

SENATE BILL REPORT

SB 5789

As Reported by Senate Committee On:
Transportation, February 10, 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: Senators Liias, Nguyen, Saldaña and Wilson, C.

Brief History:

Committee Activity: Transportation: 2/18/19, 1/28/20, 2/10/20 [DPS, DNP].

Brief Summary of First Substitute 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.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5789 be substituted therefor, and the substitute bill do pass.

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.

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; 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 two arterial intersections, 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 camera location, as well as, the number of infraction notices issued for each camera.

A traffic infraction notice must be mailed to the registered owner of the vehicle within 14 days of the violation. A law enforcement officer must issue the notice 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 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 using automated traffic safety cameras are processed the same as parking infractions. The fine issued for an infraction detected through using 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 they state 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 Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): 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.

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 1, 2023.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):

- Extends pilot to June 30, 2023.
- Adjust the location where cameras may be used to 4 miles from the downtown on noninterstate freeways.
- Removes the specific direction to create a process allowing a commercial motor vehicle to challenge a citation.
- Clarifies the terminology providing that a transit authority may not take disciplinary action against an employee who was operating a public transportation vehicle at the time a warning/infraction notice was issued under the pilot.
- Requires that an automated traffic safety camera may not use facial recognition technology in real time or after capturing any information.
- Provides that if the face of any individual is incidentally captured—in a crosswalk or otherwise, it may not be made available to the public or used for any purpose including a law enforcement action, except for a pending action or proceeding related to a violation of an automated traffic safety camera infraction.

Appropriation: None.

Fiscal Note: Not requested.

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 Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: Traffic density in Seattle is the highest it has ever been. 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. Cars should not be in these restricted lanes. This pilot

has been narrowed and safe guards put in place. We want to get the data and see how this pilot has worked and whether it has an effect.

Pedestrian and bicyclist traffic deaths now account for 20 percent of Washington's traffic deaths and 20 percent of all serious injuries. These deaths have increased by 41 percent when we compare three years of data from 2012 to 2014 and 2015-2017. Expanding use of automated traffic safety cameras has been shown to significantly reduce crashes if placed in conspicuous, fixed locations.

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 putting the officer at risk. Four of the busiest fire stations in Seattle are downtown. There are days it is impossible to get our emergency vehicles out to the call. We need these lanes and intersections to be clear to safely run engines to emergencies.

For some people transit is the only way to get around. People who use a mobility device need to be able to get to the curb ramp. Being trapped in the middle of the street or along side the curb is dangerous and driver's often can not see me or don not expect me to be out in the road. Drivers need to be more aware and this bill will help. Weaving in between cars in an intersection is dangerous and extremely difficult for me in my wheelchair.

Traffic in Seattle is increasingly congested and when people use transit only lanes it delays transit schedules. Our patients need to be able to get in and out of our accessible taxis.

CON: Our concerns lie with how the program will be deployed, and not the important pedestrian protections it aims to extend. The protections we worked in good faith on last year did not move forward. We interpret this statute to be silent on moving images and you should consider prohibiting facial recognition use of these cameras. We do not interpret the statute to cover moving images and therefore none of the restrictions in the statute would apply to those images either. Please consider the language we worked on last year.

OTHER: We have been working on a possible way to address the trucking industry's concerns and think that there is a possible solution. Trucks move slowly, and you do not want us moving fast in the downtown core. But that means that cars constantly dart in front of us at lights at intersection and this bill will put our driver's in a very bad position of getting a ticket that they could not avoid. If a driver of a truck deserves a ticket, fine, but for those instances where it is not the truck driver's fault we would like to find a way to fix that.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; Brooke Davies, Greater Seattle Metro Chamber of Commerce; Kelsey Mesher, Transportation Choices Coalition; Yes Segura, Queen Anne Greenways; Dan Strauss, Seattle City Councilmember; Harold Scoggins, Fire Chief, City of Seattle; Sean O'Donnell, Captain, Seattle Police Department; Clark Matthews, Rooted in Rights; Blake Geyen, Rooted in Rights; Shelly Baldwin, Traffic Safety Commission; Cindi Laws, Wheelchair.

CON: Eric Gonzalez Alfaro, Legislative Director, ACLU of Washington.

OTHER: Jeff DeVere, Washington Trucking Associations.

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