

# SENATE BILL REPORT

## SB 5959

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As of January 15, 2024

**Title:** An act relating to automated traffic safety cameras.

**Brief Description:** Concerning automated traffic safety cameras.

**Sponsors:** Senators Liias, Lovick, Nguyen, Nobles and Wilson, J.; by request of Washington Traffic Safety Commission.

**Brief History:**

**Committee Activity:** Transportation: 1/15/24.

**Brief Summary of Bill**

- Modifies local automated traffic safety camera authority, enforcement, requirements, and restrictions.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Brandon Popovac (786-7465)

**Background:** 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.

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*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.*

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. 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.

Until June 30, 2025, cities with a population of more than 500,000—currently the city of Seattle—as a pilot program may use automated traffic safety cameras to detect certain stopping and restricted lane violations, subject to certain location and geographic boundary restrictions. 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 Bill:** The authority for cities and counties to use automated traffic safety cameras through ordinance adoption is made explicit. The analysis required by local legislative authorities regarding proposed automated traffic safety camera locations must include equity considerations, such as impact of camera locations on livability accessibility, economics, education, and environmental health. Permitted camera locations are clarified to include state routes within city limits, but not interstate on-ramps or state routes within cities that are freeway-limited access highways, defined as fully controlled limited access

highways of four or more lanes with opposing lanes separated by a median strip.

All authorized uses for automated traffic safety cameras are made permanent, and 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. The authorized use of automated traffic safety cameras to detect certain stopping and restricted lane violations is expanded to include cities with a population of 90,000 or more and is not limited to certain location and geographic boundary restrictions, with resulting infraction fines limited to no more than a parking infraction fine within the jurisdiction.

The authority to review violations of and issue notices of infractions detected through local automated traffic safety cameras is expanded to include noncommissioned officers and any locally designated public employee if sufficiently trained to review such violations and issue such notices.

All revenue generated by each authorized camera use remains with the local government, but must be used for traffic safety purposes, including for complete streets program projects, physical infrastructure and road design changes to reduce vehicle speeds, active transportation user safety, improvements for vulnerable road users, and camera program administration. Local governments may adopt use of an online calculator to process and grant requests for reduced fines or penalties.

The reporting of automated traffic safety camera statistics and data is modified to include the percentage of fine revenue used for camera program administration costs and the use of fine revenue in excess of such costs.

Definitions for school speed zones and school walk zones are provided.

**Appropriation:** None.

**Fiscal Note:** Requested on January 8, 2014.

**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:** PRO: Preliminary data shows that up to 810 traffic fatalities may have occurred in 2023, which is too much of an occurrence and represents a crisis. Speed is a contributing factor in most fatalities, and the frequency of deaths increase as speed increases. Finnish researchers have shown that traffic cameras reduced speeding by 50 percent in affected zones, with a reduction in fatalities by 25 percent. This would translate to 200 lives saved in Washington. Even if all law enforcement officer positions were fully staffed, there would not be enough coverage for all authorized camera zones. The

Governor's office supports the bill. Traffic fatalities nationwide are trending downward unlike Washington, where one-third of fatalities are caused by speeding. Studies show drivers slow down when safety cameras are comprehensively administered. The bill clarifies existing laws on camera use and retains the existing equity analysis. Speeding has deadly consequences, and this bill is about saving lives. Speed camera usage should be increased as they are well-marked and publicly known. The bill clarifies camera use on state highways within cities acting as streets, allows training of employees to issue infractions, and authorizes fine reduction for certain violators. Spokane is looking at doubling camera usage. The bill allows commissioned officers to address other urgent police matters; otherwise, many are reviewing infractions during overtime hours. The bill will address drag racing issues on city streets. Dedicating fine revenue back to cities is important, especially for pending local traffic safety projects. Bill should be amended for authorized camera use in city and county work zones. Transit-only lanes are designed for efficiency purposes, but motorists are always driving in this lane and blocking public transit movement. Photo enforcement will keep transit-only lanes unclogged. Population threshold for camera use authority for stopping and transit-only lane violations needs to be lowered or based on vehicle miles traveled. Repetitive violations in camera zones have decreased.

CON: Safety cameras are a violation of a person's privacy, are only administered for profit making purposes, and threaten the credibility of law enforcement. Camera fine amounts need to be augmented at amount originally proposed in 2005. Other traffic control and safety devices are less expensive and more effective. There has never been a public vote authorizing local camera use. The public does not want safety camera surveillance. Safety camera usage could be weaponized by local governments. There are concerns regarding who can review infractions.

OTHER: Washington roads are not as safe as they should be, and photo enforcement has been proven to change driving behavior. Camera images are not admissible in court outside of adjudicating the violation but there is a need for greater access for other law enforcement purposes. Law enforcement officers are best suited to review and issue infractions. Limitations of traffic safety cameras include the inability to identify DUI events or if seatbelts are not worn. Cameras cannot enforce the law with discretion, and in-person enforcement is best. Mandatory bargaining must be implemented before public employees are authorized to review and issue infractions. Fine revenue should be apportioned for law enforcement training and recruitment purposes.

**Persons Testifying:** PRO: Senator Marko Liias, Prime Sponsor; Zack Zappone; Brandy DeLange, Association of Washington Cities ; David Jones, Cooper Jones ATSAC; Mary Ellen Russell, Seattle School Traffic Safety Committee member; Briahna Murray, City of Tacoma; Venu Nemani, City of Seattle; Rob Karlinsey, City of Kenmore; Axel Swanson, Washington State Association of County Engineers; Debbie Driver, Governor's Office; Mark McKechnie, Washington State Traffic Safety Commission.

CON: Tim Eyman, Initiative Activist; Morgan Irwin, Association of Washington Business;

Laurie Layne, Layne Software.

OTHER: 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.