

HOUSE BILL REPORT

HB 1807

As Reported by House Committee On:
Transportation

Title: An act relating to speed safety camera systems on state highways.

Brief Description: Concerning speed safety camera systems on state highways.

Sponsors: Representatives Fey, Robertson, Fitzgibbon, Schmidt and Ramel.

Brief History:

Committee Activity:

Transportation: 2/20/23, 2/23/23 [DPS].

Brief Summary of Substitute Bill

- Authorizes law enforcement officers to issue a traffic infraction when it is detected through the use of a speed safety camera system (safety camera) in highway work zones through June 30, 2030.
- Requires the Washington State Patrol (WSP), in consultation with the Washington State Department of Transportation (WSDOT), the Department of Licensing, the Office of Administrative Hearings (OAH), the Washington Traffic Safety Commission (WTSC), and civil rights organizations, to adopt rules for the use of safety cameras in highway work zones.
- Refers notices of infraction for safety camera infractions to the OAH for adjudication by an administrative law judge and issuance of a final order.
- Mandates that the WSP and the WSDOT, in collaboration with the WTSC, report biennially to the Transportation Committees of the Legislature on the data and efficacy of safety cameras in state highway work zones, with a final report due on July 1, 2029, to include a recommendation on whether to continue safety camera use beyond June 30, 2030.

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: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Fey, Chair; Donaghy, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Dent, Doglio, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, Mena, Ramel, Ramos, Schmidt, Taylor, Volz, Walsh and Wylie.

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

Staff: Jennifer Harris (786-7143).

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, 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 a priority location in a local road safety plan and meet other criteria (as specified below), 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 safety 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 any other relevant information.

For traffic cameras authorized at select locations in cities, a city is only permitted to operate one traffic camera and an additional traffic camera for each 10,000 residents at locations recommended by an equity analysis conducted by the city where 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 prior 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 intersection or crosswalk (20-intersection maximum);
- stopping when traffic obstructed;
- public transportation only lane; 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.

Automated traffic safety cameras may not be used on an on-ramp to an interstate. For the purposes of the pilot program, location types where automated traffic safety cameras are permitted are expanded to include mid-block on arterial highways.

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.

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 a 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 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 \$139), 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 was in the care, custody, or control of some other person at the time of the infraction.

Speeding in an Emergency or Work Zone.

A person may not drive a vehicle in an emergency or work zone at a speed greater than the posted speed limit. Traffic infraction penalties, inclusive of fines and assessments, range from \$156 to \$791, depending on the speed limit in the emergency or work zone and on the speed at which the vehicle is traveling.

Summary of Substitute Bill:

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 (safety camera). The operation of speed safety camera systems in state highway work zones is restricted to when workers are present in the work zone.

The Washington State Patrol (WSP), in consultation with the WSDOT, the Department of Licensing, the Office of Administrative Hearings (OAH), the Washington Traffic Safety Commission (WTSC), and civil rights organizations, is required to adopt rules for the use of safety cameras in highway work zones. The WSP is the primary enforcement agency to verify and issue the notice of infraction for safety-camera-detected infractions.

A notice of infraction must be mailed to the registered owner of the vehicle within 14 days

of the violation, or to the renter of a vehicle within 14 days of establishing the renter's name and address. 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 was in the care, custody, or control of some other person at the time of the infraction.

The notice of infraction is referred to the OAH (which presides over administrative law cases) for adjudication by an administrative law judge and issuance of a final order. During the adjudication process, the registered owner must have an opportunity to present evidence to contest or mitigate the traffic infraction.

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.

Safety cameras may only take pictures of the vehicle and vehicle license plate while a traffic infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The WSDOT is required to consider installing cameras in a manner that minimizes the impact of the camera flash on drivers. All photographs, electronic images, or other personally identifying data may only be used: (1) by the WSDOT for infraction-related duties; and (2) in administrative appeal proceedings for infraction-related proceedings.

Revenue generated from safety-camera-detected infractions must be deposited in the Highway Safety Fund, to be used:

- first for the operation and administrative costs related to the use of safety cameras; and
- with the remainder distributed for the purpose of traffic safety, including, but not limited to, driver training education and local driving under the influence emphasis patrols.

The WSP and the WSDOT, in collaboration with the WTSC, are required to report to the Transportation Committees of the Legislature by July 1, 2025, and every two years thereafter, on the data and efficacy of safety cameras in state highway work zones. A final report is due on July 1, 2029, which must include a recommendation on whether to continue safety camera use beyond June 30, 2030.

Substitute Bill Compared to Original Bill:

The substitute bill restricts the operation of speed safety camera systems in state highway work zones to when workers are present in the work zone.

Appropriation: None.

Fiscal Note: Preliminary 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) The purpose of this bill is to save lives. Highway workers are exposed daily to traffic in work zones, with higher speeds causing a greater risk of fatalities and injuries. Highways are not as safe as they were before—speeding, driving under the influence, and distracted driving have all increased. Highway workers are paying the price, with serious injuries and fatalities becoming a common occurrence.

Highway workers do not know if they will make it home on a given day. It is important for workers who are doing the public's work to be protected. They do what they can to protect themselves, using high visibility clothing and lighting, but they cannot control decisions of the traveling public.

Traffic cameras are a highly effective tool to reduce speeds as indicated by the National Highway Traffic Safety Administration's rating of them. In Pennsylvania, a five-year, automated speed enforcement study is underway. This is a common sense safety solution. Education and signage will play a key role in this effort.

Traffic cameras are intended as a tool to complement other law enforcement efforts. They can be deployed quickly for the greatest impact on safety. The adjudication process authorized in the bill is a fair and equitable one.

Stakeholders worked hard on this bill to get it to this point. It is narrowly crafted and includes reporting requirements. The effectiveness of traffic cameras to increase the safety of roadway workers can be determined over time.

(Opposed) This bill is just another way to extract money from the public. The problem with it is that these traffic cameras will be operational 24 hours a day, seven days a week, even when roadway workers are not present.

Persons Testifying: (In support) Representative Jake Fey, prime sponsor; Travis Snell, Washington State Department of Transportation; Neal Weaver, Washington State Patrol; Mark McKechnie, Washington Traffic Safety Commission; Jennifer Ziegler, National Construction Alliance; Brandon Dully, Guy F. Atkinson Construction; Mark Ottele, Granite Construction; Billy Wallace and Mallorie Davies, Washington and Northern Idaho District Council of Laborers; Davor Gjurasic, Washington State Patrol Troopers Association.

(Opposed) Jeff Pack, Washington Citizens Against Unfair Taxes.

Persons Signed In To Testify But Not Testifying: None.