

House Study Bill 36 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON HINSON)

A BILL FOR

1 An Act regulating the use of automated traffic law enforcement
2 systems, providing penalties, and including applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.1, Code 2019, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 06B. *“Automated traffic law enforcement*
4 *system”* means a device used for the enforcement of laws
5 regulating vehicular traffic and equipped with one or more
6 sensors working in conjunction with one of the following:

7 a. An official traffic-control signal, to produce recorded
8 images of motor vehicles entering an intersection against a red
9 signal light.

10 b. A speed measuring device, to produce recorded images of
11 motor vehicles traveling at a prohibited rate of speed.

12 c. A railroad grade crossing signal light, as described in
13 section 321.342, to produce recorded images of motor vehicles
14 violating the signal light.

15 d. Any official traffic-control device, if failure to comply
16 with the official traffic-control device constitutes a moving
17 violation under this chapter.

18 Sec. 2. NEW SECTION. 321.492C Automated traffic law
19 enforcement systems.

20 1. The department shall not place, operate, maintain,
21 or employ the use of any automated traffic law enforcement
22 system. The department shall not cause to be placed any
23 automated traffic law enforcement system except as provided in
24 this section or in rules adopted by the department under this
25 section.

26 2. a. A local authority, or another entity on a local
27 authority’s behalf, shall not operate an automated traffic law
28 enforcement system without approving the use of the system
29 following an established self-certification process. The
30 self-certification process shall include a justification report
31 meeting the requirements of paragraph “b”, which shall be
32 made readily available for the public to review, and a public
33 hearing at which the local authority shall provide evidence
34 of a demonstrated safety need for the automated traffic law
35 enforcement system. Notice of the date, time, and location

1 of the hearing shall be published in the manner described in
2 section 362.3. A public hearing may address several locations
3 at which a local authority intends to place an automated
4 traffic law enforcement system. However, a local authority
5 shall adopt a separate ordinance approving the use of an
6 automated traffic law enforcement system for each location
7 at which the local authority operates or intends to operate
8 a fixed or mobile automated traffic law enforcement system.
9 A local authority may approve the operation of an automated
10 traffic law enforcement system only if the system is located in
11 a documented high-crash or high-risk location at which there is
12 a demonstrated safety need for the system. The local authority
13 shall demonstrate the safety need for the system based on the
14 volume of traffic, the history of motor vehicle accidents, the
15 frequency and type of traffic violations, the risk to peace
16 officers employing traditional traffic enforcement methods, any
17 additional information required in the justification report,
18 and any other safety criteria deemed appropriate by the local
19 authority. These requirements shall apply for each location
20 at which a local authority, or another entity on a local
21 authority's behalf, operates or intends to operate a fixed or
22 mobile automated traffic law enforcement system.

23 *b.* A justification report shall provide all necessary
24 information and documentation to demonstrate whether an area is
25 a high-crash or high-risk location and shall include but not be
26 limited to documentation regarding all the following:

27 (1) Existing traffic speeds, posted speed limits,
28 traffic volumes, and intersection or roadway geometry. Such
29 documentation shall provide assurance that existing speed
30 limits and official traffic-control signal timings are
31 appropriate and shall describe how the limits and timings were
32 established.

33 (2) The applicable motor vehicle accident history,
34 including accident severity, and the history of traffic
35 violations for accidents occurring at the location attributable

1 to violating the speed limit or an official traffic-control
2 signal. Such documentation shall compare accident data with
3 data from other similar locations within the local authority's
4 jurisdiction, other similar jurisdictions, and larger
5 metropolitan areas.

6 (3) The identification of critical traffic safety issues
7 related to the data required by subparagraphs (1) and (2),
8 including a comprehensive list of solutions that may address
9 the critical traffic safety issues.

10 (4) Other solutions or safety countermeasures that the
11 local authority has implemented along with those that the
12 local authority has considered but not implemented. These may
13 include solutions relating to law enforcement, engineering,
14 public education campaigns, or other safety countermeasures.

15 (5) Discussions held and actions taken by the local
16 authority with any partnering entities that have resources
17 which could aid in the reduction of accidents attributable
18 to violating the speed limit or an official traffic-control
19 signal.

20 (6) The reason or reasons the local authority believes an
21 automated traffic law enforcement system is the best solution
22 to address the critical traffic safety issues.

23 *c.* A local authority, or another entity on a local
24 authority's behalf, shall not operate an automated traffic law
25 enforcement system without posting signage meeting all of the
26 following requirements:

27 (1) For a fixed automated traffic law enforcement system,
28 permanent signs advising drivers that the system is in place
29 shall be posted in clear and present view of passing drivers in
30 advance of the location where the system is in use.

31 (2) For a mobile automated traffic law enforcement system,
32 temporary or permanent signs advising drivers that the system
33 is in place shall be posted in clear and present view of
34 passing drivers in advance of the location where the system is
35 in use.

1 (3) The signage shall conform to the manual on uniform
2 traffic-control devices as adopted by the department.

3 *d.* A local authority, or another entity on a local
4 authority's behalf, shall not issue a citation resulting from
5 the use of an automated traffic law enforcement system until
6 an active peace officer of the local authority has reviewed
7 the citation and any relevant recorded images produced by the
8 system.

9 *e.* The amount of the fine or civil penalty imposed by a
10 citation resulting from the use of an automated traffic law
11 enforcement system shall not exceed the amount of the fine for
12 a scheduled violation under section 805.8A for the same or a
13 similar violation of this chapter.

14 *f.* An automated traffic law enforcement system working
15 in conjunction with a speed measuring device or official
16 traffic-control signal shall comply with the generally accepted
17 procedures for operating the system. An automated traffic law
18 enforcement system shall verify its internal calibrations on a
19 daily basis. If the daily internal calibration is not valid,
20 the system shall not operate until a successful calibration
21 is subsequently conducted. In addition to the daily internal
22 calibration, a monthly calibration shall be conducted by a
23 person trained in the calibration of the system. A person
24 trained in the calibration of a mobile automated traffic law
25 enforcement system shall also conduct a calibration prior to
26 the use of the mobile system after any change in location.
27 A local authority, or another entity on a local authority's
28 behalf, operating an automated traffic law enforcement
29 system shall maintain a monthly log detailing whether the
30 local authority or entity successfully performed the monthly
31 calibrations and whether the system successfully performed the
32 daily internal calibrations. The log and documentation of
33 the calibrations shall be admissible in any court proceeding
34 relating to an official traffic-control signal violation or a
35 speed limit violation.

1 *g.* A local authority shall compile and maintain records
2 relating to the number of traffic violations and number
3 of traffic accidents for all locations at which the local
4 authority, or another entity on a local authority's behalf,
5 operates or intends to operate an automated traffic law
6 enforcement system. Such records shall be compiled and
7 maintained by the local authority for one year prior to the
8 installation of the automated traffic law enforcement system
9 and for each year the automated traffic law enforcement
10 system is in operation. Such records shall be available for
11 examination to the same extent allowed in section 22.2. A
12 local authority with an automated traffic law enforcement
13 system operating within its jurisdiction shall submit an annual
14 report to the general assembly on or before December 31 of each
15 year detailing the effectiveness of each automated traffic
16 law enforcement system operating within its jurisdiction. An
17 annual report shall include the justification report described
18 in paragraph "b" and shall also include but not be limited to
19 information relating to increases or decreases in the number of
20 speed limit violations, violations of official traffic-control
21 signals, and traffic accidents.

22 *h.* Prior to a local authority placing an automated traffic
23 law enforcement system on a primary road, the local authority
24 shall obtain approval from the department in accordance
25 with rules adopted by the department. A local authority
26 shall submit to the department any information requested by
27 the department during the approval process. If the local
28 authority's use of the system is approved by the department,
29 the local authority shall follow the requirements set forth
30 in rules adopted by the department. The department may adopt
31 or modify rules relating to automated traffic law enforcement
32 systems to the extent necessary to ensure automated traffic
33 law enforcement systems are operated in a safe and equitable
34 manner. The department shall have the authority to annually
35 review all automated traffic law enforcement systems placed on

1 primary roads and shall have the authority to require removal
2 or modification of such systems.

3 *i.* A local authority shall designate a process by which
4 a person may appeal a citation issued through the use of an
5 automated traffic law enforcement system, which at a minimum
6 shall provide for all of the following:

7 (1) An appeal to an impartial body created by the local
8 authority to review citations issued through the use of
9 automated traffic law enforcement systems.

10 (2) Following a decision from the impartial body that is
11 adverse to the person, an appeal to the district court, sitting
12 in small claims, of the county in which the local authority is
13 located.

14 *j.* (1) A local authority shall authorize a petition process
15 by which citizens within the local authority may petition for
16 the removal of a fixed automated traffic law enforcement system
17 or the disapproval of a location approved for the use of mobile
18 automated traffic law enforcement systems in accordance with
19 this section. Petitions under this paragraph "j" shall be
20 specific to one fixed system or one location approved for the
21 use of mobile systems.

22 (2) If the local authority is a city, a petition brought
23 under this paragraph "j" is valid if it is signed by a number
24 of eligible electors of the city equal to or greater than ten
25 percent of the number of persons who voted in the last regular
26 city election. The petition shall include the signatures of
27 the petitioners, the places of residence of the petitioners,
28 and the date on which the petitioners signed the petition.

29 (3) If the local authority is a county, a petition brought
30 under this paragraph "j" is valid if it is signed by a number
31 of eligible electors of the county equal to or greater than
32 ten percent of the number of votes cast in the county in the
33 last presidential election. The petition shall include the
34 signatures of the petitioners, the places of residence of the
35 petitioners, and the date on which the petitioners signed the

1 petition.

2 (4) If a petition is valid as provided in this paragraph
3 "j", the city council or county board of supervisors, as
4 applicable, shall vote on whether to repeal the ordinance
5 allowing the operation of the fixed system or approving the
6 location for the use of mobile systems.

7 (5) If a city council or county board of supervisors has
8 voted pursuant to subparagraph (4), a new petition for the same
9 fixed system or the same location approved for use of mobile
10 systems shall not be valid for three years after the date of
11 the vote.

12 k. A local authority that operates an automated traffic
13 law enforcement system in violation of this section shall be
14 precluded from operating any automated traffic law enforcement
15 system for a period of two years. A citizen residing within
16 the jurisdiction of a local authority which violates this
17 section shall be allowed to file suit to enjoin the local
18 authority from operating an automated traffic law enforcement
19 system in accordance with this paragraph "k".

20 3. All moneys collected by a local authority from citations
21 issued as a result of the use of an automated traffic law
22 enforcement system, less the amount necessary for the
23 installation, operation, and maintenance of the automated
24 traffic law enforcement system, shall be deposited in the
25 account or accounts maintained by the local authority for
26 moneys appropriated to the local authority from the secondary
27 road fund or street construction fund of the cities, or shall
28 be deposited in any account and used for the purposes of public
29 safety.

30 Sec. 3. APPLICABILITY. This Act applies to the placement
31 and operation of automated traffic law enforcement systems on
32 or after July 1, 2019. However, any automated traffic law
33 enforcement system in operation prior to January 1, 2019, need
34 not comply with this Act until January 1, 2020. On or after
35 January 1, 2020, such a system shall cease operation until the

1 system complies with this Act.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill regulates the use of automated traffic law
6 enforcement systems (systems). The bill defines "automated
7 traffic law enforcement system" to mean a device used for
8 the enforcement of laws regulating vehicular traffic and
9 equipped with one or more sensors working in conjunction
10 with an official traffic-control signal, a speed measuring
11 device, a railroad grade crossing signal light, or any official
12 traffic-control device if failure to comply with the official
13 traffic-control device constitutes a moving violation under
14 Code chapter 321 (motor vehicles and law of the road).

15 OPERATION BY THE DEPARTMENT OF TRANSPORTATION. The bill
16 prohibits the department of transportation (DOT) from placing,
17 operating, maintaining, or employing the use of any system, and
18 prohibits the DOT from causing to be placed any system except
19 as provided in the bill.

20 OPERATION BY LOCAL AUTHORITIES. The bill prohibits a local
21 authority, or another entity on a local authority's behalf,
22 from operating a system without approving the use of the
23 system following an established self-certification process.
24 The self-certification process must include a justification
25 report and a public hearing at which the local authority must
26 provide evidence of a demonstrated safety need for the system.
27 Notice of the date, time, and location of the hearing must be
28 published in accordance with state law. A public hearing may
29 address several locations at which a local authority intends to
30 place a system. However, the bill requires a local authority
31 to adopt a separate ordinance approving the use of a system
32 for each location at which the local authority operates or
33 intends to operate a fixed or mobile system. A local authority
34 may approve the operation of a system only if the system is
35 located in a documented high-crash or high-risk location at

1 which there is a demonstrated safety need for the system. The
2 local authority must demonstrate the safety need for the system
3 based on the volume of traffic, the history of motor vehicle
4 accidents, the frequency and type of traffic violations,
5 the risk to peace officers employing traditional traffic
6 enforcement methods, any additional information required in
7 the justification report, and any other safety criteria deemed
8 appropriate by the local authority. These requirements apply
9 for each location at which a local authority, or another entity
10 on a local authority's behalf, operates or intends to operate a
11 fixed or mobile system.

12 JUSTIFICATION REPORT. The bill requires a justification
13 report to provide all necessary information and documentation
14 to demonstrate whether an area is a high-crash or high-risk
15 location, including documentation relating to existing traffic
16 speeds, posted speed limits, traffic volumes, intersection
17 or roadway geometry, the applicable motor vehicle accident
18 history, the history of traffic violations for accidents
19 occurring at the location attributable to violating the speed
20 limit or an official traffic-control signal, the identification
21 of critical traffic safety issues and a comprehensive list of
22 solutions, other solutions or safety countermeasures that the
23 local authority has implemented along with those that the local
24 authority has considered but not implemented, discussions held
25 and actions taken by the local authority with any partnering
26 entities that have resources which could aid in the reduction
27 of accidents, and the reasons the local authority believes a
28 system is the best solution to address the critical traffic
29 safety issues.

30 SIGNAGE. The bill prohibits a local authority, or another
31 entity on a local authority's behalf, from operating a
32 system without posting required signage. For a fixed system,
33 permanent signs advising drivers that the system is in place
34 must be posted in clear and present view of passing drivers
35 in advance of the location where the system is in use. For a

1 mobile system, temporary or permanent signs advising drivers
2 that the system is in place must be posted in clear and present
3 view of passing drivers in advance of the location where the
4 system is in use. The bill requires the signage to conform to
5 the manual on uniform traffic-control devices as adopted by the
6 DOT.

7 CITATIONS AND FINES. The bill prohibits a local authority,
8 or another entity on a local authority's behalf, from issuing
9 a citation resulting from the use of a system until an active
10 peace officer of the local authority has reviewed the citation
11 and any relevant recorded images produced by the system. The
12 bill prohibits the amount of the fine or civil penalty imposed
13 by a citation resulting from the use of a system from exceeding
14 the amount of the fine for a scheduled violation under Code
15 section 805.8A (motor vehicle and transportation scheduled
16 violations) for the same or a similar violation of Code chapter
17 321.

18 SYSTEM CALIBRATIONS. The bill requires a system working
19 in conjunction with a speed measuring device or official
20 traffic-control signal to comply with the generally accepted
21 procedures for operating the system. The bill requires a
22 system to verify its internal calibrations daily, and a person
23 trained in the calibration of the system to conduct a monthly
24 calibration. A person trained in the calibration of a mobile
25 system must also conduct a calibration prior to the use of the
26 mobile system after any change in location. A local authority,
27 or another entity on a local authority's behalf, operating
28 a system must maintain a monthly log detailing whether the
29 local authority or entity successfully performed the monthly
30 calibrations and whether the system successfully performed the
31 daily internal calibrations. The bill provides that the log
32 and documentation of the calibrations is admissible in any
33 court proceeding relating to an official traffic-control signal
34 violation or a speed limit violation.

35 RECORDS AND REPORTS. The bill requires a local authority

1 to compile and maintain records relating to the number of
2 traffic violations and number of traffic accidents for all
3 locations at which the local authority, or another entity on
4 a local authority's behalf, operates or intends to operate a
5 system. Such records must be compiled and maintained for one
6 year prior to the installation of the system and for each year
7 the system is in operation. Such records must be available for
8 examination to the same extent allowed in Code section 22.2
9 (right to examine public records). The bill requires a local
10 authority with a system operating within its jurisdiction to
11 submit an annual report to the general assembly on or before
12 December 31 of each year detailing the effectiveness of each
13 system operating within its jurisdiction. An annual report
14 must include the justification report and also include but not
15 be limited to information relating to increases or decreases in
16 the number of speed limit violations, violations of official
17 traffic-control signals, and traffic accidents.

18 SYSTEMS ON PRIMARY ROADS. Prior to a local authority
19 placing a system on a primary road, the bill requires the local
20 authority to obtain approval from the DOT. A local authority
21 must submit to the DOT any information requested by the DOT
22 during the approval process. If the local authority's use of
23 the system is approved by the DOT, the local authority must
24 follow the requirements set forth in the DOT's rules. The bill
25 authorizes the DOT to adopt or modify rules relating to systems
26 to the extent necessary to ensure systems are operated in a
27 safe and equitable manner. The bill provides the DOT shall
28 have the authority to annually review all systems placed on
29 primary roads and to require removal or modification of such
30 systems.

31 APPEALS. The bill requires a local authority to designate a
32 process by which a person may appeal a citation issued through
33 the use of a system, which at a minimum must provide for an
34 appeal to an impartial body created by the local authority
35 to review citations issued through the use of systems and,

1 following a decision from the impartial body that is adverse to
2 the person, an appeal to the district court, sitting in small
3 claims, of the county in which the local authority is located.

4 PETITIONS FOR REMOVAL. The bill requires a local authority
5 to authorize a petition process by which citizens within the
6 local authority may petition for the removal of a fixed system
7 or the disapproval of a location approved for the use of mobile
8 systems. Petitions must be specific to one fixed system or one
9 location approved for the use of mobile systems. The bill sets
10 forth the number of signatures and related information required
11 for petitions to cities and counties. If a petition is valid,
12 the city council or county board of supervisors, as applicable,
13 must vote on whether to repeal the ordinance allowing the
14 operation of the fixed system or approving the location for the
15 use of mobile systems. If a city council or county board of
16 supervisors has voted, a new petition for the same fixed system
17 or the same location approved for use of mobile systems is not
18 valid for three years after the date of the vote.

19 SANCTIONS. The bill provides that a local authority that
20 operates a system in violation of the bill is precluded from
21 operating any system for a period of two years. A citizen
22 residing within the jurisdiction of a local authority which
23 violates the bill is allowed to file suit to enjoin the local
24 authority from operating a system.

25 USE OF REVENUE. The bill requires all moneys collected by a
26 local authority from citations issued as a result of the use
27 of a system, less the amount necessary for the installation,
28 operation, and maintenance of system, to be deposited in the
29 account or accounts maintained by the local authority for
30 moneys appropriated to the local authority from the secondary
31 road fund or street construction fund of the cities, or to be
32 deposited in any account and used for the purposes of public
33 safety.

34 APPLICABILITY. The bill applies to the placement and
35 operation of systems on or after July 1, 2019. However, any

H.F. _____

1 system in operation prior to January 1, 2019, need not comply
2 with the bill until January 1, 2020. On or after January 1,
3 2020, the bill requires such a system to cease operation until
4 the system complies with the bill.