

SENATE BILL REPORT

ESHB 2384

As Reported by Senate Committee On:
Transportation, February 26, 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, 2/26/24 [DPA, DNP].

Brief Summary of Amended 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.
- Authorizes certain civilian employees to review infractions detected through the use of local traffic and automated bus safety 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.
- Establishes a maximum \$145 fine amount for all traffic safety camera violations, as adjusted for inflation every five years.
- Restricts the use of revenue generated by traffic cameras to cities and counties for certain traffic safety activities, with exceptions.

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.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Lias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; Cleveland, Hansen, Kauffman, Lovelett, Nobles, Valdez and Wilson, C..

Minority Report: Do not pass.

Signed by Senators King, Ranking Member; Holy, Assistant Ranking Member; Fortunato, Hawkins, MacEwen, Padden and Wilson, J..

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 Amended 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: travel by vulnerable road users; evidence of vehicles speeding; 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 (WSDOT) 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.

Traffic safety cameras as part of a public transportation vehicle-mounted system may also be used by a transit authority within a county with a population of more than 1.5 million

residents—currently King county—to detect stopping, standing, or parking in bus stop zone violations if authorized by the local legislative authority with jurisdiction over the transit authority. Public transportation vehicles utilizing such vehicle-mounted systems must post a sign on the rear of the vehicle indicating that the vehicle is equipped with a camera to enforce bus stop zone violations. Transit authorities must provide to its local jurisdiction any images or evidence collected establishing a bus stop zone violation has occurred to process the infraction.

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.

The authorized use of automated traffic safety cameras to detect certain stopping and restricted lane violations for cities with a population of more than 500,000—currently the city of Seattle—is made permanent. Any city with a bus rapid transit corridor or route may use automated traffic safety cameras to detect public transportation only lane violations. Any city or county may use automated traffic safety cameras to detect ferry queue violations, subject to consultation with WSDOT.

Cities and counties must post traffic safety camera restrictions and other related policies on their websites. 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 July 1, 2026, 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 July 1, 2026, 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. The fine amount for all traffic safety camera violations may not exceed \$145, as adjusted for inflation by the Office of Financial Management every five years, beginning January 1, 2029.

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. 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, including automated school bus 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 camera program administration and traffic safety activities related to construction and preservation projects and operations and maintenance purposes, including for complete streets program projects, physical infrastructure and road design changes to reduce vehicle speeds, and active transportation user safety, including improvements for vulnerable road users. Such revenue use by cities or counties with a population of 10,000 or more, 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. Such revenue use by cities or counties with a population under 10,000 must be informed by the department of health's environmental health disparities map.

Jurisdictions with existing traffic safety camera programs 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 also applied to new stoplight and school speed zone camera uses. Jurisdictions with existing traffic safety camera programs used to detect railroad grade crossing, speeding, and certain stopping and restricted lane 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 new camera uses, by up to a 10 percent increase in the number of traffic safety cameras authorized to detect such violations.

Beginning four years after any new traffic safety camera is initially placed and in use, 25 percent of net revenue in excess of camera administration and infraction processing costs must be deposited into the Cooper Jones Active Transportation Safety Account. This revenue distribution requirement does not apply to any existing or new camera that is part of an existing traffic safety camera program used to detect stoplight and school speed zone violations or if any new camera is relocated within the four-year period.

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

EFFECT OF TRANSPORTATION COMMITTEE AMENDMENT(S):

- Includes travel by vulnerable road users as an additional criterion when jurisdictions are conducting the additional analysis to determine locations for traffic safety cameras.
- Requires local governments to post camera restrictions and policies to their respective websites.
- Delays reporting of use of revenues in excess of administration costs and WTSC reporting requirements until July 1, 2026, instead of December 1, 2025.
- Requires a performance audit of the traffic safety camera equipment manufacturer or vendor every three years to ensure camera image quality only if the current contract between the jurisdiction and manufacturer or vendor is silent on providing image quality control measures.
- Clarifies that traffic safety camera revenue may only be used for traffic safety activities, as specified.
- Requires cities and counties under 10,000 in population to use DOH's health disparities map when making traffic safety activity investments using traffic safety camera revenue.
- Authorizes jurisdictions with existing traffic safety camera programs in place before January 1, 2024, to detect railroad grade crossing, speeding, and certain stopping and restricted lane violations, to continue to use infraction revenue as directed in the authorizing ordinance by up to a 10 percent increase in the number of traffic cameras authorized for such uses.
- Requires that after a new traffic safety camera is placed and in use for four years, 25 percent of camera revenues, after camera administration and infraction processing costs, must be deposited into the Cooper Jones Active Transportation Safety Account, but not if the new traffic safety camera is part of an existing stoplight or school speed zone camera program or is relocated within the four-year period.
- Removes the two-thirds of penalty amounts cap as applied to most traffic safety camera violations, and establishes a maximum penalty of \$145 for all traffic safety camera violations, adjusted for inflation by OFM every five years.
- Removes the application of the additional \$5 fee to all traffic safety camera violations for deposit into the traumatic brain injury account.
- Removes the speed camera violation exemption for law enforcement and fire department vehicles and ambulances.
- Expands the use of traffic safety cameras for public transit-only lane violations to cities with bus rapid transit.
- Restores the authority for and geographical limitations and restrictions applied to camera use to detect traffic obstruction violations, stopping in intersection and crosswalk violations, and stopping or traveling in transit-only or restricted lanes in

- cities over 500,000 in population—city of Seattle.
- Authorizes the use of traffic safety cameras that are part of a public transportation vehicle-mounted system to detect bus stop zone violations by transit authorities in counties of more than 1.5 million—currently King County.
 - Authorizes the use of traffic safety cameras to detect ferry queue violations, such as lane cutting and driveway obstruction, subject to consultation with WSDOT.
 - Expands the authority of trained and authorized civilian employees to review and issue infractions to automated school bus safety camera violations.
 - Makes other technical corrections.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 26, 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 on Engrossed Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* 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.