

# SENATE BILL REPORT

## ESHB 2384

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As of February 20, 2024

**Title:** An act relating to automated traffic safety cameras.

**Brief Description:** Concerning automated traffic safety cameras.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Donaghy, Fitzgibbon, Walen and Pollet).

**Brief History:** Passed House: 2/12/24, 58-39.

**Committee Activity:** Transportation: 2/20/24.

### Brief Summary of Bill

- Authorizes automated traffic safety cameras to be used to detect speed violations on state routes within city limits that are classified as city streets and in work zones on city streets and county roads.
- Makes permanent the pilot program permitting traffic cameras to be used for certain stopping and restricted lane violations, and expands this authorization to all areas of cities with populations of 10,000 or more residents.
- Authorizes certain civilian employees to review infractions detected through the use of traffic cameras and to issue notices of infraction.
- Requires that traffic camera infraction penalties be reduced to 25 percent of the penalty for registered owners of vehicles who are recipients of certain state public assistance programs.
- Requires the traumatic brain injury fee, currently assessed on other traffic infractions, be assessed on traffic camera infractions, except for recipients of reduced traffic camera infraction penalties.
- Restricts the use of revenue generated by traffic cameras to cities and counties for traffic safety purposes, but requires that a share

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proportionate to the population of census tracts with household incomes in the lowest quartile and in areas that experience above average rates of injury crashes, at a minimum, be used for traffic safety purposes in such areas.

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## SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Brandon Popovac (786-7465)

**Background:** Automated Traffic Safety Cameras—Authorized Uses and Reporting. Local governments may adopt an ordinance authorizing the use of automated traffic safety cameras to detect stoplight, railroad crossing, and other types of speeding or speed zone violations. Before ordinance adoption, the local legislative authority must prepare an analysis of each proposed camera location. When authorized, camera use is restricted to the intersection of two arterials, railroad crossings, school speed zones, public park speed zones, hospital speed zones, and, subject to certain population thresholds, in locations where speed reduction measures are infeasible or ineffective or where there are higher rates of collisions. The camera locations must be posted with appropriate signs 30 days before camera activation and 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.

Automated Traffic Safety Cameras—Infractions, Revenue, and Restrictions. 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, except for stoplight and railroad crossing violations with a current maximum of \$145. Half of the revenue generated from fines for speed violations in school walk areas, public park speed zones, hospital speed zones, or in camera locations subject to certain population thresholds, in excess of program costs, must be deposited in the state Cooper Jones Active Transportation Safety Account to be used for bicycle, pedestrian, and non-motorist safety improvement projects administered by the Washington Traffic Safety Commission (WTSC). Otherwise, such fines remain with the

local government.

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.

Automated Traffic Safety Cameras—Temporary Programs. Until June 30, 2025, cities with a population of more than 500,000—currently the city of Seattle—may use automated traffic safety cameras to detect certain stopping and restricted lane violations as a pilot program, subject to certain location and geographic boundary restrictions. A transit authority may not take disciplinary action against an employee operating a public transportation vehicle at the time an infraction is identified by such cameras. The fine for such a violation is limited to \$75. Half of the revenue generated under the pilot in excess of program costs must be deposited in the state Cooper Jones Active Transportation Safety Account to be used for bicycle, pedestrian, and non-motorist safety improvement projects administered by the WTSC. The remaining 50 percent of revenue must be used by the city only for improvements to transportation that support equitable access and mobility for persons with disabilities. The city must report certain program data to the Legislature before the end of the pilot.

**Summary of Bill:** Automated Traffic Safety Cameras—Authorized Uses and Reporting. The authority for cities and counties to use automated traffic safety cameras through ordinance adoption is retained and clarified. The analysis required by local legislative authorities regarding new automated traffic safety camera locations must include equity considerations, such as impact of camera locations on livability accessibility, economics, education, and environmental health. Such analysis must also show a demonstrated need for traffic cameras based on rates of collisions, documented traffic reports showing near collisions, and anticipated or actual ineffectiveness or infeasibility of other mitigation measures.

Permitted camera locations are clarified to include state routes within city limits if classified as city streets, but not on-ramps to limited access facilities. A city government must notify the Department of Transportation when installing traffic safety cameras on such state routes.

Traffic safety cameras may also be used in work zones, defined as an area of any city or county roadway with construction, maintenance, or utility work occurring for at least 30 calendar days. Infractions may only be issued in such work zones if a speed violation occurs when workers are present.

Cameras used to detect speed violations in certain locations subject to certain population thresholds are clarified for use in locations that experience higher crash risks due to excessive vehicle speeds. Existing cameras used to detect speed violations as part of a

previously authorized pilot program must be used in locations deemed by the local legislative authority of having higher crash risks due to excessive vehicle speeds before installation of the camera. Registered owners of law enforcement or marked fire department vehicles or certain ambulances, with emergency lights and a siren, are exempt from speed violations from such cameras.

The authorized use of automated traffic safety cameras to detect certain stopping and restricted lane violations is made permanent and expanded to include cities with a population of 10,000 or more and is no longer limited to certain location and geographic boundary restrictions, with resulting infraction fines limited to no more than a parking infraction fine within the jurisdiction.

Signage for traffic safety camera locations must be readily visible to a driver approaching the camera location. Definitions for school speed zones and school walk zones are provided.

The reporting of automated traffic safety camera statistics and data is modified to include, beginning December 1, 2025, the percentage of fine revenue used for camera program administration costs and the use of fine revenue in excess of such costs. WTSC must provide an annual report to the transportation committees of the legislature, and post the report to its website for public access, beginning December 1, 2025, that includes aggregated information on the use of traffic safety cameras in the state, including:

- an assessment of the impact of their use;
- information required in city and county annual reporting; and
- information on the number of cameras in use by type and location, with an analysis of camera placement in the context of area demographics and household incomes.

Automated Traffic Safety Cameras—Infractions, Revenue, and Restrictions. Except for fines issued for stoplight and railroad crossing violations detected through traffic cameras, the fine amount for all other traffic safety camera violations may not exceed two-thirds of the monetary penalty for a violation of an unscheduled infraction as prescribed by the Washington State supreme court, including two-thirds of any applicable statutory assessments. Such monetary penalties must also include a \$5 fee for deposit into the traumatic brain injury account.

Persons who receive notices of infraction for traffic safety camera violations and are recipients of public assistance program benefits, including the women, infants, and children program, must be granted, upon request, a reduced penalty amount of 25 percent of the assessed penalty. Any person granted such a penalty reduction is not subject to the additional \$5 fee for deposit into the traumatic brain injury account. Every notice of infraction must contain information on eligibility and the opportunity to apply for reduced penalty amounts through the mail or internet.

The authority to review violations of and issue notices of infractions detected through local automated traffic safety cameras is expanded to include any trained and authorized civilian

employee of a law enforcement agency, or employee of a local public works or transportation department if supervised by qualified traffic engineer, as designated by a city or county. Such employees must be sufficiently trained and certified in reviewing and issuing infractions by qualified peace officers or by traffic engineers employed in the jurisdiction's public works or transportation department. The expanded authority for review does not impair any decision and effects collective bargaining rights.

All revenue generated by each authorized camera use remains with the local government, but must be used for traffic safety purposes, including for complete streets program projects, physical infrastructure and road design changes to reduce vehicle speeds, active transportation user safety, improvements for vulnerable road users, and camera program administration. Such revenue use, not including for camera program administration, must also include use that, at a minimum, is proportionate to the share of the population who are residents of census tracts with household incomes in the lowest quartile and in areas that experience above average rates of injury crashes in the city or county, with investments providing meaningful traffic safety benefits.

Jurisdictions with existing traffic safety cameras used to detect stoplight and school speed zone violations may continue to use revenue from such uses as allocated in their authorizing ordinance, and for any of the new revenue use requirements as applied to all other camera uses.

Local governments may adopt use of an online calculator to process and grant requests for reduced fines or penalties.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 13, 2024.

**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:** PRO: The bill allows cities and other jurisdictions to address speeding violations. Cameras work well as a deterrent to slow down speeding drivers. The bill will ideally eliminate speeding on all road types. The bill ensures equity around safety camera use and permits cameras to be installed where they make the most sense. Speed cameras are an effective tool to prevent crashes and fatalities. Cameras save lives by changing driver behavior, providing a reminder to follow posted speeds. National studies show camera use results in a reduction in crashes by 20 to 25 percent. Traffic safety camera programs are still optional for jurisdictions. The bill needs to avoid disrupting current camera uses. Provisions regarding camera usage data and transparency are appreciated. The authorized use of civilian employees to review and issue infractions along with use of revenue for local purposes is appreciated. Investing in transportation

infrastructure is key for locals. Camera violations would be tied to parking infractions that do not exist in certain jurisdictions, so a flat or maximum rate is preferred. The bill language is unclear if existing ordinances are still viable. The bill supports Target Zero goals. Authorizing use of cameras in work zones is appreciated. Traffic deaths and injuries are unacceptable and preventable. Safety cameras will allow law enforcement to focus on other public safety matters. The bill limits financial burdens through reduced fines and use of an online payment calculator. Extra revenue to the TBI account is appreciated. Half of the revenue in the TBI account should be returned to pre-COVID uses, specifically for in-person support groups. Small towns need safety cameras too. Safety cameras are not about collecting funds but incentivizing safety and better driving behaviors.

CON: Traffic cameras are addicting for governments since often a large percentage of city revenue comes from safety camera revenue. The bill strips away all civil liberties and protections enacted in the original legislation. The expansion of camera use is dangerous and is profit motivated. Camera fees should go to more broadly used state accounts. Voters do not like the use of safety cameras.

OTHER: The bill provides a substantial fiscal impact for courts, specifically through attaching the TBI account fee to camera violations. Judicial information systems are not set up to handle new fees. Our roads need to be safer, and photo enforcement will change driver behavior. Other bills have addressed the use of camera images and conforming amendments are needed within this bill. The best way to change driver behavior is through in-person law enforcement. Safety cameras have a place in law enforcement but only as a supplement to and not to replace officers. Safety cameras cannot exercise discretion. Safety camera revenue should go to law enforcement training and recruitment.

**Persons Testifying:** PRO: Representative Brandy Donaghy, Prime Sponsor; Mark McKechnie, Washington Traffic Safety Commission; Rebecca Pezely, Brain Injury Community Alliance; Zack Zappone, Spokane City Council; Brandy DeLange, Association of Washington Cities; Axel Swanson, Washington State Association of County Engineers; Daniella Clark; Janice Zahn, City of Bellevue; Venu Nemani, City of Seattle; Scott Yoos, person with TBI; Serry Bauer; Shawn Sandquist; Kimberly Sandquist; Joe Kunzler.

CON: Tim Eyman, Initiative Activist.

OTHER: Christopher Stanley, Administrative Office of the Courts; James McMahan, WA Assoc Sheriffs & Police Chiefs; Jeff DeVere, WACOPS - Washington Council of Police and Sheriffs.

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