, it may not be made available to the public or used for any purpose, including any law enforcement action, except in a pending action or proceeding related to a traffic infraction for which its use has been authorized.

Pilot Program Penalties.

Under the pilot program, through December 31, 2020, a warning notice with no penalty must be issued to the registered owner of the vehicle for a violation generated through the use of an automated traffic safety camera. Beginning January 1, 2021, a notice of infraction must be issued for a violation generated through the use of an automated traffic safety camera being used as part of the pilot program. The penalty for a violation generated through the use of an automated traffic safety camera may not exceed \$75 in the pilot program.

A transit authority may not take disciplinary action related to a warning or infraction issued as part of the pilot program against an employee operating a public transportation vehicle at the time of the violation for which the warning or infraction was issued.

For violations issued as part of the pilot program, 50 percent of the non-interest money received by a city in excess of the cost to install, operate, and maintain the automated traffic safety cameras must be remitted to the State Treasurer and deposited in the Cooper Jones Active Transportation Safety Account. The remaining 50 percent may only be used for transportation improvements that support equitable access and mobility for persons with disabilities.

Pilot Program Report Requirements.

In addition to providing a preliminary report to the transportation committees of the Legislature by June 30, 2022, a final report must be provided to the transportation committees by January 1, 2023, by any city that implements the pilot program. The report must include:

- locations chosen for the automated traffic safety cameras;
- the total number of notice of traffic infractions and traffic infractions issued;
- the number of warnings issued to individuals whose vehicle is registered outside of the county in which the city is located;
- the infrastructure improvements made using revenue from fines assessed;
- an equity analysis that includes any disproportionate impacts, safety, and on-time performance statistics related to the impact on driver behavior; and
- any recommendations on the use of automated traffic safety cameras to enforce the violations they were authorized to detect in the pilot program.

Restrictions on the Use of Automated Traffic Safety Cameras Generally.

The restriction on the use of photos and electronic images captured by a camera is broadened to apply to any other personally identifying data, which may only be used for the enforcement of traffic infractions for which their use has been authorized, and may not be retained longer than necessary for these enforcement purposes. Other personally identifying data also is 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 its use has been authorized.

The types of locations where automated traffic safety cameras are permitted is expanded to include intersections with more than two arterials with traffic control signals with specified yellow change intervals.

Cooper Jones Active Transportation Safety Account.

The Cooper Jones Active Transportation Safety Account is created as an appropriated account. Expenditures from the account may only be used to fund grant projects or programs for bicycle, pedestrian, and non-motorist safety improvements administered by the Washington Traffic Safety Commission.

Expiration of Pilot Program and Related Changes.

Authorization for the automated traffic safety camera pilot program and general changes to restrictions on the use of automated traffic safety cameras expire on June 30, 2023.

Votes on Final Passage:

House	57	41	
House	56	40	
Senate	27	22	(Senate amended)
House	56	40	(House concurred)

Effective: June 11, 2020