

Date of Hearing: April 26, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 550 (Chiu) – As Amended April 15, 2021

**SUBJECT:** Vehicles: Speed Safety System Pilot Program

**SUMMARY:** Establishes a five-year pilot program to give local transportation authorities in the Cities of San Jose, Oakland, Los Angeles, two unspecified southern California cities, and the City and County of San Francisco the authority to install speed safety systems. Specifically, **this bill:**

- 1) Authorizes a five-year speed safety system pilot program, from 2022 to 2027, in San Jose, Oakland, Los Angeles, two unspecified southern California cities and San Francisco to enforce speed limits on no more than 15% of their streets in the following areas:
  - a) Within 2,500 feet of a school.
  - b) Within 2,500 feet of a senior zone.
  - c) Within 2,500 feet of a public park.
  - d) Within 2,500 feet of a recreational center.
  - e) On a street meeting the standards of a high injury network, as defined by the Department of Transportation.
- 2) Defines a “speed safety system” as a fixed or mobile radar or laser system or any other electronic device that utilizes automated equipment to detect a violation of speeding laws and is designed to obtain a clear photograph, video recording, or other visual image of a vehicle license plate and defines “automated speed violation” as a violation of a speed law detected by a speed safety system operated pursuant to this article.
- 3) Specifies that speed safety systems are not to be operated on any California state route, including all freeways and expressways, U. S. Highway, Interstate Highway or any public road in an unincorporated county where the Commissioner of the California Highway Patrol (CHP) has full responsibility and primary jurisdiction for the administration and enforcement of the laws, and for the investigation of traffic accidents.
- 4) Provides that a speed safety system shall not continue to operate on any given street if within the first 18 months of installation of a system, at least one of the following thresholds has not been met:
  - a) Percentage of automated speed violations decreased by at least 25%.
  - b) Percentage of violators who received two or more violations decreased by at least 50%.

- 5) Provides that the cameras may continue to operate if traffic calming measures are added to the street and authorizes the cameras to continue to be used for up to two years, with a vehicle speed feedback sign while traffic calming measures are being planned or constructed. If construction of traffic calming measures has not begun within two years, use of cameras shall be halted. If violations do not decrease one year after traffic calming measures have been added, then a city or county shall either construct additional traffic-calming measures or cease operation of the system on that street.
- 6) Defines “traffic calming measure” to include, but not be limited to: bicycle lanes, chicanes, chokers, curb extensions, median islands, raised crosswalks, road diets, roundabouts, speed humps or speed tables, traffic circles.
- 7) Permits the use of speed safety systems in school zones two hours before school and two hours after school where the posted speed limit is 30 mph or higher when children are not present.
- 8) Prohibits the use of mobile systems for the first two years of the pilot.
- 9) Provides that speed safety systems must:
  - a) Clearly identify the presence of the fixed or mobile speed safety system with signs stating “Photo Enforced,” along with the posted speed limit. The signs must be visible to traffic and posted at all locations, as determined by Caltrans and the local California Traffic Control Devices Committee;
  - b) Identify vehicles containing a mobile speed safety system with distinctive markings, including information that the system is being operated for “Photo Enforcement” purposes, identify the streets or portions of streets that have been approved for ASE, and post the locations and hours of enforcement on the municipality’s Internet website.
  - c) Use properly trained designated municipal employees, as specified, to operate the speed safety systems and make determinations on when notices of violation should be issued. Requires training and proof of successful completion of peace officer and municipal training to be retained by the pilot cities, as specified.
  - d) Ensure regular inspection and certification of the speed safety system to ensure proper calibration; conduct an annual inspection by independent calibration laboratory; and document the inspection, operation, and calibration of the speed safety system.
  - e) Use fixed and mobile speed safety systems that provide real-time notification when violations are detected.
- 10) Requires the pilot cities to meet several consumer protection and privacy conditions:
  - a) Conduct a public information campaign for 30 days before deployment.
  - b) Only issue warning notices during the first 30 days of enforcement.

- c) Prior to implementation, adopt a Speed Safety System Use Policy and a Speed Safety System Impact Report and work collaboratively with relevant local stakeholder organization, including racial equity, privacy protection, and economic justice groups to develop these.
- d) Include a clear photograph, video recording, or other visual image of the license plate and rear of the vehicle only, a citation of the law violated, the camera location, and the date and time when the violation occurred. Notices of violation must exclude images of the rear window area of the vehicle.
- e) Keep speed safety system data and records confidential, except as required by the Public Records Act. The pilot cities are permitted to retain speed safety system data and evidence for 60 days and speed safety system administrative records for 120 days following final disposition of a violation, but are required to destroy any speed safety system data within five days if the data shows no evidence of a speeding violation.
- f) Give the registered owner of the vehicle or an individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation the right to review the photographic, video, or visual evidence of the alleged violation.
- g) Prohibits the use of facial recognition software.
- g) Require information collected and maintained using an speed safety system to be used only to administer an speed safety system program and prohibits disclosure to any other person, including a state or federal agency, except as required by law, court order or subpoena.
- h) Meet vendor contracting requirements, as specified, including a requirement that any speed safety system data collected is confidential and may not be shared, repurposed, or monetized for purposes other than speed safety system enforcement.
- i) Issue violations only for violation of speeding 11 mph or more over the posted speed limit, that carry a civil penalty of \$50, \$100, \$200 or \$500, cannot be used to suspend or revoke a driver's license, and cannot be used to assess a point against the driver.
- j) Issue no more than one notice of violation for a specific vehicle within a given 24-hour period; and provide an appeals process, as specified, including a diversion program for indigent violators, as specified.
- k) Use revenues from the speed safety system to recover program costs, build traffic calming measures, with excess revenue after three years going to the state's Active Transportation Program (ATP).
- l) Submit a Speed Safety System Report to the Legislature after the fifth and final year of the pilot.
- m) Requires the pilot cities to reduce ticket fines and penalties by 80% for people with household incomes less than 125% of the Federal Poverty Level and for people who receive CalFresh benefits, Supplemental Security Income (SSI), or Medi-Cal benefits, and by 50% for those living 200% above the federal poverty line.

- 11) Makes various findings and declarations regarding development of an ASE program in the City of San Jose and the City and County of San Francisco.

**EXISTING LAW:**

- 1) Establishes a “basic speed law” that prohibits a person from driving a vehicle at a speed greater than is reasonable or prudent given the weather, visibility, traffic, highway conditions, and in no event at a speed that endangers the safety of persons or property.
- 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.
- 3) Requires a peace officer or “qualified employee” of a law enforcement agency to review the photograph taken by an automated traffic enforcement system and issue a citation, as appropriate.
- 4) Conditions the use of red light cameras on several requirements and procedures, including the following:
  - a) Only a governmental agency in cooperation with a law enforcement agency may operate a system.
  - b) Intersections equipped with the enforcement systems must be identified by signs visible to traffic in all directions or by signs posted at all major entrances to the participating city.
  - c) The city council or county board of supervisors must conduct a public hearing on the proposed use of an automated enforcement system.
  - d) Use of the system must be preceded by public notice by the local jurisdiction at least 30 days in advance, and only warning notices may be issued to violators during the first 30 days of the system’s operation, after which citations may be issued.
  - e) All photographic records are confidential and shall be made available only to the affected governmental agencies for enforcement purposes.
  - f) Any driver alleged to be a violator of the red light provisions or the vehicle’s registered owner is permitted to review the photographic evidence of the alleged violation.
  - g) Citations must be delivered to the driver within 15 days of the alleged violations, with a certificate of mailing obtained as evidence of service, and must include specified information, including how, when, and where the citation may be challenged.
- 5) 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.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

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.

The speed that a vehicle travels can significantly increase the likelihood of death in an accident. According to the National Highway Traffic Safety Administration, a person struck by a vehicle going 20 mph has a 5% chance of dying. That number goes up to 40% for vehicles going 30 mph, and 80% for vehicles going 40 mph. Similarly, 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.

The increase of traffic fatalities has created a movement in the United States called the Vision Zero Network which is a collaborative campaign with the goal of eliminating all traffic fatalities and severe injuries—while increasing safe, healthy, and equitable mobility for all. Today, more than 40 communities (including at least 11 in California) across the country have taken the Vision Zero Network's pledge to reduce traffic fatalities to zero.

While on its face that seems impossible, two cities in the world achieved vision zero in 2019: Oslo, Norway (population 670,000) and Helsinki, Finland (population 630,000) These cities did so by redesigning their roads to slow down cars, banning cars in their downtowns, lowering speed limits, and enforcing speeding violations with speed safety systems.

AB 2363 (Friedman), Chapter 650, Statutes of 2018 established the Zero Traffic Fatality Task Force (Task Force) in order to develop policies to reduce traffic fatalities to zero in California. Per this legislation, CalSTA formed the 25-member Task Force on June 5<sup>th</sup>, 2019. Members of the Task Force included representatives from the Department of the California Highway Patrol, the University of California and other academic institutions, Caltrans, the State Department of Public Health, local governments, bicycle safety organizations, statewide motorist service membership organizations, transportation advocacy organizations, and labor organizations.

In January 2020, CalSTA in conjunction with the Task Force, released the *CalSTA Report of Findings: AB 2363 Zero Traffic Fatalities Task Force*. The report includes 27 policy recommendations, and 16 findings recommendations that are broken into four categories: establishing speed limits, engineering, enforcement and education. This bill includes seven policy recommendations on establishing speed limits outlined in the report.

One of the recommendations from the Task Force was to look at the use of automated speed enforcement (ASE) to enforce speed limits. The Center for Disease Control, NTSB, and National

Association of City Transportation Officials (NACTO) recommend the use of ASE, or as this bill refers to them, speed safety systems, to enforce speed limits.

According to the author, “Every year for the past five years, over 1,000 Californians have died in speed-related traffic collisions. Tens of thousands more have been injured. Many jurisdictions have adopted Vision Zero policies in an effort to bring traffic fatalities to exactly that – zero. Unfortunately, existing traffic safety initiatives have not significantly reduced preventable injuries and deaths on our streets. AB 550 proposes a pilot program to bring to California a speeding reduction technology that has already proven effective in dozens of other jurisdictions: speed safety systems. These systems have been proven – time and time again – to reduce speeding by as much as 65 percent, and reduce serious injury and fatal crashes by as much as 58 percent. The bill sets out a collaborative model based on stakeholder and community engagement, and incorporates clear privacy and equity protections from the outset. This legislation is about saving lives and improving the safety of some of the most vulnerable travelers, like children going to school, bicyclists heading to work, or elderly people running errands. We must remember those whom we have lost, but also take action to protect people we know we can save. AB 550 is a step in that direction.”

*Do Speed Cameras Work?* According to NTSB “A 2005 systematic review of 14 studies of ASE programs in Canada, Europe, Australia, and New Zealand found crash reductions of 5% to 69%, injury reductions of 12% to 65%, and fatality reductions of 17% to 71% at ASE locations after ASE program implementation.

In 2007, NHTSA published a review of 13 studies of ASE programs (including 1 US program). Four of the 13 studies examined fixed ASE programs and generally found that injury crashes at fixed ASE locations declined between 20% and 25% after ASE implementation. The other nine studies examined mobile ASE programs and found that injury crashes in mobile ASE zones declined between 21% and 51%. Two of the studies in the NHTSA review looked at the wider effects of ASE; one Canadian study found a provincewide 25% reduction in daytime speeding-related crashes, and the other, a US study, found a statewide 30% reduction in daytime crashes resulting in injuries.

A 2010 review of 28 studies of ASE in the United States, Canada, Europe, Australia, and New Zealand determined that all 28 studies had found a lower number of crashes in 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.”

*ASE and Revenue Generation.* The Task Force recommended that the Legislature “develop strategies to eliminate any incentive that could turn an ASE program into a revenue generating technique.” Revenue generation has been a main critique of speed cameras. In 2010, Governor Schwarzenegger proposed authorizing speed cameras to generate \$397 million in revenue for the state during the Great Recession. More recently, Chicago Mayor Lori Lightfoot lowered the speed sensitivity of the speed cameras in Chicago from 10 mph to 6 mph above the posted speed in the city budget in an attempt to raise more revenue for the city facing a \$1.2 billion budget deficit.

To combat the use of revenue generation as a motive for ASE, the Task Force recommended dedicating ASE revenue to program administration and traffic safety road investments. To prevent cities from financially benefitting from their own policy decisions, the Task Force

further recommended preventing localities from being able to set speed tolerances, penalty amounts, enforcement locations, and other decisions that impact the amount of ASE revenue generated.

This bill has several provisions that are consistent with the Task Force recommendations. First, the revenue generated from the speed safety systems must go to program administration and to traffic calming measures designed to slow cars down. Cities are prohibited from supplanting funding for traffic calming measures with the revenue generated from speed safety systems. Finally, if there is any excess revenue after three years, the money must go to ATP.

Further, this bill sets the speed tolerance at 11 mph, in line with New York and Washington DC and until recently, Chicago. Unlike Chicago, cities cannot lower that speed tolerance under this pilot. Both New York City and Chicago saw a drop in speeding violations of at least 40% in the first year the speed cameras were used.

In order to make sure the cameras are placed in areas where they can effectively reduce speed and not in areas that would bring in the most revenue, this bill provides that if the number of violations has not decreased by 25% over the course of 18 months, or the number of second violations has decreased by 50%, then the cameras cannot be used in that location unless traffic calming measures are installed. Cities would have two years to build the traffic calming measures, and during those two years, a vehicle speed feedback sign must be used. Feedback signs have been shown to reduce speeds by 3-4 mph and reduce crashes by 7%.

If the traffic calming measures are not constructed in two years, the cameras can no longer be used. If the calming measures are not effective at reducing violations within a year, then additional calming measures must be installed, or the localities must halt the use of the cameras.

Task Force members overwhelmingly agreed that changing a road's infrastructure is the most important factor to reduce vehicles operation speeds. Research provided by The University of California, Institute of Transportation Studies has found that speed bumps, humps and tables reduce speeds by 2.7 to 3.4 mph. Chicanes can reduce speeds by 3.2 mph. Medians can reduce fatalities by 80%. Road diets can reduce speeds by 5% and reduce crashes between 19 and 47%. Roundabouts reduce crashes at intersections by 35-67%. The revenue generated for traffic calming measures may very well compound the safety benefits for road users and help cities achieve their vision zero goals.

*Equity and Discrimination Concerns.* The cost of fines and fees associated with traffic and parking citations has steadily increased over the last few decades. After adding on fees to base fines, tickets can total hundreds of dollars. Add-on fees for minor offenses double or quadruple the original fine, and until recently California suspended driver's licenses for failure to pay traffic fines or for failing to appear to court for a traffic infraction.

This bill has several provisions to protect against burdensome fines. First, the fines in this bill are significantly lower than existing fines for speeding tickets. Fines are \$50 for going 11-15 mph over the speed limit, \$100 for going 15-25 mph over the speed limit, and \$200 for going 25 mph over the speed limit. Individuals going 100 mph over the speed limit will face a \$500 fine. In contrast, under existing law driving 1-15 mph over the speed limit results in a \$238 ticket. Driving 16-25 mph over the speed limit results in a \$367 ticket. Driving 26 mph over the speed limit would result in a \$490 ticket. Driving 100 mph or greater is a \$900 ticket.

This bill provides that drivers will not face negligent operator points if they receive a speeding ticket from a speed safety system. Generally, also speeding tickets result in negligent operator points. The point system is used by DMV to determine if a driver should be considered a negligent operator. DMV may suspend or revoke a person's driving privilege for being a negligent operator. Also, points increase an individual's insurance rates.

In addition to lower fines when compared to a traditional speeding ticket, this bill requires diversion programs to be offered to indigent persons. In addition, fines must be reduced by 80% for indigent individuals, and by 50% for those 200% above the federal poverty line. Payment plans of \$25 a month must also be offered. Finally, tickets are limited to one per day per car.

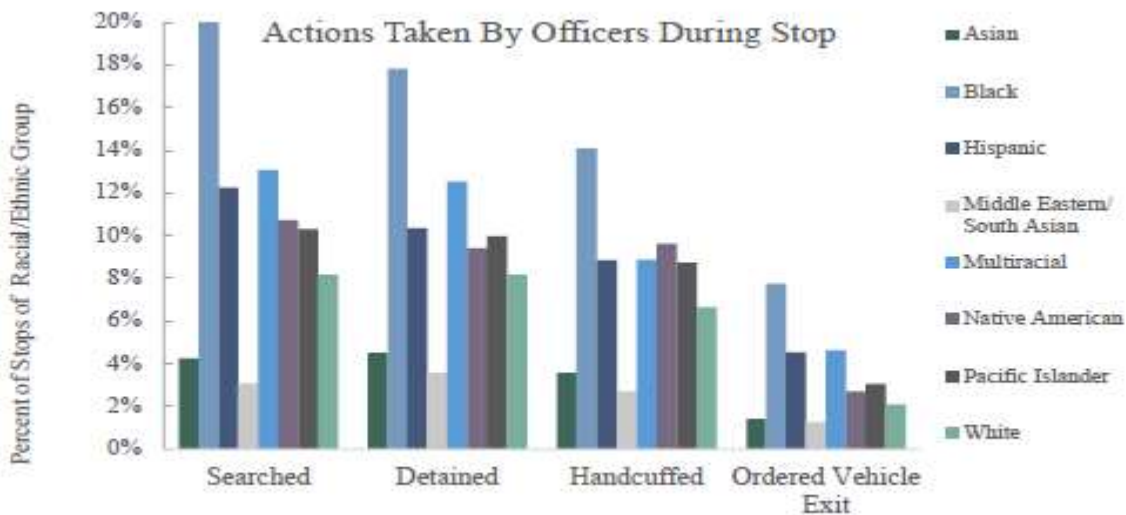
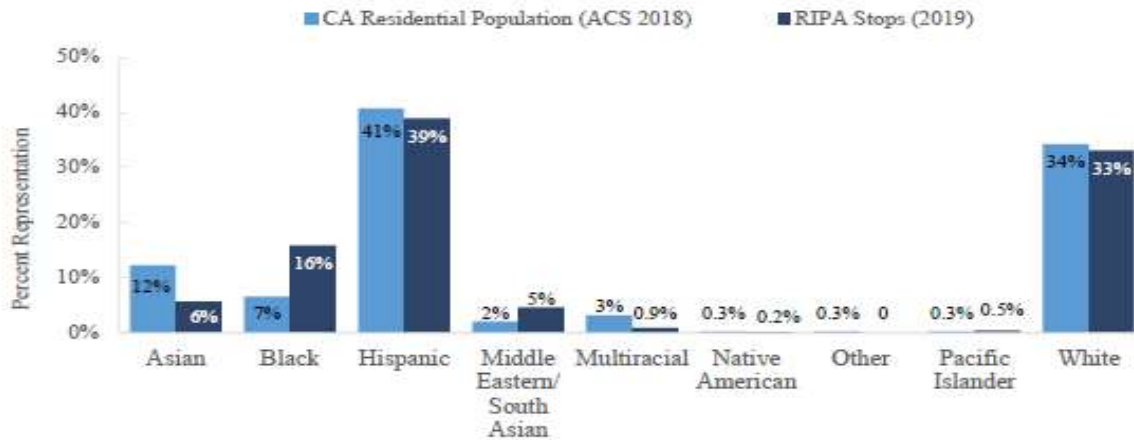
According to the National Association of City Transportation Officials, writing in support of this bill, "Traditional police enforcement of traffic laws has frequently put drivers of color at risk from implicit and explicit bias. Recent studies have shown that Black drivers in California are stopped by police at 2.5 times the rate of whites and are searched three times as often. In some cities, the disparity is even more pronounced. This bill proposes an alternative, administrative based model for speed detection that will protect public safety while being responsive to community needs. California must provide communities with the option to pilot this public safety tool in order to create the expectation of regular speed checking on the most dangerous streets."

Speed cameras have often been viewed as a potential solution to discriminatory stops. However, it is important to note that some of the most dangerous roads in California and in the United States are in minority communities. 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.

This bill attempts to address equity concerns regarding the enforcement of traffic laws by requiring organizations that represent minority communities to be involved in the placement of these cameras.

There has been unequal enforcement of traffic violations against African Americans in California. AB 593 (Weber) Chapter 466, Statutes of 2015, enacted the Racial and Identity and Profiling Act (RIPA) of 2015, which requires local agencies to annually report data to the Attorney General on all stops conducted by peace officers. Data from that report shows that African Americans are disproportionately stopped by law enforcement, and were more likely to be searched or detained than their white counterparts:





It should be noted that these numbers are actually significantly higher for many local police departments. CHP stops account for nearly 44% of all traffic stops in the state, and CHP RIPA data shows a lower disparity in stops by race compared to the statewide average. CHP jurisdictions have been excluded from this bill. One of the cities chosen for this pilot program has an African American population of 9% but African Americans account for 30% of all police stops in that city.

Peace Officers Research Association and the California Highway Patrolmen, writing in opposition to this bill, argue “The California Highway Patrol (CHP) makes over two million stops per year, which is more than any other agency in California. In addition, they issue approximately 945,000 verbal and written warnings without incident. Officers use discretion and provide drivers an opportunity to mitigate the violation. They assess the situation and after a conversation with the driver, they decide if a verbal or written warning is a better course of action. Law enforcement exercises discretion; cameras do not.”

*Related Legislation:*

AB 43 (Friedman) of 2021 grants the California Department of Transportation (Caltrans) and local authorities greater flexibility in setting speed limits based on recommendations by the Task Force.

SB 735 (Rubio) of 2021, authorizes a pilot program for the use of ASE in school zones. That bill is pending before Senate Transportation Committee.

*Previous Legislation:*

AB 2363 (Friedman), Chapter 650, Statutes of 2018, created the Zero Traffic Fatalities Task Force.

AB 342 (Chiu) of 2017 would have established a five-year pilot program to give local transportation authorities in the City of San Jose and the City and County of San Francisco the authority to install ASE systems in the two municipalities.

SB 1325 (Kuehl) of 2008 would have authorized the City of Beverly Hills to deploy an ASE system. SB 1325 failed passage in the Senate Transportation and Housing Committee.

SB 1300 (Kuehl) of 2006 was similar to SB 1325 (Kuehl) of 2008. SB 1300 failed passage in the Senate Transportation and Housing Committee.

SB 466 (Kuehl) of 2005 was similar to SB 1325 (Kuehl) of 2008. SB 466 failed passage in the Senate Transportation and Housing Committee.

AB 1022 (Oropeza), Chapter 511, Statutes of 2003, refined the red light camera provisions after a number of legal challenges arose concerning the operation of the automated systems. These changes clarified responsibility for operation and maintenance of the system by local authorities and private contractors, the involvement of law enforcement personnel in citation issuance, restrictions on compensation to vendors, and the required consideration of alternative methods of enforcement.

SB 1136 (Kopp), Chapter 54, Statutes of 1998, authorized the use of automated enforcement systems at red lights indefinitely.

SB 833 (Kopp), Chapter 922, Statutes of 1995, authorized a three-year demonstration period to test the use and effectiveness of such cameras to reduce the incidence of drivers running red lights at intersections.

SB 1802 (Rosenthal), Chapter 1216, Statutes of 1994, authorized the use of red light cameras to record violations occurring at rail crossing signals and gates.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Advocates for Highway and Auto Safety  
Association of Bay Area Governments (ABAG)  
Barbary Coast Neighborhood Association  
Berkeley; City of  
City of Alameda  
City of Los Angeles  
City of Sacramento  
Conor Lynch Foundation  
Fremont, City of  
Hayward; City of  
League of California Cities  
Livable City  
Metropolitan Transportation Commission  
National Association of City Transportation Officials  
National Safety Council  
Oakland; City of  
Palm Springs; City of  
San Francisco Marin Medical Society  
Slow Down Napa  
Social Families for Safe Streets  
Spur  
Sylvia Bingham Fund  
Vision Zero Network  
Walk San Francisco

**Oppose**

California Association of Highway Patrolmen  
California Conference Board of the Amalgamated Transit Union  
California Teamsters Public Affairs Council  
California Walks  
Peace Officers Research Association of California  
Western States Trucking Association

**Oppose Unless Amended**

Safer Streets LA

**Analysis Prepared by:** David Sforza / TRANS. / (916) 319-2093