

House Study Bill 161 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON THOMPSON)

A BILL FOR

1 An Act relating to the use of automated traffic enforcement
2 systems on the primary road system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321P.1 Definitions.

2 As used in this chapter:

3 1. "*Automated enforcement*" means the use of automated
4 traffic enforcement systems for enforcement of laws regulating
5 vehicular traffic.

6 2. "*Automated traffic enforcement system*" means a system
7 that operates in conjunction with an official traffic-control
8 signal, as described in section 321.257, or a speed-measuring
9 device to produce recorded images of vehicles being operated
10 in violation of traffic laws.

11 3. "*Department*" means the state department of
12 transportation.

13 4. "*High-crash location*" means a location where data
14 indicates a greater frequency or higher rate of crashes
15 when compared with other similar locations within the local
16 jurisdiction, other like jurisdictions, or larger metropolitan
17 areas.

18 5. "*High-risk location*" means a location where the safety of
19 citizens or law enforcement officers would be at higher risk
20 through conventional enforcement methods.

21 6. "*Local jurisdiction*" means a city or county.

22 Sec. 2. NEW SECTION. 321P.2 Applicability — department
23 approval required — use by department prohibited.

24 1. This chapter applies only to local jurisdictions using
25 or planning to use automated enforcement on the primary road
26 system.

27 2. A local jurisdiction shall obtain approval from the
28 department prior to using an automated traffic enforcement
29 system on the primary road system.

30 3. The department shall not own or operate any automated
31 traffic enforcement system.

32 4. The department shall not receive any financial payment
33 from any automated traffic enforcement system owned or operated
34 by a local jurisdiction.

35 Sec. 3. NEW SECTION. 321P.3 Use of automated traffic

1 **enforcement systems.**

2 1. A local jurisdiction shall explore and implement other
3 engineering and enforcement solutions before considering
4 automated enforcement.

5 2. A local jurisdiction shall consider implementing
6 automated enforcement only in extremely limited situations on
7 interstate roads.

8 3. A local jurisdiction shall only consider automated
9 enforcement in areas with a documented high-crash or high-risk
10 location in any of the following areas:

11 a. An area or intersection with a significant history
12 of crashes which can be attributed to persons disobeying an
13 official traffic-control signal or exceeding the posted speed
14 limit.

15 b. A school zone, as described in section 321.249.

16 Sec. 4. NEW SECTION. 321P.4 **Justification report.**

17 1. A local jurisdiction that intends to implement automated
18 enforcement shall provide a justification report to the
19 department by submitting a request and the justification report
20 to the appropriate district engineer. A licensed, professional
21 engineer knowledgeable in traffic safety shall sign the
22 justification report.

23 2. The justification report must provide all necessary
24 information and documentation to clearly define the area where
25 use of automated enforcement is intended, provide evidence
26 documenting why the area is a high-crash or high-risk location,
27 and describe the process used to justify the need for automated
28 enforcement.

29 3. The justification report must include but is not limited
30 to all of the following information:

31 a. Existing traffic speeds, posted speed limits, traffic
32 volumes, and intersection or roadway geometry, as applicable,
33 information ensuring that the existing speed limits and traffic
34 signal timings are appropriate, and detailing how such speed
35 limits and signal timings were established.

1 *b.* Applicable crash history, the primary crash types, crash
2 causes, crash severity, and observed or ascertained traffic
3 violations. Only crashes attributable to violations of the
4 posted speed limit or official traffic-control signals shall be
5 included in the justification report.

6 *c.* A comparison of crash data with other similar locations
7 within the local jurisdiction, other like jurisdictions, and
8 larger metropolitan areas.

9 *d.* The critical traffic safety issues based on the data
10 provided pursuant to this subsection and a comprehensive list
11 of countermeasures that may reduce the critical traffic safety
12 issues.

13 *e.* Solutions or safety countermeasures that have been
14 implemented, along with those that have been considered but
15 not implemented, including but not limited to law enforcement
16 activities, engineering and design changes, and public
17 education campaigns.

18 *f.* Discussions held and actions taken with partnering
19 agencies that have resources which could aid in the reduction
20 of crashes attributable to violations of the posted speed limit
21 and official traffic-control signals.

22 *g.* Reasons the local jurisdiction believes automated
23 enforcement is the best solution to reduce the critical traffic
24 safety issues.

25 4. A local jurisdiction intending to implement a mobile
26 automated traffic enforcement system shall include all of the
27 following information with the justification report:

28 *a.* A description of the mobile automated traffic enforcement
29 system.

30 *b.* The proposed duration of use of a mobile automated
31 traffic enforcement system at each location and an indication
32 of where the unit will be physically placed relative to
33 the highway, including the roadway and its boundaries, such
34 as curbs, shoulders, medians, and other relevant location
35 characteristics.

1 Sec. 5. NEW SECTION. **321P.5 Department review.**

2 1. Within ninety days of receipt of the request and a
3 completed justification report, the department shall either
4 approve or deny specific automated enforcement locations in
5 the request. The department's response time may be extended
6 if the collection of additional data is needed, such as
7 conducting a speed study. Incomplete justification reports
8 shall be returned to the local jurisdiction. The department
9 shall review the request and justification report, evaluate
10 the process used, and determine if the proposed automated
11 traffic enforcement system is needed and warranted. If an
12 automated enforcement request is approved, the department
13 shall prepare an agreement detailing the approved use of such
14 enforcement which must be signed by the department and the
15 local jurisdiction.

16 2. Upon receipt by the department of a request and a
17 completed justification report from a local jurisdiction, the
18 department shall include the information on the department's
19 internet site.

20 Sec. 6. NEW SECTION. **321P.6 Systems installed, maintained,
21 and placed.**

22 1. A local jurisdiction shall install and maintain an
23 automated traffic enforcement system in a safe manner and place
24 the system to ensure motorist safety by reducing the chances
25 of creating a potentially unsafe environment for motorists as
26 follows:

27 *a.* In a location where the system does not impede,
28 oppose, or interfere with free passage along the primary road
29 right-of-way.

30 *b.* In a location where the system does not create a visual
31 obstruction to passing motorists.

32 *c.* In a manner to avoid creating traffic backups or delays.

33 2. A local jurisdiction shall not place or park an automated
34 traffic enforcement system in any of the following locations:

35 *a.* On any shoulder or median of any interstate highway.

1 *b.* Within fifteen feet of the outside traffic lane of any
2 interstate highway, unless shielded by a crashworthy barrier.

3 *c.* On the outside shoulder of any other primary road for
4 longer than forty-eight hours unless shielded by a crashworthy
5 barrier.

6 *d.* Within two feet of the back of the curb of a municipal
7 extension of any primary road.

8 *e.* Within the first one thousand feet of a change in speed
9 limit to a lower posted speed limit.

10 3. A local jurisdiction shall not place or operate an
11 automated traffic enforcement system within the defined limits
12 of any road work zone, as defined in section 321.1.

13 Sec. 7. NEW SECTION. **321P.7 Required signs.**

14 1. A local jurisdiction shall post permanent signs in
15 advance of the locations where automated traffic enforcement
16 systems are in use to advise drivers that the area is monitored
17 by an automated traffic enforcement system.

18 2. A local jurisdiction shall post temporary or permanent
19 signs advising that vehicle speed is monitored by automated
20 enforcement in advance of an area monitored by a mobile
21 automated traffic enforcement system, as agreed to by the
22 department and the local jurisdiction.

23 3. A local jurisdiction using an automated traffic
24 enforcement system is authorized to post permanent signs on
25 primary access roads entering local jurisdictions that are
26 under automated enforcement.

27 4. All signs must be in accordance with the sign manual
28 adopted by the department.

29 Sec. 8. NEW SECTION. **321P.8 Enforcement.**

30 1. A local jurisdiction shall use automated enforcement in
31 conjunction with conventional law enforcement methods, not as a
32 replacement for law enforcement officer contact.

33 2. If a local jurisdiction uses a mobile automated traffic
34 enforcement system, a law enforcement agency shall own the
35 vehicle equipped with the mobile automated traffic enforcement

1 system and the vehicle must be marked with official decals and
2 have an "official" registration plate issued under section
3 321.19 affixed to the vehicle.

4 Sec. 9. NEW SECTION. 321P.9 Calibration.

5 An automated traffic enforcement system shall be calibrated
6 by a local law enforcement officer, trained in the use and
7 calibration of the system, at least quarterly for a fixed
8 system and prior to being used at any new location for a mobile
9 system.

10 Sec. 10. NEW SECTION. 321P.10 Evaluation, reporting, and
11 reevaluation.

12 1. A local jurisdiction with active automated enforcement
13 on a primary road shall evaluate the effectiveness of its use
14 annually. The evaluation shall do all of the following:

15 a. Address the reduction of vehicle speeds and the number of
16 official traffic-control signal violations, as applicable, for
17 those sites being monitored by automated enforcement.

18 b. Identify the number and type of crashes at the sites
19 being monitored, and compare the data for sites to the number
20 and type of crashes at the sites before automated enforcement
21 was implemented. The evaluation for a system that monitors an
22 intersection only requires the data for monitored approaches.

23 c. Evaluate and document the automated traffic enforcement
24 system's effect on reducing the critical traffic safety issues
25 listed in the justification report.

26 d. Provide the total number of citations issued for each
27 calendar year that the automated traffic enforcement system has
28 been in operation.

29 e. Certify that the automated traffic enforcement system has
30 been calibrated in accordance with section 321P.9.

31 2. A local jurisdiction shall report the annual evaluation
32 to the department's office of traffic and safety on or before
33 May 1 each year, beginning on the first May 1 following a full
34 calendar year with automated enforcement implemented, and the
35 report shall be based on performance for the prior year.

1 3. The department shall utilize information collected
2 from the annual evaluation reports from local jurisdictions
3 to assist in evaluating the continued need for such systems
4 at each location. The continued use of automated enforcement
5 is contingent on the effectiveness of the system, appropriate
6 administration of the system by the local jurisdiction,
7 continued compliance with this chapter, considering changes
8 in traffic patterns, infrastructure improvements, and
9 implementation of other identified safety countermeasures.

10 4. The department is authorized to require a local
11 jurisdiction to remove or modify an automated system in a
12 particular location.

13 Sec. 11. NEW SECTION. 321P.11 Appeals.

14 Notwithstanding chapter 17A, a local jurisdiction may
15 appeal a decision made by the department as part of this
16 chapter by submitting a written explanation of the issue and
17 any supporting information to the director of transportation.
18 Once the director receives the appeal, the director shall have
19 thirty days to respond. The director's decision is final
20 agency action.

21 Sec. 12. NEW SECTION. 321P.12 Rules.

22 The department may adopt rules pursuant to chapter 17A as
23 necessary to implement this chapter.

24 EXPLANATION

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

27 In 2014, the department of transportation (DOT) adopted
28 administrative rules authorizing and regulating the use of
29 automated traffic enforcement (ATE) systems on the primary road
30 system. After judicial review, the Iowa supreme court ruled
31 the DOT did not have authority to adopt rules regulating the
32 use of ATE systems. This bill codifies the previously adopted
33 DOT rules.

34 The bill applies only to automated enforcement used by
35 local jurisdictions on the primary road system. The DOT is

1 prohibited from using automated enforcement or receiving
2 related payments from local jurisdictions.

3 Under the bill, a city or county (local jurisdiction)
4 seeking to use automated enforcement is required to receive
5 approval from the DOT. A local jurisdiction is required to
6 submit a justification report, detailing the need for automated
7 enforcement based on factors described in the bill. The DOT
8 must approve or deny a local jurisdiction's request within 90
9 days, unless additional time is needed to gather more data or
10 conduct a speed study. If the DOT approves a request, the
11 DOT must prepare an agreement which must be signed by the
12 department and the local jurisdiction.

13 The bill requires ATE systems to be installed and maintained
14 in a safe manner and limits the locations on or along a roadway
15 where the ATE system is permitted to be installed. The ATE
16 systems must be calibrated quarterly, and if a mobile ATE
17 system is used, it must be calibrated before each use at a
18 new location. Local jurisdictions are required to post signs
19 in advance of locations where ATE systems are used to advise
20 drivers of such systems.

21 Each year, a local jurisdiction that uses automated
22 enforcement must evaluate the effectiveness of the ATE system
23 and report its findings to the DOT on or before May 1. The
24 DOT must review the annual reports and determine whether
25 continued use of automated enforcement is justified. The DOT
26 is authorized to require a local jurisdiction to remove or
27 modify an ATE system in a particular location.

28 A local jurisdiction may appeal a decision made by the
29 DOT by submitting a written explanation of the issue and any
30 supporting information to the director of the DOT. Once the
31 director receives the appeal, the director has 30 days to
32 respond. The director's decision is final agency action.

33 Automated enforcement must be used in conjunction with
34 conventional law enforcement methods, not as a replacement for
35 law enforcement officer contact.