



**SF 220** – Traffic Cameras Ban (LSB1140SV.2)

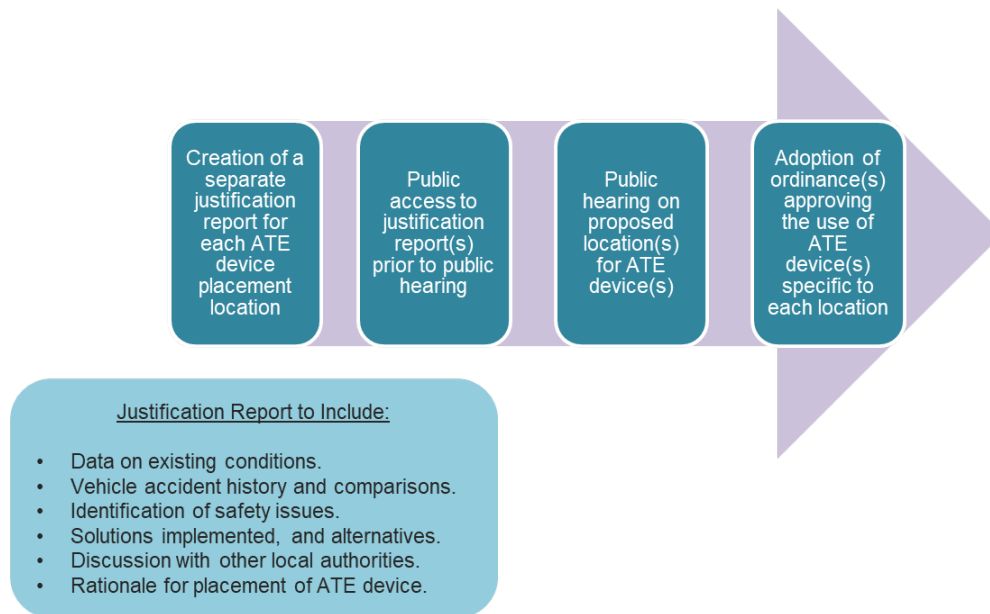
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Fiscal Note Version – Revised (new information in 2018 Session)

**Description**

**Senate File 220**, as amended and passed by the Senate, prohibits the use of Automated Traffic Enforcement (ATE) devices by the Iowa Department of Transportation (DOT). Local authorities are prohibited from installing ATE devices without approving each location with an established self-certification process. The self-certification process is described in the chart below.

**Self-Certification Process for ATE Device Implementation Under SF 220**



Under Senate File 220, each ATE device must be internally calibrated daily, and externally calibrated monthly by a trained individual. Local authorities will be prohibited from imposing a civil penalty that exceeds the penalty established in Iowa Code section [805.8A](#) for the same or similar violations. All revenues collected from ATE devices by any local authority, minus necessary expenses, will be deposited into the local authority’s road fund or public safety fund.

Senate File 220 also establishes an appeals process for citations issued from ATE devices, and a petition process for citizens under the local authority’s jurisdiction to request removal of an ATE device. Each local authority operating an ATE device is required to file an annual report with the General Assembly on the effectiveness of the ATE device.

Automatic Traffic Enforcement devices operating on the primary road system must receive approval by the DOT; operate under the DOT’s administrative rules; and be subject to annual

review, modification, or removal requests by the DOT. Any ATE devices previously approved by the DOT in accordance with its rules will be allowed to continue to operate.

### **Background**

As of January 2018, there are eight cities operating a total of 78 speeding and red light ATE devices. The DOT does not operate any ATE devices on the primary road system.

In January 2014, the DOT adopted an administrative rule that regulated the use of ATE devices on the primary road system. In March 2015, the Department 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 rules.

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. The ruling was upheld in June 2017 by the Iowa Supreme Court. 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.

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

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 with unpaid fees for ATE device violations. The DAS charges \$7 per violation collected to offset the costs of administering the Program. Fees are deposited into the DAS general fund operating budget. The cities of Council Bluffs, Des Moines, Davenport, Fort Dodge, Muscatine, and Windsor Heights participated in the Program in FY 2017. Cedar Rapids has a signed agreement with the Iowa Offset Program; however, as of January 2018, the city has not submitted any unpaid violations for collection.

### **Assumptions**

- All existing ATE devices will cease operation on or before July 1, 2018, until the local authorities complete the self-certification process for each location in which ATE devices are deployed. **Table 1** provides data on the number of ATE devices, base cost per violation, vendors' share of revenues, and local authorities' share of revenues.

**TABLE 1**

**Estimated Violations and Revenues from ATE Devices  
(As of Jan. 26, 2018)**

| <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 Cost 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 2017            | 12                              | 18,869                             | 12,367                                | 100                             | 507,047               | 732,170                          |
| Davenport              | CY 2017            | 14                              | 39,807                             | 22,785                                | 65                              | 478,485               | 1,002,540                        |
| Des Moines             | FY 2017            | 8                               | 77,146                             | 76,811                                | 65                              | 1,852,576             | 3,140,062                        |
| Fort Dodge             | FY 2017            | 2                               | 7,169                              | 5,776                                 | 75                              | 165,403               | 274,517                          |
| Muscatine              | FY 2017            | 9                               | 11,012                             | 9,430                                 | 75                              | 254,610               | 586,066                          |
| Polk County            | FY 2016            | 2                               | 6,888                              | 6,780                                 | 65                              | 198,560               | 282,192                          |
| Sioux City             | FY 2017            | 2                               | 18,932                             | 21,001                                | 100                             | 648,075               | 1,427,745                        |
| Windsor Heights        | FY 2017            | 3                               | 22,273                             | 16,627                                | 65                              | 268,345               | 526,989                          |
| <b>Totals</b>          |                    | <b>80</b>                       | <b>326,442</b>                     | <b>237,982</b>                        |                                 | <b>\$ 6,468,314</b>   | <b>\$12,001,599</b>              |

\* 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.  
 Source: Local authorities

- The impact on the adoption of new ATE device locations and the operation of existing ATE devices is unknown. Additional regulations under Senate File 220 may slow future adoption and eliminate some existing ATE device locations.
- Sioux City will decrease the base cost per citation for speed violations to comply with Iowa Code section [805.8A](#).
- The DOT will continue to allow existing approved ATE devices on primary roadways, and will maintain its current approval process for local authorities' requests to install additional devices on primary roads.
- Revenue generated from ATE devices will be deposited into accounts maintained by authorities for road funds or public safety. **Table 2** provides data on the funds in which ATE device fee revenues are currently deposited.

**TABLE 2**

| <b>Local Funds Receiving ATE Revenues</b> |                                  |
|---|----------------------------------|
| <u>Authority</u>                          | <u>Fund Impacted</u>             |
| Cedar Rapids                              | General Fund                     |
| Council Bluffs                            | General Fund                     |
| Davenport                                 | General Fund                     |
| Des Moines                                | Police Operating Expenses        |
| Fort Dodge                                | Salary Expenses for Police Dept. |
| Muscatine                                 | Police Dept.                     |
| Polk County                               | Public Safety Fund               |
| Sioux City                                | Public Safety Projects           |
| Windsor Heights                           | General Fund & Police Dept.      |

- Any reduction in violations may cause a reduction in unpaid violations that are submitted to the Iowa Offset Program under the DAS.

### **Fiscal Impact**

- It is unknown if there will be any reduction the DAS's revenue due to the number of unpaid violations submitted to the Iowa Offset Program.
- The locations where ATE devices will be self-certified are unknown. Local authorities will see a decrease in revenue from any ATE device location that does not follow the certification process. Refer to the totals in **Table 1** for revenue by local authority.
- Provided that Sioux City completes the certification process for each of its ATE device locations, revenue may decrease by an estimated \$286,000 in FY 2019 to comply with lowering the base cost for speed violations.
- It is not known if existing ATE devices operating without approval from the DOT will be modified or removed under Senate File 220. Any discontinued operation or removal of devices from the primary road system may decrease revenue for Cedar Rapids, Des Moines, Muscatine, and Sioux City.
- There is no fiscal impact to the DOT. The Department will continue to fund the ATE device approval and evaluation process through existing appropriations to the Highway Division.

### **Sources**

Cedar Rapids City Manager's Office  
Council Bluffs Public Works  
Davenport Police Department  
Des Moines Government Relations  
Fort Dodge Police Department  
Department of Administrative Services

Muscatine Finance Department  
Polk County Sheriff's Department  
Sioux City Police Department  
Windsor Heights Police Department  
Department of Transportation

/s/ Holly M. Lyons

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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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