



Traffic Camera's SF 220

Status of Bill: Transportation Committee
Committee: Transportation
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Lead Democrats: Rep R. Smith
Floor Manager: Rep Mohr

Background

As of 2018, 8 cities and one county were operating speeding and red light cameras for automated traffic enforcement, for a total of 78 cameras across the state. This number includes stationary and mobile units.

Estimated Violations and Revenues from ATE Devices (as of Jan. 26, 2018)

Table with 8 columns: Local Authority, Fiscal Year, Number of Operating ATEs, Number of Violations Issued, Number of Violations Collected, Base Cost per Violation*, Vendor Revenue, Local Authority Revenue**. Rows include Cedar Rapids, Council Bluffs, Davenport, Des Moines, Fort Dodge, Muscatine, Polk County, Sioux City, Windsor Heights, and Totals.

* Lowest violation amount. Actual violation amounts may increase depending on miles over the legal speed limit.

** Collected revenue may include fine moneys collected through Iowa Offset program for violations issued in prior years.

Source: Local authorities

In 2015 the Iowa Department of Transportation (DOT) ordered 9 cameras be removed from the primary road system because they did not make roads or intersections safer. Three cities (Cedar Rapids, Des Moines, and Muscatine) appealed the DOT's authority to tell a local government how to run their city.

In 2017 the Iowa Supreme Court ruled that the DOT had the authority to regulate the ATEs on the primary road system. Cedar Rapids is still using cameras for data collection but no longer issuing tickets. Polk County did not renew their contract with the ATE device vendor and is no longer issuing citations.

In 2017 a resident of Cedar Rapids appealed her citation all the way to the Iowa Supreme Court and a decision has yet to be announced.

It is important to note that the state does not operate ATEs on the primary road system.

Summary

The bill prohibits the DOT from operating or placing an automated traffic enforcement camera (ATE). A local authority is only allowed to put an ATE with a justification report. The report must be accessible to the public and a public hearing must be held for each proposed location. The legislation also requires that all fines are the same as a fine from a citation from an officer. If a local authority wants to put an ATE on a primary road, they must get approval from the DOT. ATEs are required to be tested for calibration each day and have a monthly schedule by a trained professional in calibration. Local authorities are required to keep record of the daily and monthly calibrations.

Justification Report

A justification report is required to have all the information whether an area is a high risk location or not, and is required to include documentation of the following:

- Existing traffic speeds, traffic volume and roadway/intersection geometry.
- Motor vehicle accident history.
- Identification of safety issues.
- Solution of safety counter measures that local authority has implemented.
- Discussions held and actions taken by local authority.
- Reasons the local authority believes an ATE is needed.

Signage

In order to operate an ATE a local authority must post signage that meets the following requirements:

- Permanent Signs for a fixed unit that makes drivers aware of the ATE and temporary or permanent signs for a mobile unit.
- A person may not be issued a ticket until reviewed by a peace officer.

Revenue

All money, outside of operating expenses, raised from the ATE's is require to be deposited in the local authority's road fund or public safety fund.

Personal Appeal

A person who is issued a citation through an ATE must be allowed to appeal the citation through an impartial body created by a local authority and have the ability to appeal the decision to a district court.

Petition

Local authorities are required to set up an appeal process of the placement of an ATE, appeals are to be for one fixed system or an approved location of a mobile system.

- For a city the petition must be equal or greater than 10% of the turnout of the last city election.
- For a county the petition must be equal or greater to 10% of the number of votes cast in the last presidential election.

The city council or the county board who receives a valid petition is required to vote to either repeal the location of the ATE or to approve the location of the ATE in question. Once the vote has been taken a new petition for the same location is not valid for three years after the date of the vote.

If a local government who violates the rules prescribed in the legislation will not be allowed to operate an ATE for two years and a citizen of the jurisdiction who is found to be in violation is allowed to file suit to prevent local authorities from operating an ATE.

Amendment Summary to SF 220 Traffic Camera's

H-1267 by Highfill of Polk Traffic Camera Ban

This strike after amendment is co-sponsored by 24 Republican House members. This amendment prohibits the use of ATE cameras as well as calls for the removal of all cameras currently in place on or before July 1, 2017.

Secondary Amendment H-8258 by Hinson of Linn

This is essentially the same language from SF 220 with updated technical changes to make correct code references. There is also a provision that presumes school and work zones are high risk and there is a need for a camera.

Secondary Amendment H-8198 by Kauffman of Cedar

Updates code references from 2017 to 2018.

H-1274 by Roger of Black Hawk Sign Requirements

This amendment clarifies that a sign must be at least 800 ft. but no more than 1,000 ft. in advance of either a fixed or mobile camera. The amendment also requires the sign must be posted adjacent to the system where in use.

The amendment also requires that a sign is in clear and present view of the driver and must indicate how far the sign is from the ATE.

H-1441 by Landon of Polk

The amendment allows for the DOT to review the ATEs on a primary road system and require the removal or modification of them by a local authority. Any ATE being operated prior to July 1, 2017 is allowed to continue in operation, but once that ATE is discontinued or altered must get permission from the DOT.

This amendment requires the removal of ATEs on primary roads on or before July 1, 2019 as well as the removal of current systems places on the primary road system.

The amendment also makes all local ordinances governing ATEs null and void on or after July 1, 2017, this includes citations. Citations prior to July 1, 2017 are still in effect.

The amendment changes the effective date of the legislation to upon enactment.

H-8257 by Hinson of Linn

This amendment is the same as Representative Hinson's secondary amendment.