

FINAL BILL REPORT

ESHB 2384

C 307 L 24
Synopsis as Enacted

Brief Description: Concerning automated traffic safety cameras.

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

House Committee on Transportation
Senate Committee on Transportation

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, and in school speed zones, school walk areas, public park speed zones, hospital speed zones, and 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

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.

other relevant information.

Traffic cameras are also authorized for use on school buses for the enforcement of failure to stop for a school bus violations, 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 one 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 past 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 use; 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 a vehicle and vehicle's 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 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 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 a 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 a parking infraction. The infraction may not exceed the fine amount for other parking infractions in a jurisdiction in which it has occurred, and the infraction for a red light violation 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 a court or in testimony before a 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 the state, to be deposited in the Cooper Jones

Active Transportation Safety Account.

Summary:

Modification of Authorized Uses for Automated Traffic Safety Cameras.

Traffic cameras may be used to detect speed violations on state routes within city limits that are classified as city streets and in work zones on county roads and city streets, including on state highways also classified as city streets. A city government must notify the WSDOT when it installs a traffic camera on a state highway classified as a city street. For work zone camera speed violations, a worker must be present at the time the violation is captured by the traffic camera. A "work zone" means an area of a county or city roadway, including state highways also classified as city streets, with construction, maintenance, or utility work occurring for at least 30 calendar days.

Traffic cameras may also be used to detect speed violations deemed by a local jurisdiction's legislative authority to have higher crash risks in the absence of traffic cameras due to speeding. This use is limited to 1 camera per 10,000 residents of a city or county.

The traffic camera pilot program authorized is made permanent that is authorized for cities with populations greater than 500,000 residents, which authorizes the use of traffic cameras at certain locations for stopping at an intersection or crosswalk violations, stopping when traffic obstructed violations, public transportation-only lane use violations, and stopping or traveling in a restricted lane violations, and the 20-intersection maximum for stopping at an intersection or crosswalk violations is removed.

Traffic cameras may be used in cities with a bus rapid transit corridor or bus rapid transit routes to detect public transportation-only lane violations if the city has authorized the use of traffic cameras. If authorized by a county with a population of greater than 1.5 million residents with jurisdiction over a transit authority. Traffic cameras that are part of a public transportation vehicle-mounted system may be used by the transit authority to detect stopping, standing, or parking in bus stop zone violations.

Traffic cameras may also be used to detect ferry queue violations in cities and counties that have authorized the use of traffic cameras.

"School speed zone" is defined to match the definition that applies to non-camera enforced rules of the road violations. 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.

Modification of Requirements for Automated Traffic Safety Cameras.

The analysis required of a city or 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 consider the results of this equity assessment when identifying where to locate traffic cameras. The analysis must also show a demonstrated need for traffic cameras based on rates of collision, reports of near collisions, travel by vulnerable roadway users, evidence of vehicles speeding, and anticipated or actual ineffectiveness or infeasibility of other mitigation measures.

Cities and counties must post traffic camera restrictions and requirements, including requirements for public notice and signage, on their websites. 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 signs must be readily visible to a driver approaching a traffic camera. A sign must be posted on the rear of public transportation vehicles that utilize a vehicle-mounted system indicating that the vehicle is equipped with a traffic camera to enforce bus stop zone violations.

By January 1, 2026, 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 revenue received from fines issued that was used to pay for the costs of the program; and
2. a description of how the revenue that exceeded the costs of the program was used.

Beginning July 1, 2026, the Washington Traffic Safety Commission (Commission) must provide an annual report to the Transportation Committees of the Legislature, and post the report to its website for public access. The report must include:

- aggregated information on the use of traffic cameras in the state that includes an assessment of the impact of their use;
- information required in city and county annual traffic camera reports; and
- information on the number of traffic cameras in use by type and location, including an analysis of camera placement in the context of area demographics and household incomes.

To the extent practicable, the Commission must also provide in its annual report the number of traffic accidents, speeding violations, single vehicle accidents, pedestrian accidents, and driving under the influence violations that occurred at each location where a traffic camera is located in the five years prior to a traffic camera's authorization and in the five years following a traffic camera's authorization.

Cities and counties using traffic cameras must provide the Commission with the data it requests for the Commission's annual report in a form and manner specified by the Commission.

Additions to Restrictions on Automated Traffic Safety Cameras.

Traffic cameras are prohibited from being used on an on-ramp to a limited access facility.

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 previously authorized under the Traffic Camera Pilot Program is made permanent for the following traffic camera violations:

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

Notices of infraction for traffic camera-enforced speed violations may not be issued to the registered owner of a vehicle equipped with emergency lights and sirens that is a marked fire department vehicle or an ambulance licensed by the Washington State Department of Health.

If the contract between a city or county and a traffic camera manufacturer or vendor does not provide for performance or quality control measures for camera images, the city or county must carry out a performance audit of the manufacturer or vendor every three years.

Automated Traffic Safety Camera-Captured Infractions.

A civilian employee who works for a law enforcement agency or a local public works or transportation department, and who is sufficiently trained and certified by peace officers or traffic engineers, is authorized to review traffic infractions detected through the use of traffic cameras, including those detected through the use of automated school bus safety cameras, and to issue notices of infraction for these violations. This authorization does not impair state law governing decision and effects collective bargaining rights.

The maximum penalty amount permitted for traffic camera violations is \$145. This maximum penalty amount can be doubled for a traffic camera-enforced school speed zone infraction and is adjusted for inflation every five years beginning January 1, 2029.

Registered owners of vehicles who receive notices of infraction for traffic camera-enforced infractions and are recipients of state public assistance other than Medicaid may request reduced penalties. These notices of infraction recipients must be granted reduced penalties of 50 percent of what would otherwise be assessed for first traffic camera violations and for subsequent traffic violations issued within 21 days of the first violation's issuance. Recipients of notices of infraction must be provided with information on their eligibility and must be given the opportunity to apply for a reduction in penalties. A city or county may also adopt the use of an online ability-to-pay calculator to process and grant requests for penalties and fines for traffic camera violations.

Automated Traffic Safety Camera Revenue Use.

Revenues generated from traffic camera infractions (excluding cameras in use on school buses), may only be used by a city or county for traffic safety activities related to construction and preservation projects and related to maintenance and operations, and for the costs to administer, install, operate, and maintain traffic cameras, including costs associated with the processing of infractions.

For cities and counties with a population of 10,000 or greater, revenue use for traffic safety activities must, at a minimum, include the proportionate use of this revenue towards the share of the population who are residents of census tracts with household incomes in the lowest quartile and towards the share of the population who live in areas that experience above average rates of injury crashes, so that at least a proportionate share of this revenue is used in these census tracts and higher-rate-of-injury areas. Cities and counties with a population of less than 10,000 are required to make revenue use determinations that are informed by the Department of Health's Environmental Health Disparities Map.

Beginning four years after the effective date of the bill, 25 percent of the revenue generated from traffic cameras placed into use after the effective date of the bill (excluding revenue for costs associated with administering, installing, operating, and maintaining traffic cameras), must be deposited in the Cooper Jones Active Transportation Safety Account. Revenue generated from red light and school zone cameras for existing traffic camera programs is exempt from this requirement in the following circumstances:

1. if the programs expands up to 10 percent, as measured by an increase in camera locations for red light cameras, or school zone cameras, in place as of January 1, 2024;
2. if a program with fewer than 10 locations in place as of the effective date of the bill adds up to one additional location for red light cameras or school zone cameras in place as of January 1, 2024; or
3. if the program has an ordinance in place on January 1, 2024, directing the manner in which traffic camera revenue can be used.

Votes on Final Passage:

House	58	39	
Senate	26	23	(Senate amended)
House	55	38	(House concurred)

Effective: June 6, 2024