

HOUSE BILL REPORT

HB 2485

As Reported by House Committee On:
Transportation

Title: An act relating to the establishment of an automated highway speed safety camera pilot program.

Brief Description: Establishing an automated highway speed safety camera pilot program.

Sponsors: Representatives Barkis, Fey and Schmidt.

Brief History:

Committee Activity:

Transportation: 1/31/24, 2/5/24 [DP].

Brief Summary of Bill

- Authorizes the Washington State Department of Transportation (WSDOT) to develop a traffic camera pilot program to test the use of two to three traffic cameras on state highways to evaluate the technology used, determine the impact on speeding behavior in areas of testing, and compile public responses to the use of traffic cameras on highways.
- Restricts the images that pilot program traffic cameras may capture to images of the vehicle and vehicle license plates, and limits the use of photographs, images, and other personally identifying data associated with the pilot program to use by the Washington State Patrol and the WSDOT for the purposes of this pilot program.
- Prohibits the issuance of traffic infractions for violations of traffic laws captured by pilot program traffic cameras.
- Authorizes the WSDOT to inform registered vehicle owners of a vehicle's rate of speed and the traffic fine that would have been imposed for exceeding the speed limit.

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.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 21 members: Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Doglio, Duerr, Entenman, Goehner, Hackney, Mena, Nance, Ramel, Ramos, Schmidt and Wylie.

Minority Report: Do not pass. Signed by 1 member: Representative Orcutt.

Minority Report: Without recommendation. Signed by 7 members: Representatives Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Dent, Griffey, Klicker, Volz and Walsh.

Staff: Jennifer Harris (786-7143).

Background:

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, subject to certain requirements.

Traffic cameras are also authorized for use on school buses for the enforcement of failure to stop for a school bus violation.

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 in certain areas of the city:

- stopping at an intersection or crosswalk (20-intersection maximum);
- stopping when traffic is obstructed;
- public transportation-only lane use; and
- stopping or traveling in a restricted lane.

Speed Safety Camera Systems.

Through June 30, 2030, a law enforcement officer has the authority to issue a traffic infraction when it is detected through the use of a speed safety camera system. A notice of infraction may only be issued if a speed safety camera (safety camera) captures a speed violation in a state highway work zone when workers are present.

The Washington State Department of Transportation (WSDOT) is responsible for the operation and administration of safety cameras in state highway work zones, which includes the procurement and administration of contracts for the implementation of safety cameras and the mailing of notices of infraction. By July 1, 2024, the 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, is required to adopt rules for the operation and administration of safety cameras.

The WSP is responsible for all actions related to the enforcement and adjudication of speed violations, which includes notice of infraction verification and issuance, and determining the emergency vehicles that are exempt from the issuance of notices of infraction for infractions detected by safety cameras. By July 1, 2024, the WSP, in consultation with the WSDOT, the DOL, the OAH, the WTSC, and civil rights organizations, is required to adopt rules for the enforcement and adjudication of speed violations detected by safety cameras.

Locations where safety cameras are used must be clearly marked before activation of the safety camera, by placing signs in locations that indicate to a driver that they are entering a state highway work zone where posted speed limits are monitored by a safety camera. Radar speed feedback signs must be placed along a roadway to provide information on vehicle speed in advance of safety cameras where feasible, and where they can assist drivers.

Safety cameras may only take photos or electronic images of the vehicle and vehicle license plate while a speed violation is occurring. The photo or electronic image must not reveal the face of the driver or of passengers in the vehicle. All photographs, electronic images, or other personally identifying data may only be used: (1) by the WSP and the WSDOT for infraction-related duties; and (2) in administrative appeal proceedings for infraction-related proceedings.

Summary of Bill:

The WSDOT is authorized to develop a traffic camera pilot program to test two to three traffic cameras on state highways. The goals of the pilot program are to:

- test safety camera technology;
- determine the impact on speeding behavior in areas of testing; and
- compile public responses to the use of traffic cameras on highways.

The WSDOT is required to work with the WSP and the WTSC to develop the pilot program. Development activities must include technology selection; camera placement in high speed, collision, or fatality locations; public notification and warning signs; outreach and public engagement; and development of a data collection and reporting process.

Pilot program traffic cameras may only capture pictures of a vehicle and its license plates. Photographs, images, and other personally identifying data associated with the pilot program are for the exclusive use of the WSP and the WSDOT for the purposes of the pilot program. Photographs, images, and other personally identifying data are not available to the public and may not be used in court in a pending action or proceeding.

The issuance of traffic infractions captured by pilot program traffic cameras is prohibited. The WSDOT may inform registered vehicle owners of a vehicle's rate of speed exceeding the posted speed limit and the traffic fine that would have been imposed for exceeding the speed limit.

The WSDOT is required to provide a pilot program progress report to the Governor and the Transportation Committees of the Legislature by September 30, 2024. The progress report must include a summary of public input, evaluation of technologies used, and changes in speeding behavior resulting from the pilot program.

The pilot program authorization expires July 1, 2025.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) In 2022 there were 745 traffic fatalities on state highways. In 2023 this number will rise to over 800 and could surpass the record set in 1990. While the problem can be attributed to many causes, something needs to be done to stop this trend. The WSP is understaffed, with vacant positions and many officers eligible for retirement. While legislation has been introduced to address this, more can be done.

Technology can help increase roadway safety, which is the reason for this pilot program. Speed is a factor in one-third of traffic fatalities. Excessive speeds make crashes more likely and less survivable. The Federal Highway Administration has identified safety cameras as a proven measure reducing fatal and serious injury collisions significantly. The vast majority of people who drive by a conspicuous safety camera do not receive a ticket because they choose to slow down.

Last year, the Legislature passed a traffic camera work zone bill. This pilot program will enable the state to explore technology options to address the high fatality rate in other areas of highways. Unlike traffic cameras currently in use, different technologies need to be

evaluated for roadways where posted speeds are up to 70 miles per hour.

(Opposed) With fewer law enforcement officers and more traffic cameras on the roads, the potential for ticketing increases. Once installed, traffic cameras are impossible to remove because of the revenue they generate. A number of jurisdictions have said no to traffic cameras. Voters do not like traffic cameras. Progressives and conservatives do not like traffic cameras.

When traffic cameras were first authorized, the fines resulting from them were capped at the price of a parking ticket, which was \$20 or \$25 at the time. The lower fine amount removed the profit motive. The companies funding studies on the effectiveness of traffic cameras are the ones who benefit from their use.

(Other) Roads in Washington are not as safe as they should be because there are not enough law enforcement officers. Cameras are proven to make people change their behavior. However, the bill states that information captured by traffic cameras is for the exclusive use of enforcement warnings and is not available for use otherwise. This information should also be available if requested in a judicially authorized warrant or if offered as evidence in a judicial proceeding.

Persons Testifying: (In support) Representative Andrew Barkis, prime sponsor; Deion Glover, Washington State Patrol; Mark McKechnie, Washington Safety Traffic Commission; and Dongho Chang, Washington State Department of Transportation.

(Opposed) Tim Eyman; and Laurie Layne.

(Other) James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.