

# HOUSE BILL REPORT

## ESHB 2384

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**As Passed House:**

February 12, 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:**

**Committee Activity:**

Transportation: 1/18/24, 2/5/24 [DPS].

**Floor Activity:**

Passed House: 2/12/24, 58-39.

**Brief Summary of Engrossed Substitute Bill**

- Authorizes automated traffic safety cameras (traffic 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 the pilot program permitting traffic cameras to be used for stopping at intersection or crosswalk violations, stopping when traffic obstructed violations, public transportation-only lane use violations, and stopping or traveling in a restricted lane violations permanent and expands this authorization to all areas of cities with populations of 10,000 or more residents.
- Authorizes civilian employees who work for a law enforcement agency or local public works or transportation department and who meet training and certification requirements to review infractions detected through the use of traffic cameras and to issue notices of infraction for them.

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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.*

- Requires that traffic camera-enforced infraction penalties be reduced to 25 percent of the penalty for registered owners of vehicles who are recipients of state public assistance.
- Mandates that the traumatic brain injury fee currently assessed on other traffic infractions be assessed on traffic camera-enforced infractions, except for recipients of reduced traffic camera-enforced infraction penalties.
- Restricts the use of revenue generated by traffic cameras to cities and counties for traffic safety purposes, requiring that a share proportionate to the population of census tracts with household incomes in the lowest quartile and in areas that experience above average rates of injury crashes, at a minimum, be used for traffic safety purposes in these areas.

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## HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Dent, Doglio, Duerr, Entenman, Hackney, Mena, Nance, Ramel, Ramos and Wylie.

**Minority Report:** Do not pass. Signed by 8 members: Representatives Robertson, Assistant Ranking Minority Member; Goehner, Griffey, Klicker, Orcutt, Schmidt, Volz and Walsh.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member.

**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 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 other relevant information.

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

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 be deposited in the Cooper Jones Active Transportation Safety Account.

### **Summary of Engrossed Substitute Bill:**

#### Modification of Authorized Uses and Requirements 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 streets. 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 city or county roadway with construction, maintenance, or utility work lasting 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 the jurisdiction (modifying existing requirements by including counties and changing requirements for a location to qualify).

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 law enforcement vehicle, marked fire department vehicle, or an ambulance licensed by the Washington State Department of Health.

The pilot permitting traffic cameras to be used for additional infractions is made permanent and expanded to all areas in cities with populations of 10,000 or more residents. For these locations, automated traffic cameras may be used to detect the following violations:

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

The definition of "school speed zone" is the same as the one used in non-camera enforced rules of the road violations. The definition for "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.

The analysis required of a city and 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 also consider the results of the equity assessment when identifying where to locate traffic cameras. Finally, the analysis must show a demonstrated need for traffic cameras based on rates of collision and documented traffic reports showing near collisions, and on anticipated or actual ineffectiveness or infeasibility of other mitigation measures.

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.

By December 1, 2025, 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 revenues received from fines issued that were used to pay for the costs of the program; and
2. must describe the uses of revenues that exceed the costs of operation and administration of the program.

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, beginning December 1, 2025, that includes:

- aggregated information on the use of automated traffic safety 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 automated traffic safety cameras in use by type and location, with an analysis of camera placement in the context of area demographics and household incomes.

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

#### Additions to Restrictions on the Use of 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 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..

#### 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 infractions detected through the use of traffic cameras and to issue notices of infraction. This authorization does not impair state law governing decision and effects collective bargaining rights.

The maximum penalty amount for traffic camera violations, other than red-light violations, is limited to two-thirds the monetary penalty for a violation of an unscheduled infraction as set by the Washington Supreme Court, inclusive of applicable statutory assessments. The current penalty amount for a violation of an unscheduled infraction, inclusive of applicable statutory assessments, is \$145 and is reduced to \$96.67.

Registered owners of vehicles who receive notices of infraction for traffic camera-enforced infractions and who are recipients of state public assistance and request reduced penalties must be granted reduced penalties of 25 percent of what would otherwise be assessed. Recipients of notices of infraction must be provided with information on their eligibility and 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 reduced fines or civil penalties for traffic camera violations.

Penalties for traffic camera-enforced infractions must include the traumatic brain injury fee (currently \$5) assessed on traffic infractions other than traffic camera violations are required to be added to the infraction penalty, except for infraction penalties reduced for registered vehicle owners who are recipients of state public assistance and who request reduced penalties.

Revenues generated by traffic cameras (excluding cameras in use on school buses and by the WSDOT), may only be used by a city or county that collects them for traffic safety purposes, including for complete streets projects, to make changes in physical infrastructure to reduce speed and to improve safety for active transportation users, and for the costs to administer, install, operate, and maintain traffic cameras, including costs associated with the processing of infractions. The revenue used by a city or county for traffic safety purposes must include the use of revenue 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.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 13, 2024.

**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) This bill allows jurisdictions to use traffic cameras, which can be a deterrent to certain driving behaviors. In 2023 800 lives were lost on the roads in Washington. While traffic fatalities have started declining nationally, this is not the case in Washington.

Speeding is a factor in one-third of all traffic fatalities. Traffic cameras should be a tool to reduce speeding behavior. Traffic cameras are one of the most effective means of reducing speeding. Australia uses traffic cameras and has an allowable blood alcohol content of under 0.05—their traffic-related fatality levels are well below those in Washington.

The City of Seattle has been using traffic cameras for 17 years. The greatest improvements have been in school zones, where the number of citations have dropped dramatically. Ninety percent of traffic citation recipients never receive a second notice, demonstrating the extent to which traffic cameras change driver behavior. Because cities do not have enough law enforcement officers, it is preferable to send them out on patrol instead of having them issue traffic citations. This bill will help alleviate the burden on law enforcement staffing.

This bill maintains the current traffic camera law and also authorizes traffic camera use on state roads in cities. It also requires an equity analysis for the installation of traffic cameras. The bill authorizes local governments to retain all revenue from traffic camera violations. In addition, the bill authorizes staff other than law enforcement officers to review traffic camera images and issue notices of infraction for traffic camera violations.

Several amendments are needed. One would allow traffic cameras like the Bay Street traffic camera in Tacoma to continue to operate. The second would allow jurisdictions with existing programs more time to comply with reporting requirements, since contracts with vendors need to be updated. The third would lower the population threshold for transit lane traffic cameras, since bus-only lanes reduce congestion and emissions in cities with populations under the current threshold and photo enforcement will improve safety. The fourth would make work zones in cities and counties eligible for traffic camera use to reduce speeding.

(Opposed) Traffic cameras cannot exercise discretion the same way a law enforcement officer can. For example, a driver could need to edge forward to make a turn, but then a pedestrian could start walking across the crosswalk. This could be identified by a traffic camera as a stopping when traffic is obstructed violation. Also, the bill does not clearly



identify what "sufficiently trained" means. More law enforcement officers to enforce traffic laws is what is needed.

(Other) Roads are not as safe as they should be and the vast majority of fatalities on them are preventable. There are not enough officers to enforce rules of the road and traffic cameras can be a good supplement to law enforcement officers. Photo enforcement can change behaviors.

However, traffic camera-captured information cannot be accessed even with a warrant issued by a judge. This information cannot be used to solve a homicide or exonerate someone who has been accused of a crime. This should be modified in the bill. Mandatory collective bargaining for noncommissioned personnel prior to implementation should also be required in the bill. In addition, a portion of traffic camera revenue should be used to recruit and train law enforcement officers.

**Persons Testifying:** (In support) Representative Brandy Donaghy, prime sponsor; Debbie Driver, Office of the Governor; Mark McKechnie, Washington Traffic Safety Commission; Briahna Murray, City of Tacoma; Rob Karlinsey, City of Kenmore; Axel Swanson, Washington State Association of County Engineers; Tim Burgess, City of Seattle; Brandy DeLange, Association of Washington Cities; David Jones, Cooper Jones Active Transportation Safety Advisory Council; and John Butler, Second Cycle.

(Opposed) David Sedelmeier.

(Other) Jeff DeVere, Washington Council of Police and Sheriffs; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.