
Transportation Committee

HB 2384

Brief Description: Concerning automated traffic safety cameras.

Sponsors: Representatives Donaghy, Fitzgibbon, Walen and Pollet.

Brief Summary of Bill

- Authorizes automated traffic safety cameras (traffic cameras) to be used to detect speed violations on state routes other than limited access highways within city limits.
- Makes the pilot program permitting traffic cameras to be used for stopping at intersection or crosswalk violations, stopping when traffic obstructed violations, public transportation-only lane violations, and stopping or traveling in a restricted lane violations permanent and expands it to all areas of cities with populations of 90,000 or more residents.
- Authorizes non-commissioned officers and public employees designated by a city or county to review infractions detected through the use of traffic cameras and to issue notices of infraction.
- Permits cities and counties to adopt an online ability-to-pay calculator to process and grant requests for reduced fines or civil penalties for traffic camera violations.
- Restricts the use of revenue generated by traffic cameras to cities and counties for traffic safety purposes, as well as for the costs of traffic camera operations.

Hearing Date: 1/18/24

Staff: Jennifer Harris (786-7143).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Authorized Uses and Requirements for Automated Traffic Safety Cameras.

The use of automated traffic safety cameras (traffic cameras) is permitted at red light intersections that meet minimum yellow change interval requirements, at railroad crossings, in school speed zones, in school walk areas, in public park speed zones, in hospital speed zones, and at select locations in cities that are identified as priority locations in a local road safety plan, if the following criteria are met:

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

Traffic cameras are also authorized for use on school buses for the enforcement of failure to stop for a school bus violation, as well as in state highway work zones for speeding violations.

For traffic cameras authorized at select locations in cities, a city is only permitted to operate one traffic camera and an additional traffic camera for each 10,000 residents at locations recommended by an equity analysis conducted by the city when one of the following sets of conditions is met:

- the location has been identified as a priority location in a local road safety plan that a city has submitted to the WSDOT, other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed at the location, and the location has significantly higher rates of collisions than the city average for the prior three years; or
- the location is in an area of the city designated by local ordinance as a zone subject to specified restrictions and penalties on racing and race attendance.

Automated Traffic Safety Camera Pilot Program.

A pilot program is in effect through June 30, 2025, which authorizes cities with populations greater than 500,000 residents to adopt an ordinance authorizing the use of traffic cameras to detect one or more of the following violations:

- stopping at an intersection or crosswalk (20-intersection maximum);

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

The use of traffic 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 4 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.

Traffic cameras may not be used on an on-ramp to an interstate. Location types where traffic cameras are permitted are expanded to include mid-block on arterial highways.

Restrictions on the Use of Automated Traffic Safety Cameras.

Traffic 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.

The restriction on the use of photos and electronic images captured by a traffic camera also applies to any other personally identifying data through June 30, 2025, 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. Also through June 30, 2025, other personally identifying data 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.

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 traffic camera 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 \$145), as set by rule by the Washington 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.

For speed violations detected through the use of traffic cameras in a school walk area, public park speed zone, hospital speed zone, and at select locations in cities that are identified as priority locations, as well as for violations detected through the use of traffic cameras that are part of the pilot program, local jurisdictions are required to remit 50 percent of revenue for infractions issued, to be deposited in the Cooper Jones Active Transportation Safety Account.

Summary of Bill:

Modification of Authorized Uses and Requirements for Automated Traffic Safety Cameras.

Traffic cameras may be used to detect speed violations on state routes that are not limited access highways within city limits. They may also be used to detect speed violations deemed by a local jurisdiction's legislative authority to have higher crash risks due to speeding—this use is limited to one camera per 10,000 in population (modifying existing requirements by including counties and changing requirements for a location to qualify).

The pilot-permitting traffic cameras to be used for additional infractions is made permanent and expanded to all areas in cities with populations of 90,000 or more residents. For these locations, subject to all other traffic camera restrictions, automated traffic cameras may be used to detect the following violations:

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

The definition of "school speed zone" is narrowed so that traffic cameras are no longer authorized in school speed zone areas within 300 feet of the border of a school or playground that are consistent with active school or playground use unless they are within 300 feet of a marked crosswalk adjacent to a school. However, the definition of "school walk zone" is expanded to include all roadways within a 1-mile radius of a school that students use to travel to school by foot, bicycle, or other means of active transportation.

The analysis required of a city and county prior to the installation of traffic cameras must include an assessment of equity considerations, including the impact on livability, accessibility, economics, education, and environmental health. The analysis must also consider the results of the equity assessment when identifying where to locate traffic cameras.

Signs required at all locations where traffic cameras are used must clearly indicate either that the driver is within an area where traffic cameras are authorized or that the driver is entering an area where violations are enforced by a traffic camera.

The annual report required to be posted on a city's or county's website with information on the number of traffic collisions and notices of infraction issued at traffic camera locations must also include:

1. the percentage of revenues received from fines issued that were used to pay for the costs of the program; and
2. must describe the uses of revenues that exceed the costs of operation and administration of the program.

Additions to Restrictions on the Use of Automated Traffic Safety Cameras.

Traffic cameras are prohibited from being used on an on-ramp to an interstate. The prohibition on a transit authority taking disciplinary action against an employee relating to an infraction identified by a traffic camera the employee receives while operating a public transportation vehicle is expanded from applying to infractions authorized under the traffic camera pilot program to include traffic camera-detected speed, traffic light, and railroad crossing infractions.

Automated Traffic Safety Camera-Captured Infractions.

A non-commissioned officer and any public employee designated by a city or county has the authority to review infractions detected through the use of traffic cameras and to issue notices of infraction. These officers and employees must be sufficiently trained in reviewing and issuing notices of infraction for traffic camera-detected infractions.

A city or county may adopt the use of an online ability-to-pay calculator to process and grant requests for reduced fines or civil penalties for traffic camera violations.

Revenues generated by traffic cameras (excluding cameras in use on school buses and by the WSDOT) may only be used by a city or county that collects them for traffic safety purposes, including for complete streets projects, to make changes in physical infrastructure to reduce speed and to improve safety for active transportation users (including those with disabilities), and for the costs to administer, install, operate, and maintain traffic cameras—including costs associated with the processing of infractions.

Appropriation: None.

Fiscal Note: Requested on January 15, 2024.

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