

SENATE BILL REPORT

SB 5417

As of February 3, 2025

Title: An act relating to authorizing the use of automated vehicle noise enforcement cameras in vehicle-racing camera enforcement zones.

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

Sponsors: Senators Lovick, King, Orwall and Saldaña.

Brief History:

Committee Activity: Transportation: 2/03/25.

Brief Summary of Bill

- 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 local ordinance as vehicle-racing camera enforcement zones.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Brandon Popovac (786-7465)

Background: Automated Traffic Safety Cameras—Authorized Uses and Requirements.

Automated traffic safety cameras may be used:

- at red light intersections that meet minimum yellow change interval requirements;
- at railroad grade crossings;
- in school speed zones;
- in school walk zones;
- in public park speed zones;
- in hospital speed zones;
- in roadway work zones, when workers are present;

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.

- at select locations to detect speed violations in cities that are identified as priority locations—1 camera per 10,000 residents;
- on state routes within city limits that are classified as city streets;
- on bus rapid transit corridors or routes to detect transit-only lane violations;
- to detect ferry queue violations;
- at certain locations in cities over 500,000 in population for stopping at intersection and crosswalk, stopping when traffic obstructed, public transportation-only lane use, and stopping or traveling in a restricted lane violations; and
- on public transportation vehicle-mounted systems operated by a transit authority within a county with more than 1.5 million in population.

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 must include an assessment of equity considerations, and consider the results of the equity assessment when identifying where to locate traffic safety cameras. The analysis must also 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.

Traffic safety camera locations must be clearly marked at least 30 days before activation 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. Such signs must also 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 also 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 may also be used 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.

Automated Traffic Safety Cameras—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 must also include:

- the percentage of revenues received from fines issued that were used to pay for the costs of the camera program; and
- a description of the uses of revenues that exceed the costs of the camera program.

The Washington Traffic Safety Commission (WTSC) must 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, WTSC 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.

Automated Traffic Safety Cameras—Use Restrictions. Traffic safety cameras may only take pictures of the vehicle and vehicle license plate while an infraction is occurring, and the pictures may 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 necessary for such 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 Cameras—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 the vehicle's renter within 14 days of their 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 they state 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, as 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 Cameras—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 certain maintenance and operations purposes, and for the costs to administer, install, operate, and maintain the cameras, including costs associated with the processing of infractions.

For cities and counties with a population of 10,000 or more, 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 fewer 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 after June 6, 2024, 25 percent of the revenue generated from such camera, excluding revenue for costs associated with administering, installing, operating, and maintaining the camera, must be deposited in the Cooper Jones Active Transportation Safety Account, except for revenue generated from red light and school zone cameras within existing traffic safety camera programs with:

- 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;
- up to one additional location added for red light camera and school zone camera programs in place on January 1, 2024, with fewer than ten locations in place as of June 6, 2024, for revenue generated from red light and school zone cameras; or
- 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 may be used to detect racing of vehicle violations and maximum permissible vehicle equipment sound level violations only in zones designated by local ordinance as vehicle-racing camera enforcement zones, and subject to all other requirements and restrictions applicable to automated traffic safety cameras.

Automated vehicle noise enforcement cameras are defined as devices that use a combination of camera and microphone technologies to capture audio and visual data in an encrypted manner, and may only record audio of the vehicle immediately before, during, and after a violation.

Appropriation: None.

Fiscal Note: Requested on January 28, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Street racing is a growing and deadly problem. The public is experiencing fatigue with its effects, and more enforcement is necessary. The bill builds on last year's traffic safety camera authorization legislation. Noise modification is not necessary for our vehicles. Noise cameras do not require additional law enforcement, and will better deter driving behavior.

Street racing and vehicle noise has been a constant nuisance for locals, with some noises as loud as shotguns. Vehicle noises can reach up to a half-mile radius within certain communities. Street racing and associated noises may cause toxic stress and PTSD at times. The proposed technological solution may be best for enforcement, similar to some jurisdictions using license plate camera technology to help apprehend certain violators. The bill retains protections for civil liberties and rights. The city of Kirkland is currently implementing a noise camera pilot. Street racing impacts learning and cognitive abilities for children.

CON: The bill does not differentiate or standardize acceptable or unacceptable volume levels to determine when a violation occurs. Noise cameras may face challenges identifying violators within crowded situations. The bill does not address longstanding equity issues, as the technology used is more biased than assumed. Noise cameras are likely going to pick up all sounds involved, including those not necessarily tied to the violation.

Persons Testifying: PRO: Senator John Lovick, Prime Sponsor; Ben Zarlingo, Everett, Everett City Council; Rob Saka, Seattle City Councilmember; Sol Keiter, Cithaeron.

CON: Ramona Brandes, Washington Defender Association/Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: No one.