

SENATE BILL REPORT

ESSB 5272

As Amended by House, March 24, 2023

Title: An act relating to speed safety camera systems on state highways.

Brief Description: Concerning speed safety camera systems on state highways.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Liias, King, Kuderer, Nguyen, Nobles, Saldaña and Wilson, C.; by request of Department of Transportation).

Brief History:

Committee Activity: Transportation: 1/23/23, 1/26/23 [DPS].

Floor Activity: Passed Senate: 2/22/23, 47-2.

Passed House: 3/24/23, 96-0.

Brief Summary of Engrossed First Substitute Bill

- Authorizes the use of speed safety camera systems in state highway work zones until June 30, 2030.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5272 be substituted therefor, and the substitute bill do pass.

Signed by Senators Liias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Cleveland, Fortunato, Hawkins, Kauffman, Lovelett, MacEwen, Nobles, Padden, Randall, Valdez, Wilson, C. and Wilson, J..

Staff: Brandon Popovac (786-7465)

Background: Automated Traffic Safety Cameras. Automated traffic safety cameras may be used to detect various traffic violations, specifically stoplight, railroad crossing, school

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.

speed zone violations, or speed violations in certain cities. Revenue generated from such cameras is treated like a parking infraction and remains with the local government.

In 2020, the Legislature authorized a three-year pilot program regarding the use of automated traffic safety cameras to detect certain stopping and restricted lane violations within cities with a population greater than 500,000—currently the city of Seattle. Fifty percent of revenue generated under the pilot 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. The other 50 percent must be used by the city only for improvements to transportation that support equitable access and mobility for persons with disabilities.

In 2022, the Legislature expanded the use of automated traffic safety cameras, specifically:

- to detect speed violations on roadways in school walk areas, in public park speed zones, and hospital speed zones, with appropriate signage at each location;
- to allow cities to operate at least one automated traffic safety camera to detect speed violations for every 10,000 residents within the city, subject to certain location requirements and completion of an equity analysis to identify appropriate camera locations;
- to extend the three-year pilot program another two years on the use of such cameras to detect certain stopping and restricted lane violations within cities with a population greater than 500,000.

Fifty percent of revenue generated under these expanded uses must be deposited in the Cooper Jones Active Transportation Safety Account.

Other Automated Camera Systems. The Washington State Department of Transportation (WSDOT) uses a photo toll system that reads a vehicle license plate on several toll facilities within the state. Vehicle owners are automatically assessed a toll for using any of the toll facilities.

School districts may install and operate automated school bus safety cameras on school buses to detect violations relating to overtaking or meeting a school bus from either direction while the bus is stopped to receive or discharge school children.

Enforcement. Law enforcement officers have the authority to issue a notice of infraction detected through the use of an automated traffic safety camera or an automated school bus safety camera.

Summary of Engrossed First Substitute Bill: WSDOT is responsible for all actions related to the operation and administration of speed safety camera systems in state highway work zones including, but not limited to, the procurement and administration of contracts necessary for the implementation of speed safety camera systems and the mailing of notices of infraction for speed violations. By July 1, 2024, WSDOT, in consultation with the

Washington State Patrol (WSP), the Department of Licensing (DOL), the Office of Administrative Hearings (OAH), the Washington Traffic Safety Commission (WTSC), and civil rights organizations, must adopt rules addressing such actions.

WSP is responsible for all actions related to the enforcement and adjudication of speed violations captured by speed safety camera systems in state highway work zones including, but not limited to, notice of infraction verification and issuance authorization, and determining which types of emergency vehicles are exempt from being issued notices of infraction for speed violations. By July 1, 2024, WSP, in consultation with WSDOT, DOL, OAH, WTSC, and civil rights organizations, must adopt rules addressing such actions.

WSDOT and WSP may consult other public and private agencies with an interest in such use of speed safety camera systems when establishing such rules. Definitions for speed safety camera system and state highway work zone are provided.

Notices of infraction may only be issued if a speed safety camera system captures a speed violation in a state highway work zone when workers are present. Notices of infraction may be mailed to the registered owner of the vehicle within 30 days of the violation, or to the renter of a vehicle within 30 days of establishing the renter's name and address. The issuing law enforcement officer must include a certificate with the notice, based upon any electronic images produced to support the notice, which represents prima facie evidence of facts contained in the certificate and is admissible in a proceeding relating to the violation. A person in receipt of such a notice of infraction may, within 30 days of receiving the notice, pay the penalty amount assessed for the violation. If the person fails to pay the penalty amount within 30 days or wishes to dispute the violation, it must be referred to OAH for adjudication. Such violations are not part of the registered owner's driving record.

Speed safety camera systems in state highway work zones may only take electronic images of the vehicle and license plate and while a speed violation is occurring, and must not reveal the face of the driver or passengers in the vehicle. Camera systems should be installed in a manner that minimizes the impact of camera flash on drivers. All electronic images or other personally identifying data are for the exclusive use of WSP and WSDOT in the discharge of their duties and are not open to the public and may only be used in court or administrative appeal proceedings relating to a violation.

Speed safety camera system locations must be clearly marked before camera activation by placing signs in locations that clearly indicate to drivers they are entering a state highway work zone with posted speed limits being monitored by speed safety camera systems. Such signs must follow specifications and guidelines under the manual of uniform traffic control devices for streets and highways.

WSP must provide a written notice to a rental car business before a notice of infraction is issued if the business is the registered owner of the vehicle. A notice of infraction may be issued to the rental car business if it does not provide to the issuing agency, within 30 days

of receiving the written notice:

- a statement under oath containing the name and known mailing address of the renter when the infraction occurred;
- a statement under oath that the vehicle was stolen at the time of infraction, with a copy of a filed police report; or
- payment of the penalty.

Such installation, operation, enforcement, and adjudication requirements relating to speed safety camera system use in state highway work zones are in effect beginning July 1, 2024.

Any revenue generated from the use of speed safety camera systems must be deposited into the highway safety fund and first used for operating and administrative costs relating to speed safety camera system use. Any revenue generated in excess of operating and administrative costs must be distributed for the purpose of traffic safety education, including driver training education and local DUI emphasis patrols.

WSP and WSDOT, in collaboration with WTSC, must report to the transportation committees of the Legislature biennially on the data and efficacy of speed safety camera system use in state highway work zones, with a recommendation on whether or not to continue such use as required in the final biennial report due July 1, 2029.

The use of speed safety camera systems in state highway work zones expires June 30, 2030.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: The bill is part of a safety reset strategy commenced by WSDOT this past interim, and is one of many solutions to improve traffic safety. There have been a staggering rate of fatalities on state highways since 2020. WTSC also reports fatalities are rising, especially in work zones. 745 fatalities have occurred in 2022, with 28 fatalities in work zones over the last three years. Highways remain vulnerable to speeding drivers. A recent study showed that speed cameras are a worthwhile investment. The bill can protect workers and will prevent future life debilitating injuries by prioritizing human assets on the roadways. Each year there are equipment damages and near hits that need to be addressed. We protect our youth in school zones, we need to protect our workers on the road. Twenty percent of accidents in work zones are a result of speeding. Driver speeds have generally increased during non-commute hours since the pandemic. Speed cameras are a tool to enhance and complement other enforcement

efforts. Rulemaking will enable a fair adjudicative process. Walker and roller deaths have been high in speed zones over 60 mph. Speed cameras are given the highest rating by National Highway Traffic Safety Administration in effective enforcement. Drivers will most likely not commit speeding violations again once an infraction is issued.

OTHER: The concerns are largely technical in nature. Adjudication of infractions should revert to the traditional pathway instead of a unique department. Remote court hearings could help expedite infraction appeals.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; Jerry VanderWood, Associated General Contractors (AGC); Travis Snell, Washington State Department of Transportation; Capt. Neil Weaver, Washington State Patrol; Mark McKechnie, Washington Traffic Safety Commission; Davor Gjurasic, WSP Troopers Association; Jeff DeVere, Washington State Patrol Lieutenants and Captains Association (WSPLCA); Mark Riker, Washington State Building & Construction Trades Council; Jennifer Ziegler, National Construction Alliance; Mark Ottele, Granite Construction Inc; Mallorie Davies, Washington and Northern Idaho District Council of Laborers; John Traynor, Washington State Labor Council, AFL-CIO; Tony Leingang, WSDOT Statewide IRT Program; Brandon Dully, Guy F Atkinson Construction.

OTHER: Christopher Stanley, Administrative Office of the Courts.

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

EFFECT OF HOUSE AMENDMENT(S):

- Provides that radar speed feedback signs will be placed in advance of speed safety camera systems to advise drivers of posted speed limits, where feasible and constructive.