

Date of Hearing: June 17, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

SB 1297 (Allen) – As Amended April 11, 2024

SENATE VOTE: 36-3

SUBJECT: The City of Malibu’s speed safety system pilot program

SUMMARY: Authorizes the City of Malibu to establish a speed safety system pilot program on the Pacific Coast Highway (PCH).

Specifically, **this bill:**

- 1) Allows the City of Malibu to establish a program for speed enforcement that uses up to five cameras on PCH, requires the program to clearly identify the presence of the speed safety system using enhanced signage, flashing beacons, and speed feedback signs, requires regular inspection and calibration of the cameras, and , and requires the City of Malibu to continue funding additional traffic enforcement by the California Highway Patrol. The program can operate for five years or until January 1, 2032, whichever is earlier.
- 2) Includes the following provisions that are nearly identical to the existing speed safety pilot program in Los Angeles, *et al.*:
 - a) Requires the local authority to develop and make available for public review a Speed Safety System Impact Report prior to implementing the program to assess any impact on civil liberties, including a description of the program, program cost, if potential deployment locations are predominantly in low-income neighborhoods, and a determination of why those locations experience high fatality and injury collisions due to unsafe speed;
 - b) Requires that a public information program at least 30 days prior to the implementation of the camera program and that for the first 60 days of enforcement only warning notices be issued;
 - c) Requires that the local authority establish guidelines for the screening and issuing of notices of violation and for the processing and storage of confidential information. The notice shall include a clear photograph of the license plate and rear of the vehicle only, the Vehicle Code violation, the location, and the date and time the violation occurred;
 - d) Provides for a fine to the registered owner of the vehicle of \$50 for a speed violation from 11 to 15 mph over the posted speed limit, \$100 for a speed violation from 16 to 25 mph over the posted speed limit, \$200 for a speed violation of 26 mph or more over the posted speed limit, and \$500 for traveling at a speed of 100 mph or greater. The fine is a civil penalty and shall not result in a loss of the driving privilege or in a violation point being assessed against the violator;
 - e) Requires indigent individuals be offered community service in lieu of the fine, or the fine is reduced by 80%. The fine is reduced by 50% for individuals up to 250% above the federal poverty level;
 - f) The vehicle’s first violation results in a warning, not a fine, if that violation is for driving not more than 15 mph over the posted speed limit.

- g) Establishes a process where the registered owner can request a review of the fine by the issuing agency and a hearing on the fine by the issuing agency;
- h) Establishes that the photos and administrative records shall be confidential, and that public agencies shall use and allow access to these records only for the purposes of the automated speed enforcement system. Limits on how long records can be retained are established and disclosures to others prohibited;
- i) Provides that a person will not be subject to a civil violation if there is proof the vehicle was being used by someone sharing their vehicle in a personal vehicle sharing program or if proof of a copy of a police report indicating the vehicle had been stolen at the time of the violation, in addition to the existing provision for the owner of a rental car;
- j) Requires speed safety systems to be placed in locations that are geographically and socioeconomically diverse;
- k) Requires, to the extent feasible, for the speed safety system camera to be angled and focused so as to only capture photographs of speeding violations and not capture identifying images of other drivers, vehicles, or pedestrians; and,
- l) Requires the revenue raised by speed cameras to first be spent on implementing the program and then be spent on traffic-calming measures. Funds not spent within three years are required to be sent to the Active Transportation Program (ATP).

EXISTING LAW:

- 1) Authorizes the cities of Los Angeles, San Jose, San Francisco, Oakland, Long Beach and Glendale to establish a five year speed safety system pilot program. (Vehicle Code section (VEH) 22425)
- 2) Authorizes the use of automated traffic enforcement systems (i.e., red light cameras) at railroad crossings and intersections to record violations of unlawful grade crossings and running of red lights. (VEH 21455.5)
- 3) Establishes ATP, a grant program administered by the California Transportation Commission to encourage increased use of active modes of transportation, such as walking and biking. (Streets and Highway Code Section 2380)

FISCAL EFFECT: Unknown

COMMENTS: Last year AB 645 (Friedman) Chapter 808, Statutes of 2023 was enacted which established a speed safety system program in California and authorized the cities of Los Angeles, San Jose, San Francisco, Oakland, Long Beach and Glendale to operate a limited number of speed safety systems for five years, or until January 1, 2032, whichever is sooner.

As of the writing of this analysis, none of the cities have begun to pilot speed cameras. San Jose was recently awarded nearly \$9 million from a federal grant to purchase speed safety systems under a program created by the bipartisan Infrastructure Investment and Jobs Act (IIJA). San Jose and San Francisco have indicated that their programs will likely start either at the end of this year or at the beginning of next year.

According to the author, “The evening of October 17, 2023, a young man speeding at 104 miles per hour on PCH (PCH) in the City of Malibu lost control of his vehicle and killed four Pepperdine University students standing on the side of the highway. Since 2010, 59 people have

been killed in vehicle accidents along the same beautiful but exceedingly dangerous 21-mile stretch of highway. Crash data from the Los Angeles County Sheriff shows that in 2023 alone there were 127 property damage collisions, 93 injury collisions, and seven deaths. A primary factor in all of these incidents was high vehicle speed.

SB 1297 will allow the usage of speed cameras on State Highway 1, PCH, and a portion of Lincoln Boulevard through the cities of Malibu and Santa Monica as well as State Highway 2, Santa Monica Boulevard, through West Hollywood and Beverly Hills. The bill will also provide an additional tool for cities to lower speed limits on state highways like PCH to further increase safety and reduce speeds.”

This bill is nearly identical to AB 645, and allows the City of Malibu to use five cameras on its 20-mile stretch of the PCH. Unlike AB 645 which authorizes speed cameras on local streets and roads, this bill authorizes speed cameras on a state highway. Malibu recently entered into an agreement with CHP for additional enforcement officers on the PCH, and this bill requires them to maintain that commitment for the life of the pilot program.

Speed safety systems can save lives. According to The National Transportation Safety Board (NTSB), a 2010 review of 28 studies of ASE in the United States, Canada, Europe, Australia, and New Zealand determined a lower number of crashes in automated speed enforcement (ASE) areas after ASE implementation. These studies reported reductions of 8% to 49% for all crashes and reductions of 11% to 44% for crashes causing serious injuries or fatalities

Since June 2020, New York City has deployed 750 speed cameras in school zones that were authorized to be used from 6 A.M. to 10 P.M. on weekdays (as of August 2022 cameras are now permitted to operate 24/7). As of December 2021, speeding at fixed camera locations had dropped, on average, 73%. In the eight full calendar years New York City's speed camera program has been in operation, 46% of plates receiving a Notice of Liability have not received a second. An additional 19% received no more than two over this period. From 2018 to 2020 New York City saw a 35.3% decrease in injuries in areas where new speed cameras were installed.

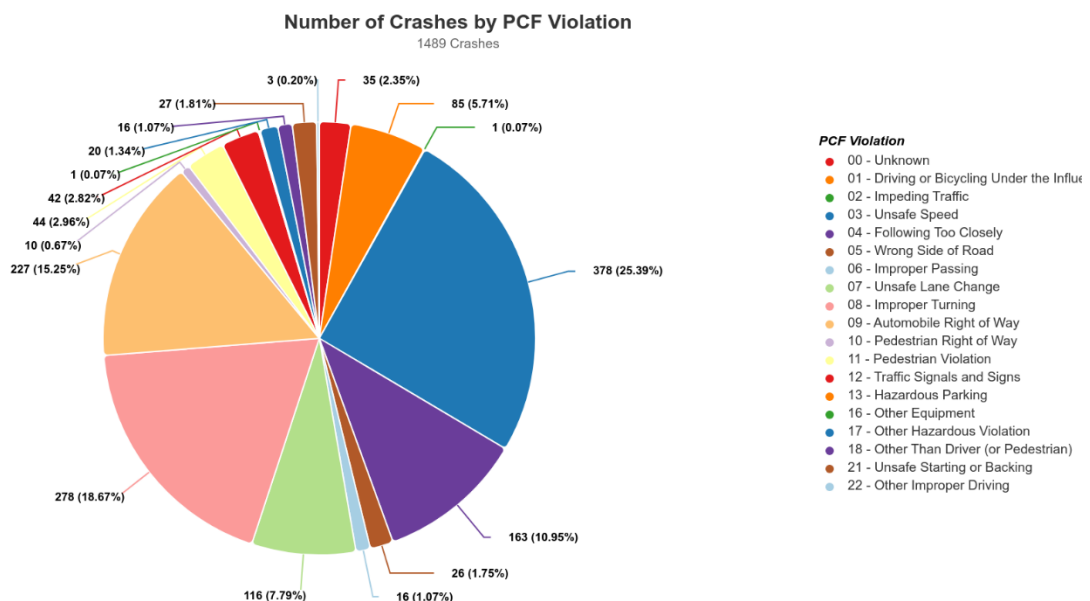
Achieving vision zero. Between 2000 and 2018, over 660,000 people were killed in vehicle collisions. According to the National Safety Council, vehicle miles traveled dropped 13% in 2020, but the mileage death rate went up 24%, the highest estimated year-over-year jump in 96 years. Over 42 thousand Americans lost their lives to traffic collisions in 2020, and an estimated 4.8 million road users were seriously injured last year. According to the Governors Highway Safety Association, the number of pedestrian fatalities in the United States has grown sharply. Between 2009 and 2018, pedestrian fatalities increased 53%. This is during a time when all other traffic-related deaths increased by 2%. In 2018, 17% of all traffic fatalities were pedestrians, compared to 12% in 2009.

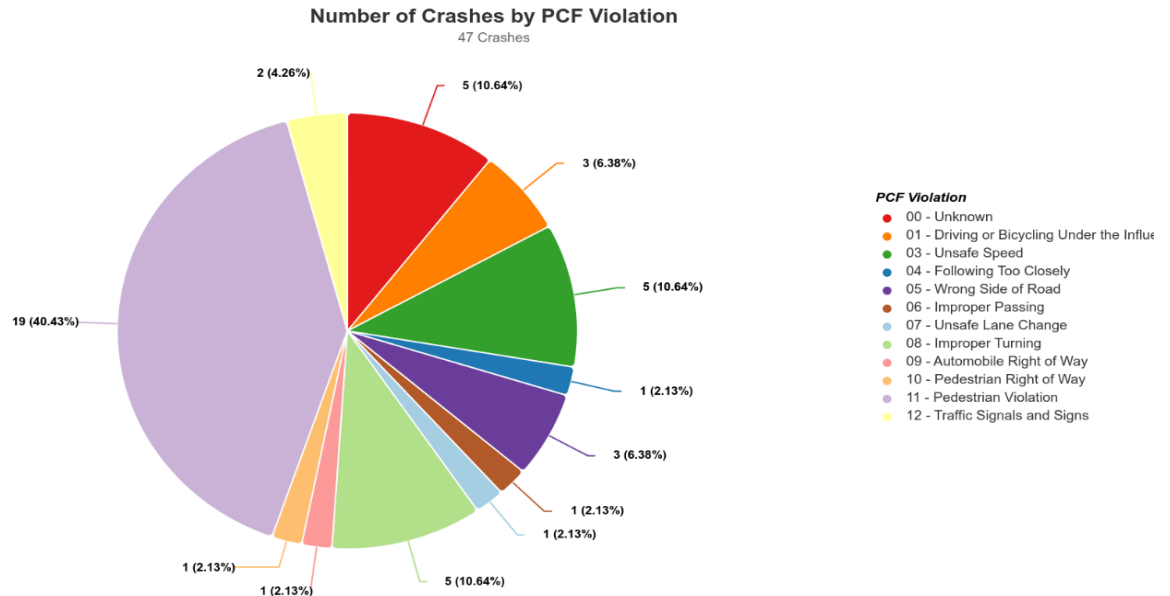
According to the National Transportation Safety Board (NTSB), from 2005-14, crashes in which a law enforcement officer indicated a vehicle's speed was a factor resulted in 112,580 fatalities, representing 31% of all traffic fatalities. NTSB notes that speeding increases the risk of a crash and the severity of injuries. According to the Office of Traffic Safety crash ranking results, the six pilot cities in this bill saw a total of 4,795 speed-related traffic injuries and fatalities in 2020 alone, with 3,297 occurring in the City of Los Angeles.

More recently, the United States Department of Transportation (USDOT) introduced the National Roadway Safety Strategy (NRSS). Under the NRSS, USDOT has set a goal to strive for zero roadway fatalities. Zero is the only acceptable number of deaths on our highways, roads, and streets. The USDOT is committed to taking substantial, comprehensive actions to significantly reduce serious and fatal injuries on the Nation's roadways. Reaching zero will require USDOT to work with the entire roadway transportation community and the American people to lead a significant cultural shift that treats roadway deaths as unacceptable and preventable. To achieve this goal, USDOT is adopting a safe systems approach, with the principles that death and serious injuries are unacceptable, humans make mistakes, humans are vulnerable, responsibility is shared, safety is proactive, and redundancy is crucial. USDOT recommends states implement the use of ASE. In addition, USDOT recommends states implement traffic calming measures to slow cars down to make things safer for pedestrians. Some of the most dangerous roads in California and in the United States are in minority communities and as a result, people of color are disproportionately affected by traffic collisions.

According to NRSS, African Americans, Latinos, and Native American, pedestrians are more likely to be killed in a traffic collision. According to the UCLA Lewis Center Policy Brief, *The Need to Prioritize Black Lives in LA's Traffic Safety Efforts*, "In terms of fatalities, 43% of all victims who were killed in this dataset were walking. One in four fatal victims represents a Black or Latino/a pedestrian." The brief found that African Americans make up 9% of the city of LA's population, but 16% of the traffic fatalities and 14% of the injuries caused by vehicle crashes. The requirement for traffic calming measures to be added to areas where speed cameras exist and fail to curb speed violations should also help make these roads safer.

Pacific Coast Highway: The PCH in Malibu is a particularly deadly stretch of highway. From 2012 to 2023 2,272 people were injured or killed on PCH in Malibu. 49 people were killed and 209 were seriously injured. Speeding was the primary factor in 25% of all crashes on PCH and the primary factor in 10% of the fatal crashes as shown in the figures below. Moreover, 21 of the 49 killed were pedestrians.





The City of Malibu, writing in support of this bill, argues “Over the past five years Malibu has had the highest number of fatalities and serious injuries resulting from vehicle crashes among similarly sized cities. Compared to all cities of every size, Malibu is ranked 91st highest out of 482 cities despite being one of the smallest cities in the state. Since 2010, 59 people have been killed in vehicle accidents along the PCH in Malibu. Crash data from the Los Angeles County Sheriff shows that in 2023 there were 127 property-damage collisions, 93 injury collisions, and seven deaths, and most recently, on October 17, 2023, a driver speeding at 104 miles per hour on PCH in the City of Malibu lost control of his vehicle and killed four university students standing on the side of the highway.

To address its traffic safety problem Malibu has contracted additional traffic patrols from the Los Angeles County Sheriff and, more recently, from the California Highway Patrol, however, additional measures are needed. SB 1297 seeks to address this urgent issue by building off previous legislation to establish an automated speed enforcement system for portions of PCH, which will help deter and reduce speeding, leading to fewer collisions and fatalities.”

In 2015 the City of Malibu issued a PCH Safety Study to identify safety countermeasures to reduce fatalities on PCH. According to a letter from the Department of Transportation (Caltrans) addressed to the author, Caltrans has identified the five most impactful multimodal safety enhancements for PCH, including pedestrian hybrid beacons, roundabouts, bicycle lanes, walkways, and bus stop enhancements/relocations. Caltrans has used its emergency contracting authority to execute a contract for \$4.25 million to upgrade crosswalks, traffic signs, pavement markings, road delineations, and traffic signals to improve safety. Caltrans plans on installing 13 electronic feedback signs, 10-speed bars near curves and intersections, and a full pedestrian signal.

Safer Streets LA, opposing this bill, argues “Before considering additional enforcement in the form of automated ticketing machines, Caltrans should take all reasonable measures to employ engineering safety countermeasures along PCH in Malibu. A recent news report revealed that in 2015, Caltrans produced a study on safety issues on this stretch of roadway. The report listed 130 recommendations for improvements, but Caltrans only implemented 11 of those 130 recommendations.

It is almost a certainty that proper engineering will prove to be much more effective in improving real-time speed compliance than issuing automated tickets weeks after an alleged violation. Until these types of low-cost improvements are installed and evaluated on PCH, it is premature to consider breaking prior agreements and expanding the Speed Ticketing Camera Pilot Program authorized under AB-645.”

Committee concerns: Speeding was the primary factor in 25% of all crashes on PCH and 10% of all traffic fatalities. While speed cameras may provide a safety benefit to this dangerous corridor, the design of the road itself is likely the primary cause of the vast majority of the deaths. The vast majority of pedestrians killed were for unsafe crossings. More needs to be done to create safe spaces for pedestrians to cross PCH as indicated in the 2015 Malibu PCH Safety Study, including pedestrian signals, roundabouts, sidewalks, and an underpass for pedestrians to cross from the shopping centers to the beach.

Freeways have unique characteristics that are different from local streets and roads. PCH is unique from most freeways in that pedestrians have the desire to cross it at certain sections to access the ocean or retail along the highway.

The Legislature should have a broader discussion on what a pilot program for speed cameras on freeways should look like and consider this stretch of the PCH in those conversations.

Related legislation: AB 2809 (Haney of 2024) would have authorized the California Transportation Agency to establish a speed safety system pilot program in work zones. That bill was not set for a hearing in this committee.

AB 645 (Friedman) Chapter 808, Statutes of 2023 established a speed safety system pilot program in six specified cities.

SB 1509 (Stern of 2024) creates a rebuttable presumption that driving at a speed that exceeds the posted speed limit by 26 miles per hour or more on a highway with a posted speed limit of 55 miles per hour or less is reckless driving. That bill is pending before this committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Automotive Innovation
City of Malibu
League of California Cities
Los Angeles County Sheriff's Department
Office of Los Angeles County Supervisor, Lindsey P. Horvath
Streets are For Everyone
Streets for All
Steets are for Everyone
Sunset Mesa Property Owners Association
West Hollywood Bicycle Coalition

Opposition

ACLU California Action
Electronic Frontier Foundation
Peace Officers Research Association of California
Safer Streets LA

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