

Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 289 (Haney) – As Amended March 24, 2025

SUBJECT: State highway work zone speed safety program.

SUMMARY: Authorizes the Department of Transportation (Caltrans) to establish a five year work zone speed safety pilot program to enforce speeding violations in highway maintenance and construction work zones using speed safety systems. Specifically, **this bill:**

- 1) Authorizes Caltrans to deploy 75 speed safety systems to enforce speed limits in state highway work zones.
- 2) Provides that a speed safety system may only issue citations when construction or maintenance workers are present.
- 3) Includes the following provisions that are nearly identical to the existing speed safety pilot program on the Pacific Coast Highway (PCH) in Malibu, *et al.*:
 - a) Requires every speed safety system to have a sign stating “photo enforced” along with the speed limit signs with flashing beacons and speed feedback signs, no more than 500 feet before the placement of the system;
 - b) Requires 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 the following fines to the owner of the registered vehicle:
 - i. \$50 for a speed violation from 11 to 15 mph over the posted speed limit;
 - ii. \$100 for a speed violation from 16 to 25 mph over the posted speed limit;
 - iii. \$200 for a speed violation of 26 mph or more over the posted speed limit; and,
 - iv. \$500 for traveling at a speed of 100 mph or greater.
 - e) 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;
 - f) 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;
 - g) 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;
 - h) 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;

- i) 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;
 - j) 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;
 - k) Requires speed safety systems to be placed in locations that are geographically and socioeconomically diverse; and,
 - l) 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.
- 4) States that it is the intent of the legislature to supplement, and not supplant, existing traffic enforcement efforts in highway construction and maintenance zones.
- 5) States that it is the intent of the Legislature that Caltrans expend for purposes of the enhanced traffic enforcement in construction and maintenance zones an amount not less than its expenditures for the Construction Zone Enhanced Enforcement Program and the Maintenance Zone Enhanced Enforcement Program in the 2023-2024 fiscal year.
- 6) Continuously appropriates citation revenue to the Safe Highway Work Zone Account. Funding is directed towards the Construction Zone Enhanced Enforcement Program (COZEEP) and the Maintenance Zone Enhanced Enforcement Program (MAZEEP)
- 7) Requires Caltrans to issue a report two years after the program has been implemented and annually thereafter with the following information:
- a) The number and proportion of vehicles speeding in state highway work zones were deployed by the mph over the speed limit;
 - b) The number of notices of violation issues under the program by month and year, where the violations occurred, and the number of vehicles with two or more violations in the same location over a monthly period and a yearly period;
 - c) Data on the number of traffic collisions that occurred in state highway work zones where speed safety systems were used, relative to date in all state highway work zones, as specified;
 - d) The number of violations paid, the number of delinquent violations, and the number of violations for which an initial review is requested, as specified;
 - e) The costs associated with implementation and the revenues collected; and,
 - f) The number of notices of violations issued to indigent individuals, the number of notices of violations issued to individuals up to 250% above the poverty line, and the number of violations issued to vehicles registered in Each California Zip Code.

- 8) Provides that the speed safety system under this pilot may operate for five years, or until January 1, 2032, whichever is sooner.

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 (VEH) Section 22425)
- 2) Authorizes the City of Malibu to establish a five year speed safety system pilot program on Pacific Coast Highway. (VEH 22435)
- 3) 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)

FISCAL EFFECT: Unknown

COMMENTS: AB 645 (Friedman) Chapter 808, Statutes of 2023 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. AB 645 explicitly prohibited cities from operating cameras on roads where the California Highway Patrol (CHP) had jurisdiction, and limited camera placement to the cities high injury networks, school zones and streets with a high number of calls for motor vehicle exhibitions of speed and speed contests. SB 1297 (Allen), Chapter 631, Statutes of 2024 created a separate pilot program for the city of Malibu to operate five speed safety systems on the Pacific Coast Highway.

As of the writing of this analysis, only San Francisco has 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 has indicated that their program will likely start this year.

According to the author, “AB 289 is a significant step toward safeguarding the lives of construction workers on our highways, where speeding vehicles pose a significant risk to both workers and motorists. By harnessing the proven effectiveness of Automated Speed Enforcement (ASE), AB 289 will save lives by reducing construction zone crashes and creating a safer environment for California’s highway construction workers and drivers.”

This bill allows Caltrans to use speed cameras in work zones where maintenance and construction crews are actively working. This bill is nearly identical to AB 645 and SB 1297, and authorizes the use of up to 75 speed safety systems, or around 10% of the total number of active construction zones in the state. Unlike AB 645 which authorizes speed cameras on local streets and roads, this bill authorizes speed cameras on a state highway.

Speed safety systems can save lives. According to The National Transportation Safety Board (NTSB), a 2010 review of 28 studies of automated speed enforcement (ASE) in the United States, Canada, Europe, Australia, and New Zealand determined a lower number of crashes 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.

According to the National Highway Traffic Safety Administration (NHTSA) “Crash-based evaluations from the United States and Canada have also reported safety benefits from speed safety cameras programs in urban areas. Shin et al. (2009) examined effects of a fixed camera enforcement program applied to a 6.5-mile urban freeway section through Scottsdale, Arizona. The speed limit on the enforced freeway was 65 mph; the enforcement trigger was set to 76 mph. Total *target* (off-peak/free-flow) crashes were reduced by an estimated 44 to 54%, injury crashes by 28 to 48%, and property damage only crashes by 46 to 56% during the 9-month program period.”

Transportation California, California Alliance for Jobs, and the State Building and Construction Trades Council of California, *writing in support of this bill*, argue “Highway construction and maintenance work is one of the most hazardous occupations in the United States. In 2021, more than 9,500 collisions occurred in construction zones on California highways. This resulted in an estimated 2,971 injuries and 73 fatalities, including both construction workers and drivers.

While contractors, labor unions, state agencies, and law enforcement are doing everything in their power to keep workers safe, highway construction zones continue to be dangerous for our workers who risk injury and death by speeding vehicles.

National data from the Bureau of Labor Statistics (BLS) show that construction and extraction and transportation and material moving—both sectors which are involved in highway construction work—are among the most dangerous occupations, trailing only farming, fishing and forestry in the rate of work-related deaths. BLS data also demonstrate the disproportionate rate of workplace fatalities, with Black and Latino workers experiencing a higher rate of fatal injuries than workers at large.

Notably, transportation incidents were the highest cause of fatalities for both groups, accounting for the deaths of 278 Black workers and 439 Latino workers in 2022. While these statistics include occupations beyond those which are directly involved in highway construction projects, they demonstrate the unique risks faced by California’s diverse construction industry workforce.

While numerous safety initiatives have been proposed and implemented in highway work zones over the last two decades, one proven safety countermeasure has been unavailable in California. Automated speed enforcement is proven to reduce speeds, increase driver safety, and save lives. In response to the increasing fatal crashes and injuries in work zones, at least 16 other states have implemented ASE through active construction work zones. In recognition of the well-documented safety benefits of automated speed enforcement, the Federal Highway Administration identified speed safety cameras as a proven safety countermeasure in 2021. This evidence-based designation, as well as related federal statute and guidance, ensures that speed safety cameras can be funded from federal transportation revenues available to the State of California from the Infrastructure Investment and Jobs Act (Pub. L. 117-58) via the Highway Safety Improvement Program (23 U.S.C. 148).”

Fourteen states currently have permanent or pilot programs authorizing the use of speed safety cameras in work zones. According to a report issued by the Delaware Department of Transportation, the speed safety cameras resulted in a 46% reduction in total crashes and a 38%

reduction in injury crashes. The average speed was reduced by nearly six mph. According to the Pennsylvania Department of Transportation, in the three years prior to the implementation of their pilot program, an average of 1,800 crashes occurred annually in work zones. By 2022 and 2023, three and four years into the program, the number crashes were reduced to below 1,300. The total percentage of speeding vehicles in camera enforced work zones dropped 29%. In July of 2022 only 15% of drivers were going over the speed limit.

The National Motorists Association, *writing in opposition to this bill*, argues “Notwithstanding the claims made by the bill’s author and proponents, severe injuries and fatalities involving highway construction and maintenance workers due to motorists speeding in state highway work zones are, thankfully, relatively rare.

Proponents of work zone ticketing cameras make the erroneous assumption that motorists driving at excessive speeds in work zones cause a significant number of injuries and fatalities to highway construction workers. We have shown this assumption to be false. However, one should not entirely discount concerns regarding highway worker safety due to motorists traveling within the work zone. If officials desire closer adherence to the work zone speed limit, Caltrans should employ additional engineering countermeasures to gain greater compliance. These engineering solutions are at least as effective, if not more effective, than sending a ticket in the mail weeks after an alleged violation, and they have the added benefit of providing real-time protection to workers.”

The New York Department of Transportation notes that “According to the Fatality Analysis Reporting Systems (FARS) from the National Highway Traffic Safety Administration, in 2020, 863 people died in 780 fatal crashes in work zones nationally, marking a 10-year high for deaths and crashes in road construction areas. These deaths occur not only to workers within the work zone, but also to the motorists involved in the crash.”

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.

COZEEP and MAZEEP: AB 645 and SB 1297 directed excess revenue from speeding citations to go towards traffic calming measures. This bill directs excess revenues to COZEEP and MAZEEP. These programs pay for CHP officers to be present at construction and maintenance zones while workers are present.

According to Caltrans Construction Manual, “Caltrans and the CHP have an interagency agreement that is the basis COZEEP and MAZEEP. It is an enhancement tool for construction zones and is not intended as a replacement for other temporary traffic control measures. Caltrans contracts, procedures, and guidelines form the basis for traffic-control measures throughout its construction projects and establish a baseline for operations statewide. COZEEP is not a baseline measure—an important fact when resources are limited and CHP personnel may not be available when requested. Under the agreement, Caltrans pays the CHP for furnishing officers and cars for construction zones.”

Caltrans engineers are required to consider using COZEEP and MAZEEP under the following circumstances: temporary full freeway closures of all lanes in the same direction of travel, nighttime closures of two or more lanes on a freeway with three or more lanes of travel in the same direction, or other closures determined on a project-specific basis.

Related legislation: AB 1379 (Nguyen) of 2025 adds the city of Sacramento to the pilot program established by AB 645. That bill is pending in this committee.

SB 720 (Ashby) of 2025 authorizes the use of red light cameras to issue civil instead of criminal violations for failing to obey a traffic signal.

SB 1297 (Allen), Chapter 631, Statutes of 2024 created a pilot program for the city of Malibu to operate five speed safety systems on the Pacific Coast Highway.

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

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.

REGISTERED SUPPORT / OPPOSITION:

Support

AAA Northern California, Nevada, & Utah
Associated General Contractors of California
Automobile Club of Southern California
California-Nevada Conference of Operating Engineers
California Alliance for Jobs
California Asphalt Pavement Association
California Construction & Industrial Materials Association
California State Council of Laborers
Peace Officers' Research Association of California
Rebuild So-Cal Partnership
SMART Transportation Division—CA State Safety and Legislative Board
Southern California Contractors Association
State Building and Construction Trades Council of California
Transportation Authority of Marin
Transportation California
United Contractors

Opposition

National Motorists Association

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