
Transportation Committee

HB 1423

Brief Description: Authorizing the use of automated vehicle noise enforcement cameras in vehicle-racing camera enforcement zones.

Sponsors: Representatives Donaghy, Leavitt, Stearns, Davis, Berry, Richards, Fitzgibbon, Ryu, Bronoske, Duerr, Peterson, Reed, Ramel, Doglio, Tharinger, Cortes, Fosse and Pollet.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Authorizes automated vehicle noise enforcement cameras to be used to detect racing of vehicle violations and maximum permissible vehicle equipment sound level violations in zones designated by ordinance as vehicle-racing camera enforcement zones.
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Hearing Date: 1/27/25

Staff: Jennifer Harris (786-7143).

Background:

Authorized Uses and Requirements for Automated Traffic Safety Cameras.

The use of automated traffic safety cameras (traffic safety 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;
- at select locations in cities that are identified as priority locations (1 per 10,000 residents);

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- on state routes within city limits that are classified as city streets;
- in work zones on county roads and city streets;
- on bus rapid transit corridors or routes;
- at certain locations for stopping at intersection and crosswalk, stopping when traffic obstructed, public transportation-only lane use, and stopping or traveling in a restriction lane violations, as well as to detect ferry queue violations; and
- on public transportation vehicle-mounted systems operated by a transit authority within a county with a population of greater than 1.5 million residents.

The local legislative authority with jurisdiction where the traffic safety cameras are to be located must prepare an analysis of the locations within the jurisdiction where traffic safety cameras are proposed to be located before enacting an ordinance authorizing their use, and before adding additional traffic safety cameras or relocating any existing traffic safety camera. The analysis required of a city and county prior to the installation of traffic safety 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 safety cameras. The analysis must show a demonstrated need for traffic safety cameras based on rates of collision reports showing near collisions, travel by vulnerable roadway users, evidence of vehicles speeding, and on anticipated or actual ineffectiveness or infeasibility of other mitigation measures.

An ordinance is required to be enacted in cities and counties with traffic safety cameras installed on or after July 24, 2005. The ordinance must incorporate the restrictions required by state law and provisions for public notice and signage.

The location where the traffic safety camera has been installed must be clearly marked at least 30 days prior to activation of the traffic safety camera through the placement of signs at that location that follows federal guidelines as adopted by the Washington State Department of Transportation. Cities and counties must post traffic safety camera restrictions and requirements, including requirements for public notice and signage, on their websites. Signs required at all locations where traffic safety cameras are used must clearly indicate either that the driver is within an area where traffic safety cameras are authorized or that the driver is entering an area where violations are enforced by a traffic safety camera. The signs must be readily visible to a driver approaching a traffic safety camera. Public transportation vehicles utilizing a vehicle-mounted system must post a sign on the rear of the vehicle indicating that the vehicle is equipped with a traffic safety camera to enforce bus stop zone violations.

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.

Required Reporting.

Cities and counties using traffic safety cameras must post an annual report on their websites that includes the number of traffic collisions that occurred at each location with a traffic safety

camera, the number of notices of traffic infractions issued for each traffic safety camera, and other relevant information. By January 1, 2026, 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 safety 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. a description of the uses of revenues that exceed the costs of operation and administration of the program.

The Washington Traffic Safety Commission (Commission) is required to provide an annual report to the Transportation Committees of the Legislature and to 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 that includes an assessment of the impact of their use;
- information required in city and county annual traffic safety camera reports; and
- information on the number of traffic safety cameras in use by type and location, with an analysis of camera placement in the context of area demographics and household incomes.

To the extent practicable, the Commission must also provide in its annual report the number of traffic accidents, speeding violations, single vehicle accidents, pedestrian accidents, and driving under the influence violations that occurred at each location where a traffic safety camera is located in the five years prior to a traffic safety camera's authorization and following a traffic safety camera's authorization.

Restrictions on Use of Automated Traffic Safety Cameras.

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, electronic images, and other personally identifying information captured by a traffic safety 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, electronic images, and personally identifying information 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.

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). A notice of traffic infraction may be issued by a law enforcement officer or 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. The person 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 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 traffic safety 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 \$145, adjusted for inflation every five years. The maximum penalty amount may be doubled for a traffic safety camera-enforced school speed zone infraction.

Registered owners of vehicles who receive notices of infraction for traffic safety camera-enforced infractions and who are recipients of state public assistance other than Medicaid, and who request reduced penalties, must be granted reduced penalties of 50 percent of what would otherwise be assessed for first traffic safety camera violations and subsequent traffic violations issued within 21 days of the first violation's issuance. 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 safety camera violations.

Automated Traffic Safety Camera Revenue Use.

Revenues generated by traffic safety cameras may only be used by a city or county that collects them for traffic safety activities related to construction and preservation projects and maintenance and operations, and for the costs to administer, install, operate, and maintain traffic cameras, including costs associated with the processing of infractions.

For cities and counties with a population of 10,000 or greater, the revenue used for traffic safety activities 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. Cities and counties with a population of less than 10,000 are required to make revenue use determinations that are informed by the Department of Health's Environmental Health Disparities Map.

Beginning four years after a traffic safety camera is initially placed into use, 25 percent of the revenue generated from traffic safety cameras placed into use (excluding revenue for costs associated with administering, installing, operating, and maintaining traffic cameras), must be deposited in the Cooper Jones Active Transportation Safety Account, except for revenue generated from red light and school zone cameras for existing traffic safety camera programs with:

1. up to a 10 percent increase in camera locations for red light camera and school zone camera programs in place on January 1, 2024, for revenue generated from red light and school zone cameras;
2. up to one additional location added for red light camera and school zone camera programs

- in place on January 1, 2024, with fewer than 10 locations in place as of the effective date of the bill, for revenue generated from red light and school zone cameras; or
3. an ordinance in place on January 1, 2024, directing the manner in which traffic safety camera revenue can be used.

Summary of Bill:

Automated vehicle noise enforcement cameras (noise enforcement cameras), defined as a type of traffic safety camera that use a combination of camera and microphone technologies, are authorized to be used to detect racing of vehicle violations and maximum permissible vehicle equipment sound level violations, subject to the restrictions applicable to traffic safety cameras. Noise enforcement cameras may only be used to detect violations in zones designated by ordinance as vehicle-racing camera enforcement zones.

Noise enforcement cameras may only record audio of the vehicle immediately before, during, and after a violation.

Appropriation: None.

Fiscal Note: Requested on January 21, 2025.

Effective Date: The bill takes effect on January 1, 2026.