

HOUSE BILL REPORT

HB 1793

As Reported by House Committee On: Transportation

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: Representatives Fitzgibbon, Pettigrew, Macri, Valdez, Fey, Cody, Senn, Springer, Pollet and Tarleton.

Brief History:

Committee Activity:

Transportation: 2/18/19, 2/27/19 [DPS].

Brief Summary of Substitute Bill

- Expands authorization for the use of automated traffic safety cameras to the following violations in cities with populations greater than 500,000 people: Stopping When Traffic Obstructed; stopping at intersection or crosswalk; public transportation only lane; and stopping, standing, and parking at locations restricted for emergency response vehicle entry or exit or the boarding or disembarking of public transportation vehicles, including public ferries.
- Expands locations where automated traffic safety cameras are permitted in cities with populations greater than 500,000 people to include midblock on arterial roadways.
- Requires that, for first time violations for the infractions noted above, a warning of infraction without a fine, rather than a notice of infraction with a fine, must be mailed to the registered owner of a vehicle.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd

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.

Vice Chair; Wylie, 1st Vice Chair; Chapman, Doglio, Entenman, Gregerson, Kloba, Lovick, Mead, Ortiz-Self, Paul, Pellicciotti, Ramos, Riccelli and Shewmake.

Minority Report: Do not pass. Signed by 14 members: Representatives Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke, Chambers, Dent, Dufault, Eslick, Goehner, Irwin, McCaslin, Orcutt, Shea and Van Werven.

Staff: Jennifer Harris (786-7143).

Background:

Authorized Uses and Requirements for Automated Traffic Safety Cameras.

The use of automated traffic safety cameras is permitted at red light intersections that meet minimum yellow change interval requirements, at railroad crossings, and in school speed zones, if the following criteria are met:

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

The use of automated traffic safety cameras to detect speed violations is highly restricted (with the exception of cameras in school speed zones), and must meet the following criteria:

1. be located in a city west of the Cascade mountains with a population greater than 195,000, within a county with a population of fewer than 1.5 million;
2. be the only such camera located in a city that meets the above criteria; and
3. have been authorized by the Legislature as a pilot project for at least one full year.

Currently, only one such camera has met these requirements, and it is located in the City of Tacoma.

With the exception of the camera located in the City of Tacoma, automated traffic safety cameras may only be located:

- at intersections of two arterials with traffic control signals that meet state yellow change interval duration requirements;
- at railroad crossings; and

- in school speed zones.

Restrictions on the Use of Automated Traffic Safety Cameras.

Automated traffic safety 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.

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 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 \$136), as set by rule by the Washington State 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 in the care, custody, or control of some other person at the time of the infraction.

Summary of Substitute Bill:

Authorization for the use of automated traffic safety cameras is expanded in cities with populations greater than 500,000 people for the following violations:

- Stopping When Traffic Obstructed;
- stopping at intersection or crosswalk;
- public transportation only lane; and
- stopping, standing, and parking at locations restricted for emergency response vehicle entry or exit or the boarding or disembarking of public transportation vehicles, including public ferries.

The same criteria must be met for a local jurisdiction to use automated traffic safety cameras for these violations as are currently required for their use for other violations.

Location types where automated traffic safety cameras are permitted are expanded in cities with populations greater than 500,000 people to include midblock on arterial highways. "Arterial highway" means every public highway, or portion of a highway, designated as an arterial highway. Roadway classifications other than arterial highways include major collectors, minor collectors, and local roadways.

For the traffic infractions for which automated traffic safety camera use is expanded, for a first-time violation within a five-year period, only a warning of infraction, rather than a notice of infraction, must be mailed to the registered owner of a vehicle or the renter of a vehicle. A fine is prohibited from accompanying a warning of infraction. A notice of warning must be issued in the same manner and be subject to the same evidentiary, inspection, and admission requirements, and opportunity for the recipient to respond by mail, as is required for a notice of infraction.

The definition of "automated traffic safety camera" is expanded to include devices used to detect the additional violations for which their use is authorized.

For the purposes of this law, "public transportation vehicle" is defined as any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers and that operates on established routes.

"Transit authority" means a city transit system, a county transportation authority, a metropolitan municipal corporation transit system, a public transportation benefit area, an unincorporated transportation benefit area, a regional transportation authority, or any special purpose district formed to operate a public transportation system.

Substitute Bill Compared to Original Bill:

The substitute bill limits the expanded use and expanded placement of automated traffic safety cameras to cities with populations greater than 500,000 people.

The substitute bill also establishes that, for the traffic infractions for which automated traffic safety camera use is expanded to in the bill, for a first-time violation within a five-year period, only a warning of infraction, rather than a notice of infraction, must be mailed to the registered owner of a vehicle or the renter of a vehicle. A fine is prohibited from accompanying a warning of infraction. A notice of warning must be issued in the same manner and be subject to the same evidentiary, inspection, and admission requirements, and opportunity for the recipient to respond by mail, as is required for a notice of infraction.

In addition, the substitute bill expands the definition of "automated traffic safety camera" to include devices used to detect the additional violations for which their use is authorized.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Seattle is reaching a period of maximum constraint for traffic due to project construction in the city. Transit lanes need to be available for use by transit vehicles. It is not always feasible for law enforcement officers to block traffic to issue traffic tickets for improper transit lane use because it would slow down traffic more. Vehicles blocking crosswalks impact pedestrians and members of the disability community. Vehicles also impede the movement of traffic in and out of Harborview Medical Center.

Without the use of cameras, some basic traffic safety laws cannot be enforced. 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.

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. Pedestrians have to decide whether to weave in front of or behind cars, not knowing when the cars will start to move. This is especially problematic for individuals who are visually impaired and who are trying to access transit.

This bill will help manage busy, congested streets. Clear intersections allow all modes to continue moving and prevent delays for transit vehicles. Transit carries 50 percent of all downtown Seattle commuters and needs to be a reliable option for people. Buses can be held up from 10 to 30 minutes due to transit lanes being blocked. Cars move in and out of transit lanes, and there is a lack of enforcement of transit lane restrictions right now. It is the most highly congested areas where drivers are most tempted to use transit lanes. Traffic cameras have proven to be very effective tools in New York City and San Francisco.

(Opposed) Traffic safety and congestion issues need to be addressed. But another bill is moving through the Legislature right now that would remove agreements made related to how the information captured by these cameras can be used. That bill would allow cameras to be used for general law enforcement purposes. The Legislature is also considering adopting a statute on facial recognition that passed unanimously out of the Public Safety Committee.

Persons Testifying: (In support) Representative Fitzgibbon, prime sponsor; Mark Bandy, City of Seattle; Sean O'Donnell, Seattle Police Department; Anna Zivarts, Rooted in Rights; Julia Reitan, Feet First; Jim MacIntosh, Transit Riders Union of Seattle; Kelsey Meshner,

Transportation Choices Coalition; Kristina Sawycyki; Bill Bryant, King County Metro; and Logan Bahr, Association of Washington Cities.

(Opposed) Eric Gonzalez Alfaro, American Civil Liberties Union-Washington.

Persons Signed In To Testify But Not Testifying: None.