

Proposed Substitute House Bill 1279
(Pink Sub – H-1639.1)

By Representative Ladenburg

Original bill:

- Requires that the duration of a yellow change interval at any traffic control signal be at least as long as the minimum time identified in the MUTCD;
- Requires a jurisdiction to conduct an analysis of proposed camera locations before enacting an ordinance allowing for the use of cameras and before adding new camera locations;
- Expands the use of the cameras to detect speed limit violations on arterial streets adjacent to major transit stations, public parks, or recreation facilities;
- Requires annual reports regarding numbers of traffic accidents at intersections where a camera is located and the number of infractions issued for each camera;
- Allows cameras to be placed at intersections of two or more arterials;
- Restricts the use of cameras when issuing infractions regarding right turn movements that violate crosswalk laws;
- Limits the use of cameras in school speed zones to set hours when people are arriving or leaving the school and to zones marked with approved school zone signs that have flashing lights;
- Requires a 30-day period, after a camera is newly installed or relocated, during which only warnings may be issued; and
- Requires signs placed in camera locations to conform with the MUTCD.

Substitute bill compared to original bill:

- Removes the requirement for the yellow change interval at every traffic control signal, and adds the requirement that the duration of the yellow change interval at traffic signals with cameras be at least as long as the minimum time identified in the MUTCD plus one second;
- Requires a local jurisdiction to discontinue the use of a camera at an intersection before adjusting the yellow change interval, and requires the jurisdiction to comply with the steps for relocating or adding cameras before camera use is resumed at the intersection;
- Limits the use of cameras for stoplight violations to intersections clearly marked with a sign that indicates that an operator of a motor vehicle must come to a full stop before making a right turn movement;
- Removes the expansion that allows the use of the cameras to detect speed limit violations on arterial streets adjacent to major transit stations, public parks, or recreation facilities;
- Limits the use of cameras in school speed zones to set hours when people arrive or leave the school and to zones marked with approved school zone signs that have flashing lights or fixed signs indicating the hours when people arrive and leave the school;
- Requires that for a 30-day period after a fixed camera is newly installed or relocated only warnings may be issued;
- Requires local jurisdictions to use camera revenues for only vendor payments and traffic calming and traffic safety programs;

- Requires a notice of infraction to be reviewed and issued by a law enforcement officer, and requires the officer to use the same discretion in issuing an infraction for a stoplight violation as an officer on patrol;
 - Requires that compensation paid to a traffic camera manufacturer or vendor be a flat fee based only on the value of the equipment and service provided; and
 - Prohibits infractions generated through the use of cameras from being made available to the registered owner's insurance company or employer.
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Committee: House Transportation Committee

Staff: Wendy Malkin (786-7114)

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-1639.1/11

ATTY/TYPIST: BP:lel

BRIEF DESCRIPTION: Concerning traffic safety at certain intersections and on certain streets.

1 AN ACT Relating to traffic safety at certain intersections and on
2 certain streets; amending RCW 46.63.170; and adding a new section to
3 chapter 47.36 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.36 RCW
6 to read as follows:

7 When an automated traffic safety camera, as authorized under RCW
8 46.63.170, is used at an intersection, the duration of a yellow change
9 interval must be at least as long as the minimum yellow change interval
10 identified in the manual of uniform traffic control devices as adopted
11 by the department under this chapter. In addition, one second must be
12 added to the minimum yellow change interval identified in the manual on
13 uniform traffic control devices.

14 If a local jurisdiction determines, based on a traffic engineering
15 study, that the yellow change interval needs to be adjusted at an
16 intersection with an automated traffic safety camera, the local
17 jurisdiction shall discontinue the use of the automated traffic safety
18 camera before the yellow change interval is adjusted. A local
19 jurisdiction may continue the use of an automated traffic safety camera

1 at an intersection with an adjusted yellow change interval if the local
2 jurisdiction meets the requirements for adding additional cameras or
3 relocating existing cameras under RCW 46.63.170.

4 **Sec. 2.** RCW 46.63.170 and 2010 c 161 s 1127 are each amended to
5 read as follows:

6 (1) The use of automated traffic safety cameras for issuance of
7 notices of infraction is subject to the following requirements:

8 (a) The appropriate local legislative authority must ~~((first~~
9 ~~enact))~~ prepare an analysis of the locations within the jurisdiction
10 where automated traffic safety cameras are proposed to be located: (i)
11 Before enacting an ordinance allowing for ~~((their use))~~ the initial use
12 of automated traffic safety cameras; and (ii) before adding additional
13 cameras or relocating any existing camera to a new location within the
14 jurisdiction. Automated traffic safety cameras may be used to detect
15 one or more of the following: Stoplight violations, railroad crossing
16 violations, or school speed zone violations. At a minimum, the local
17 ordinance must contain the restrictions described in this section and
18 provisions for public notice and signage. Cities and counties using
19 automated traffic safety cameras before July 24, 2005, are subject to
20 the restrictions described in this section, but are not required to
21 enact an authorizing ordinance. Beginning one year after the effective
22 date of this act, cities and counties using automated traffic safety
23 cameras must post an annual report of the number of traffic accidents
24 that occurred at each location where an automated traffic safety camera
25 is located as well as the number of notices of infraction issued for
26 each camera and any other relevant information about the automated
27 traffic safety cameras that the city or county deems appropriate on the
28 city's or county's web site.

29 (b) Use of automated traffic safety cameras is restricted to ~~((two-~~
30 ~~arterial))~~:

31 (i) Intersections~~((7))~~ of two or more arterials. Within such
32 arterials, the city or county may use an automated traffic safety
33 camera to issue notices of infraction for stoplight violations only if
34 the intersection is clearly marked with a sign that indicates that an
35 operator of a motor vehicle must come to a full stop before making a
36 right turn movement. In addition, the city or county may use an

1 automated traffic safety camera to issue notices of infraction for
2 right turn movements that are in violation of RCW 46.61.235(1) only
3 after any of the following factors are considered:

4 (A) The operator of the motor vehicle fails to yield to a
5 pedestrian or bicyclist;

6 (B) The operator of the motor vehicle puts a pedestrian or
7 bicyclist in danger of injury as a result of the right turn movement;

8 (C) The operator of the motor vehicle fails to yield to another
9 vehicle; or

10 (D) The operator of the motor vehicle does not substantially reduce
11 the speed of the motor vehicle prior to making the right turn movement;

12 (ii) Railroad crossings((~~7~~)); and

13 (iii) School speed zones, but only if the automated traffic safety
14 camera is restricted to use during hours when adults and children are
15 leaving or arriving at school as indicated by approved school zone
16 signs that flash amber or yellow lights or signs that indicate fixed
17 hours when adults and children leave or arrive at school.

18 (c) When an automated traffic safety camera is used to detect
19 stoplight violations, the yellow change interval for the traffic
20 control signal must be set in accordance with section 1 of this act.

21 (d) During the 2009-2011 fiscal biennium, automated traffic safety
22 cameras may be used to detect speed violations for the purposes of
23 section 201(2), chapter 470, Laws of 2009 if the local legislative
24 authority first enacts an ordinance authorizing the use of cameras to
25 detect speed violations.

26 ((~~d~~)) (e) Automated traffic safety cameras may only take pictures
27 of the vehicle and vehicle license plate and only while an infraction
28 is occurring. The picture must not reveal the face of the driver or of
29 passengers in the vehicle.

30 ((~~e~~)) (f) For thirty days after the ordinance under (a) of this
31 subsection is enacted, only a written or verbal warning may be issued
32 to the registered owner of the vehicle detected for a violation within
33 this thirty-day period. For the first thirty days after fixed
34 automated traffic safety camera is installed in a city or county or an
35 existing automated traffic safety camera is relocated to a different
36 authorized location, only a written or verbal warning may be issued to
37 the registered owner of the vehicle detected by the additional or
38 relocated camera for a violation within this thirty-day period. After

1 this thirty-day period, a notice of infraction must be mailed to the
2 registered owner of the vehicle within fourteen days of the violation,
3 or to the renter of a vehicle within fourteen days of establishing the
4 renter's name and address under subsection (3)(a) of this section. The
5 notice of infraction must be reviewed and issued by a law enforcement
6 officer who must use the same discretion in issuing an infraction for
7 a stoplight violation under (b)(i) of this subsection as an officer on
8 patrol. The law enforcement officer issuing the notice of infraction
9 shall include with it a certificate or facsimile thereof, based upon
10 inspection of photographs, microphotographs, or electronic images
11 produced by an automated traffic safety camera, stating the facts
12 supporting the notice of infraction. This certificate or facsimile is
13 prima facie evidence of the facts contained in it and is admissible in
14 a proceeding charging a violation under this chapter. The photographs,
15 microphotographs, or electronic images evidencing the violation must be
16 available for inspection and admission into evidence in a proceeding to
17 adjudicate the liability for the infraction. A person receiving a
18 notice of infraction based on evidence detected by an automated traffic
19 safety camera may respond to the notice by mail.

20 ~~((f))~~ (g) The registered owner of a vehicle is responsible for an
21 infraction under RCW 46.63.030(1)(e) unless the registered owner
22 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
23 car business, satisfies the conditions under subsection (3) of this
24 section. If appropriate under the circumstances, a renter identified
25 under subsection (3)(a) of this section is responsible for an
26 infraction.

27 ~~((g))~~ (h) Notwithstanding any other provision of law, all
28 photographs, microphotographs, or electronic images prepared under this
29 section are for the exclusive use of law enforcement in the discharge
30 of duties under this section and are not open to the public and may not
31 be used in a court in a pending action or proceeding unless the action
32 or proceeding relates to a violation under this section. No
33 photograph, microphotograph, or electronic image may be used for any
34 purpose other than enforcement of violations under this section nor
35 retained longer than necessary to enforce this section.

36 ~~((h))~~ (i) All locations where an automated traffic safety camera
37 is used must be clearly marked by placing signs in locations that
38 clearly indicate to a driver that he or she is entering a zone where

1 traffic laws are enforced by an automated traffic safety camera. Signs
2 placed in automated traffic safety camera locations after the effective
3 date of this act must follow the specifications in the manual on
4 uniform traffic control devices as adopted by the department.

5 ((+i)) (j) If a county or city has established an authorized
6 automated traffic safety camera program under this section, the
7 compensation paid to the manufacturer or vendor of the equipment used
8 must be a flat fee based only upon the value of the equipment and
9 services provided or rendered in support of the system, and may not be
10 based upon a portion of the fine or civil penalty imposed or the
11 revenue generated by the equipment.

12 (k) A city or county that receives revenue from an automated
13 traffic safety camera program under this section may use the revenue
14 only for traffic calming and traffic safety programs within the
15 jurisdiction, except that the city or county may use the revenue to
16 compensate the manufacturer or vendor of the equipment.

17 (2) Infractions detected through the use of automated traffic
18 safety cameras are not part of the registered owner's driving record
19 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
20 by the use of automated traffic safety cameras under this section shall
21 be processed in the same manner as parking infractions, including for
22 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3).
23 However, the amount of the fine issued for an infraction generated
24 through the use of an automated traffic safety camera shall not exceed
25 the amount of a fine issued for other parking infractions within the
26 jurisdiction. Infractions generated by the use of automated traffic
27 safety cameras under this section must not be made available to the
28 registered owner's insurance company or employer.

29 (3) If the registered owner of the vehicle is a rental car
30 business, the law enforcement agency shall, before a notice of
31 infraction being issued under this section, provide a written notice to
32 the rental car business that a notice of infraction may be issued to
33 the rental car business if the rental car business does not, within
34 eighteen days of receiving the written notice, provide to the issuing
35 agency by return mail:

36 (a) A statement under oath stating the name and known mailing
37 address of the individual driving or renting the vehicle when the
38 infraction occurred; or

1 (b) A statement under oath that the business is unable to determine
2 who was driving or renting the vehicle at the time the infraction
3 occurred because the vehicle was stolen at the time of the infraction.
4 A statement provided under this subsection must be accompanied by a
5 copy of a filed police report regarding the vehicle theft; or

6 (c) In lieu of identifying the vehicle operator, the rental car
7 business may pay the applicable penalty.

8 Timely mailing of this statement to the issuing law enforcement
9 agency relieves a rental car business of any liability under this
10 chapter for the notice of infraction.

11 (4) Nothing in this section prohibits a law enforcement officer
12 from issuing a notice of traffic infraction to a person in control of
13 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
14 (b), or (c).

15 (5) For the purposes of this section, "automated traffic safety
16 camera" means a device that uses a vehicle sensor installed to work in
17 conjunction with an intersection traffic control system, a railroad
18 grade crossing control system, or a speed measuring device, and a
19 camera synchronized to automatically record one or more sequenced
20 photographs, microphotographs, or electronic images of the rear of a
21 motor vehicle at the time the vehicle fails to stop when facing a
22 steady red traffic control signal or an activated railroad grade
23 crossing control signal, or exceeds a speed limit in a school speed
24 zone as detected by a speed measuring device. During the 2009-2011
25 fiscal biennium, an automated traffic safety camera includes a camera
26 used to detect speed violations for the purposes of section 201(2),
27 chapter 470, Laws of 2009.

28 (6) During the 2009-2011 fiscal biennium, this section does not
29 apply to automated traffic safety cameras for the purposes of section
30 218(2), chapter 470, Laws of 2009.

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