



SF 343 – Automated Traffic Law Enforcement Ban (LSB1656SV)
Analyst: Rodrigo Acevedo (515.281.6764) rodrigo.acevedo@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate File 343](#) prohibits the use of automated traffic enforcement (ATE) devices by State and local authorities. This Bill requires the removal of all existing ATE devices by July 1, 2019. Citations issued before July 1, 2019, remain enforceable.

Background

As of February 2019, eight cities operate 72 speeding and red light ATE devices. This does not include the cities of Ottumwa and Waterloo. Ottumwa ceased operating ATE devices in October 2018. The number of ATE devices in Waterloo is currently not available, and therefore Waterloo is not included in the table totals.

In January 2014, the Department of Transportation (DOT) adopted an administrative rule that regulated the use of ATE devices on the primary road system. In March 2015, the DOT ordered nine traffic cameras on the primary road system to be removed. Of the nine ordered removed, seven remained in use pending rulings on several lawsuits filed by cities against the DOT. The ATE devices operating on secondary or city roads are not impacted by the DOT's existing administrative rule.

In April 2017, the Iowa district court for Polk County ruled that the DOT had the authority to regulate ATE devices on the primary road system. By May 2017, the cities of Cedar Rapids, Des Moines, and Muscatine ceased issuing violations from ATE devices on the primary road system. Automated traffic enforcement devices operating on secondary or city roads were not impacted by the court ruling and are still operating per the local authorities' discretion.

In April 2018, the Iowa Supreme Court reversed the Polk County decision and ruled that the DOT did not have the authority to regulate ATE devices.

Polk County declined to renew its vendor contract for ATE devices and ceased issuing violations from its two mobile units in December 2017; Ottumwa ceased operating ATE devices in October 2018.

Under Iowa Code section [8A.504](#), the Department of Administrative Services (DAS) operates the Iowa Offset Program which can withhold certain State payments on behalf of local authorities to individuals and companies that do not pay their ATE violations. DAS charges \$7 per violation collected to offset the costs of administering the Program. Fees are deposited into the DAS general operating budget.

The cities of Council Bluffs, Davenport, Des Moines, Fort Dodge, Muscatine, and Windsor Heights participated in the Program in FY 2018. Cedar Rapids has a signed agreement with the Iowa Offset Program; however, as of February 2019, the city is not submitting any unpaid violations for collection. Waterloo began participation in the Iowa Offset Program in September 2018 (FY 2019).

Assumptions

- All existing ATE devices will cease operation on or before July 1, 2019. **Table 1** provides data on the number of ATE devices, base cost per violation, vendor's share, and share of local authorities' revenues.
- All citations issued prior to July 1, 2019, would remain valid.
- Citations for FY 2018 for Cedar Rapids are similar to FY 2017.
- Automated Traffic Enforcement issued citations would not be submitted for offset after June 30, 2020.

Fiscal Impact

[Senate File 343](#) is estimated to reduce annual revenue to DAS by \$65,000 in FY 2021. While cities have discretion on submitting unpaid citations to the Iowa Offset Program, given the stated assumptions the revenue decrease would occur in FY 2021.

The Bill will decrease revenue to local authorities by an estimated \$10.8 million per fiscal year. **Table 1** includes information attained by the Legislative Services Agency (LSA) for the last full fiscal year. **Table 2** shows each city's use of ATE revenue and which cities participate in the Iowa Offset Program.

Table 1

Estimated Violations and Revenues from ATE Devices*** (As of February 2019)								
<u>Local Authority</u>	<u>Fiscal Year</u>	<u>Number of Operating ATEs</u>	<u>Number of Violations Issued</u>	<u>Number of Violations Collected</u>	<u>Base Fine per Violation*</u>	<u>Vendor Revenue</u>	<u>Local Authority Revenue**</u>	
Cedar Rapids	FY 2017	28	124,346	66,405	\$ 75	\$ 2,095,213	\$ 4,029,318	
Council Bluffs	FY 2018	12	21,264	13,069	100	535,911	740,376	
Davenport	FY 2018	14	38,126	22,762	65	833,894	645,642	
Des Moines	FY 2018	9	30,545	22,105	65	624,582	812,290	
Fort Dodge	FY 2018	2	2,473	2,615	75	78,450	121,475	
Muscatine	FY 2018	2	10,398	8,161	75	220,347	500,746	
Ottumwa	FY 2018	1	610	672	80	3,930	6,880	
Sioux City	FY 2018	2	31,452	25,116	100	742,270	1,828,960	
Windsor Heights	FY 2018	3	40,201	31,514	65	755,508	2,068,334	
Totals		<u>73</u>	<u>299,415</u>	<u>192,419</u>		<u>\$ 5,890,105</u>	<u>\$10,754,021</u>	

* Lowest violation amount. Actual violation amounts may increase depending on miles over the legal speed limit.
 ** Collected revenue may include fine moneys collected through the Iowa Offset Program for violations issued in prior years.
 *** Waterloo is not included in revenue totals.
 Source: Local authorities

Table 2

Local Uses of ATE Revenues		
<u>Authority</u>	<u>Uses</u>	<u>Offset Program</u>
Cedar Rapids	General Fund	Yes*
Council Bluffs	General Fund	Yes
Davenport	General Fund	Yes
Des Moines	Police Operating Expenses	Yes
Fort Dodge	Salary Expenses for Police Dept.	Yes
Muscatine	Police Dept.	Yes
Ottumwa	General Fund	No
Sioux City	Public Safety Projects	No
Waterloo	Property Tax Relief	Yes**
Windsor Heights	General Fund & Police Dept.	Yes

* Cedar Rapids is participating but not currently collecting (Feb. 2019).
 ** Waterloo joined program in September 2018.

Sources

Iowa Department of Transportation
 Local authorities
 LSA calculations
 Department of Administrative Services

/s/ Holly M. Lyons

February 27, 2019

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
