**SF 2352 – Automated Traffic Cameras, Maximum Revenue (LSB5449SV)**
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**Fiscal Note Version – New**

**Description**

*Senate File 2352* creates new regulations on the implementation and use of automated traffic enforcement or remote systems for traffic law enforcement (ATE systems). New regulations include a requirement for local authorities to produce and retain data on ATE systems, utilize alternative measures prior to the implementation of an ATE system, and follow calibration requirements. The Bill includes applicability provisions that make certain requirements outlined in the Bill conditional for certain local authorities. The Bill is effective upon enactment.

Under Senate File 2352, a State or local authority must comply with certain criteria prior to implementing an ATE system at any location. The authority must:

- Show a need for an ATE system to improve safety at the specific location that the ATE system will be used by producing and retaining data that establishes the need for the system.
- In the specific location that the ATE system will be used, implement at least one alternative measure that could improve safety for at least six months prior to the implementation of an ATE system.
- Hold at least two public hearings to discuss the data collected and retained at the specific location and whether an ATE system or an alternative measure would serve the location better to improve safety. The details of the public hearings, such as the date, time, and location, are to be published according to Iowa Code section 331.305 or 362.3.

If a State or local authority does not meet the above criteria prior to implementing an ATE system, the ATE system is considered to be operating in violation of the Bill. Any citation from the ATE system is then considered void and unenforceable. A citation from the ATE system is also unenforceable under the Bill if the violation is for exceeding the speed limit by less than 20 miles per hour if the moneys collected from citations issued from all of the local authority’s ATE systems during the fiscal year in which the violation occurs equal or exceed 250.0% of the municipal infraction revenue and scheduled fine revenue collected by the local authority under Iowa Code section 602.8106. The local authority is also required to have the ATE system examined and calibrated at least every three months. The voidance of citations for exceeding the speed limit by less than 20 miles per hour after the authority’s collection of a certain amount of moneys, and the requirement to have ATE systems examined and calibrated, do not apply to local authorities with a population of more than 12,000.

**Background**

“Automated or remote system for traffic law enforcement” is defined in the Bill as a camera or other optical device designed to work in conjunction with an official traffic control signal or speed measuring device to identify motor vehicles operating in violation of traffic laws, the use of which results in the issuance of citations sent through the mail or by electronic means.

As of February 2022, there are eight cities in Iowa that operate ATE devices, including Fort Dodge, Council Bluffs, Waterloo, Muscatine, Sioux City, Davenport, Cedar Rapids, and Des
Moines. This does not include the city of Windsor Heights. Windsor Heights ceased operating ATE devices April 21, 2020. The data for ATE devices in Fort Dodge, Council Bluffs, and Waterloo is currently not available, and therefore these cities are not included in this analysis.

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 April 2018, the Iowa Supreme Court 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. The 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, 2022. **Table 1** provides data on the number of ATE devices, base cost per violation, vendor’s share, and share of local authorities’ revenues.
- Automated traffic enforcement device-issued citations will not be submitted for offset after June 30, 2023.
- Citations in FY 2022 are assumed to have occurred regardless of passage of the Bill.

**Fiscal Impact**

Senate File 2352 is estimated to decrease revenue to local authorities. The full fiscal impact of the Bill cannot be estimated.

**Table 1** includes information obtained by the Legislative Service Agency (LSA) for the full 2021 fiscal year related to revenue from ATE devices to local authorities. **Table 2** shows each city’s use of ATE system revenue and which cities participate in the Iowa Offset Program.
Table 1
Estimated Violations and Revenues from ATE Devices***
(As of February 2022)

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>Number of Operating ATEs</th>
<th>Number of Violations Issued</th>
<th>Number of Violations Collected</th>
<th>Base Fine Per Violation*</th>
<th>Vendor Revenue</th>
<th>Local Authority Revenue**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cedar Rapids</td>
<td>27</td>
<td>171,919</td>
<td>105,108</td>
<td>$75</td>
<td>$2,336,035</td>
<td>$8,094,784</td>
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<tr>
<td>Davenport</td>
<td>18</td>
<td>47,013</td>
<td>23,152</td>
<td>$65</td>
<td>506,457</td>
<td>1,017,176</td>
</tr>
<tr>
<td>Des Moines</td>
<td>9</td>
<td>102,138</td>
<td>71,687</td>
<td>$65</td>
<td>1,738,092</td>
<td>2,921,510</td>
</tr>
<tr>
<td>Sioux City</td>
<td>8</td>
<td>15,246</td>
<td>20,956</td>
<td>$100</td>
<td>629,515</td>
<td>2,028,155</td>
</tr>
<tr>
<td>Muscatine</td>
<td>9</td>
<td>10,675</td>
<td>9,368</td>
<td>$75</td>
<td>253,152</td>
<td>565,265</td>
</tr>
<tr>
<td>Totals</td>
<td>71</td>
<td>346,991</td>
<td>230,271</td>
<td></td>
<td>$5,463,251</td>
<td>$14,626,890</td>
</tr>
</tbody>
</table>

* 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.
*** Fort Dodge, Council Bluffs, and Waterloo are not included in revenue totals.
Source: Local authorities

Table 2
Local Uses of ATE Revenues

<table>
<thead>
<tr>
<th>Authority</th>
<th>Uses</th>
<th>Offset Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cedar Rapids</td>
<td>Police Department Operating Fund</td>
<td>Yes</td>
</tr>
<tr>
<td>Davenport</td>
<td>General Fund</td>
<td>No</td>
</tr>
<tr>
<td>Des Moines</td>
<td>Des Moines Public Safety Radio System</td>
<td>Yes</td>
</tr>
<tr>
<td>Muscatine</td>
<td>Police Department</td>
<td>No</td>
</tr>
<tr>
<td>Sioux City</td>
<td>Public Safety Projects</td>
<td>No</td>
</tr>
<tr>
<td>Windsor Heights</td>
<td>General Fund</td>
<td>No</td>
</tr>
</tbody>
</table>

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

/s/ Holly M. Lyons
March 3, 2022

Doc ID 1287833

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.

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