

# SENATE BILL REPORT

## ESHB 1793

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As Passed Senate - Amended, March 7, 2020

**Title:** An act relating to establishing additional uses for automated traffic safety cameras for traffic congestion reduction and increased safety.

**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).

**Brief History:** Passed House: 4/15/19, 57-41; 1/30/20, 56-40.

**Committee Activity:** Transportation: 4/24/19 [DP, DNP]; 2/24/20, 3/02/20 [DPA, DNP].

**Floor Activity:**

Passed Senate - Amended: 3/07/20, 27-22.

### Brief Summary of Amended Bill

- Allows cities with a population over 500,000 to create a pilot program in a defined area within the city, expanding the use of automated traffic safety cameras to detect and issue infraction notices for violations related to: stopping at an intersection or crosswalk or when traffic is obstructed, using public transportation only lanes, and stopping or traveling in a restricted lane.
- Requires 50 percent of the penalty monies be deposited into the new state Cooper Jones Active Transportation Safety Account and 50 percent to be spent by the city on transportation infrastructure mobility improvements for persons with disabilities.
- Limits the infraction fine to \$75.
- Requires that a city report back to the Legislature on the program, including, but not limited to, the locations of the cameras, total warnings and infractions issued, and recommendations on use of automated cameras to detect the listed violations.

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### SENATE COMMITTEE ON TRANSPORTATION

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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.*

**Majority Report:** Do pass as amended.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; Cleveland, Das, Lovelett, Nguyen, Randall, Takko and Wilson, C..

**Minority Report:** Do not pass.

Signed by Senators King, Ranking Member; Sheldon, Assistant Ranking Member; Fortunato, O'Ban, Padden and Zeiger.

**Staff:** Kim Johnson (786-7472)

**Background:** Under current law, local governments may adopt an ordinance authorizing using automated traffic safety cameras to detect stoplight, railroad crossing, or school speed zone violations. Camera use is restricted to the intersection of two arterials, railroad crossings, and school speed zones. The camera locations must be posted with signs 30 days prior to the start of enforcement. The local government must publish an annual report on its website of the number of accidents that occurred at each location where a camera is located, as well as, the number of infraction notices issued for each camera

A notice of traffic infraction must be mailed to the registered owner of the vehicle within 14 days of the violation. A law enforcement officer must issue the notice of infraction and must include a certificate stating the facts supporting the notice. The cameras may only take pictures of the vehicle and vehicle's license plate while an infraction is occurring, and must not reveal the face of the driver or passengers. 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.

Infractions detected through the use of cameras are not part of the registered owner's driving record. Infractions generated by the use of automated traffic safety cameras are processed in the same manner as parking infractions. The fine issued for an infraction detected through the use of an automated traffic safety camera may not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

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

**Summary of Amended Bill:** Automated Traffic Safety Camera Expansion Pilot Program. A pilot program is established through the end of 2023 for cities with populations greater than 500,000, to adopt an ordinance authorizing the use of automated traffic safety cameras to detect the following violations:

- stopping when traffic obstructed;
- stopping at intersection or crosswalk;
- public transportation only lane; and
- stopping or traveling in a restricted lane.

Use of Photograph. The same rules and restrictions applicable to using automated traffic safety cameras apply to using automated traffic safety cameras for the violations specified above during the pilot program, except 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. Personally identifying data is added to the list of media that is prohibited from being provided to the public or used in a court for any other purpose aside from a pending action or proceeding related to a violation of the automated traffic safety camera enforcement statute. Additionally, an automated traffic safety camera device and all attendant technology, must not use facial recognition technology in real time or after capturing any information. If the face of an individual in a crosswalk or otherwise within the frame is incidentally captured, it may not be made available to the public or used for any purpose, including but not limited to, any law enforcement action, except in a pending action or proceeding related to a violation under the automated traffic safety camera enforcement statute.

Camera Locations for Pilot Program. Using automated traffic safety cameras under current law is expanded for the pilot program by also allowing cameras at midblock on arterials and at the intersection of two or more arterials.

However, the use of the cameras for the pilot 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 0.5 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 areas identified in (2) above for up to 4 miles.
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.

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

Warnings and Infractions. Under the pilot program, through December 13, 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 to the registered owner of the vehicle for violations during the pilot. The maximum penalty for an infraction under the pilot is \$75.

During the pilot, a transit authority may not take disciplinary action against an employee who was operating a public transportation vehicle at the time a violation that was the basis of a warning or an infraction was detected.

Penalty Distribution. For violations issued under 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 must be deposited in the Cooper Jones Active Transportation Safety Account. The remaining 50 percent of the non-interest money retained by the city may only be used for transportation infrastructure mobility improvements for persons with disabilities.

Account Created. The Cooper Jones Active Transportation Safety Account is created in the state treasury. Expenditures from the account may be used only to fund grant projects or programs for bicycle, pedestrian, and nonmotorist safety improvements administered by the Washington Traffic Safety Commission.

Report. A preliminary report is due to the transportation committees of the Legislature by June 30, 2022, and a final report by January 1, 2023, by a city that implements this pilot program. The report must include:

- locations chosen for the automated traffic safety cameras;
- total number of warnings and traffic infractions issued;
- number of traffic infractions issued to individuals whose vehicle is registered outside of the county in which the city is located;
- an equity analysis that includes any disproportionate impacts;
- infrastructure improvements made to improve mobility for persons with disabilities using the penalty monies;
- 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.

The pilot expires June 30, 2023.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Amended Bill (Regular Session 2019):** PRO: Cameras play a critical role to enable law enforcement to safely and efficiently meet its obligations. Right now these violations can only be enforced by law enforcement officers. This is resource intensive, and reduces the availability of officers to respond to emergent issues. Officers must take up a lane of travel, disrupting traffic, and potentially resulting in unsafe driving behavior. Officers are seriously injured or killed when hit issuing tickets.

I am visually impaired and when crosswalks are blocked I have to move out into traffic to cross the street. This is dangerous. When vehicles "block the box" at intersections, which is very common, this prevents wheelchair users from being able to finish crossing the street because the sidewalk ramp is blocked. They are forced to move into traffic, which results in wheelchair users being struck by vehicles. Drivers need to be more aware and this bill will help.

Seattle is reaching a period of maximum constraint for traffic due to project construction in the city. Traffic in Seattle is increasingly congested and when people use transit only lanes it delays transit schedules. Cameras have been used in other cities and it has made a difference.

CON: This is taxation by citation. Voters hate ticketing cameras. Voters have rejected the use of traffic cameras every single time. People do not like companies profiting off law enforcement. With this bill the state is taking part of the "crack" of that ticket money. The camera companies are doing this for the money.

OTHER: Automated enforcement imposes some problems that a camera just can not see. Trucks often try to leave space in front of them to allow for them to move through an intersection, but often cars will merge into that space and then the truck gets stuck in the intersection and they will be issued a ticket. The camera does not capture what happened. We hope we can work to try to address this potential problem.

**Persons Testifying:** PRO: Anna Zivarts, Rooted in Rights; Sean O'Donnell, Captain, Seattle Police Department; Keiko Budech, Transportation Choices Coalition.

CON: Tim Eyman, citizen.

OTHER: Jeff DeVere, Washington Trucking Association.

**Persons Signed In To Testify But Not Testifying:** No one.

**Staff Summary of Public Testimony on Amended Bill (Regular Session 2020):** PRO: This bill is critical to public safety in Seattle. It is a very high priority for law enforcement and persons with disabilities. Bus only lanes are critical to an efficient system and the people who rely on it to get to work, the doctor, and more. But, transit schedules depend on being able to use the transit lanes. The camera enforcement will aid in keeping transit lanes clear and buses on time. Cameras play an important role in enabling law enforcement to safely and efficiently meet its obligations for traffic law enforcement from both a resource and officer safety perspective.

OTHER: We have had conversations with the city and the camera companies and they have addressed our concerns with what we call "lane divers" which are cars that cut in front of commercial motor vehicles and cause them to not make it through an intersection. We have been told they can review the camera footage and see where this behavior occurs and it should help us.

**Persons Testifying:** PRO: Bryce Yadon, Transportation Choices Coalition; Carmen Best, City of Seattle, Chief of Police.

OTHER: Jeff DeVere, Washington Trucking Associations.

**Persons Signed In To Testify But Not Testifying:** No one.