

House Study Bill 740 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON KAUFMANN)

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 a speed-measuring device to
8 produce recorded images of vehicles being operated in violation
9 of traffic laws.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 a. An area or intersection with a significant history of
11 crashes which can be attributed to persons exceeding the posted
12 speed limit.

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

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

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

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

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

29 a. Existing traffic speeds, posted speed limits, traffic
30 volumes, and intersection or roadway geometry, information
31 ensuring that the existing speed limits are appropriate, and
32 detailing how such speed limits were established.

33 b. Applicable crash history, the primary crash types, crash
34 causes, crash severity, and observed or ascertained traffic
35 violations. Only crashes attributable to violations of the

1 posted speed limit shall be included in the justification
2 report.

3 *c.* A comparison of crash data with other similar locations
4 within the local jurisdiction, other like jurisdictions, and
5 larger metropolitan areas.

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

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

15 *f.* Discussions held and actions taken with partnering
16 agencies that have resources which could aid in the reduction
17 of crashes attributable to violations of the posted speed
18 limit.

19 *g.* Reasons the local jurisdiction believes automated
20 enforcement is the best solution to reduce the critical traffic
21 safety issues.

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

25 *a.* A description of the mobile automated traffic enforcement
26 system.

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

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

34 1. Within ninety days of receipt of the request and a
35 completed justification report, the department shall either

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

12 2. Upon receipt by the department of a request and a
13 completed justification report from a local jurisdiction, the
14 department shall include the information on the department's
15 internet site.

16 Sec. 6. NEW SECTION. 321P.6 **Systems installed, maintained,**
17 **and placed.**

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

23 a. In a location where the system does not impede,
24 oppose, or interfere with free passage along the primary road
25 right-of-way.

26 b. In a location where the system does not create a visual
27 obstruction to passing motorists.

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

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

31 a. On any shoulder or median of any interstate highway.

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

34 c. On the outside shoulder of any other primary road for
35 longer than forty-eight hours unless shielded by a crashworthy

1 barrier.

2 d. Within two feet of the back of the curb of a municipal
3 extension of any primary road.

4 e. Within the first one thousand feet of a change in speed
5 limit to a lower posted speed limit.

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

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

10 1. A local jurisdiction shall post permanent signs in
11 advance of the locations where automated traffic enforcement
12 systems are in use to advise drivers that the area is monitored
13 by an automated traffic enforcement system.

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

19 3. A local jurisdiction using an automated traffic
20 enforcement system is authorized to post permanent signs on
21 primary access roads entering local jurisdictions that are
22 under automated enforcement.

23 4. All signs must be in accordance with the sign manual
24 adopted by the department.

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

26 1. A local jurisdiction shall use automated enforcement in
27 conjunction with conventional law enforcement methods, not as a
28 replacement for law enforcement officer contact.

29 2. If a local jurisdiction uses a mobile automated traffic
30 enforcement system, a law enforcement agency shall own the
31 vehicle equipped with the mobile automated traffic enforcement
32 system and the vehicle must be marked with official decals and
33 have an "official" registration plate issued under section
34 321.19 affixed to the vehicle.

35 Sec. 9. NEW SECTION. 321P.9 **Calibration.**

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

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

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

11 a. Address the reduction of vehicle speeds for those sites
12 being monitored by automated enforcement.

13 b. Identify the number and type of crashes at the sites
14 being monitored, and compare the data for sites to the number
15 and type of crashes at the sites before automated enforcement
16 was implemented. The evaluation for a system that monitors an
17 intersection only requires the data for monitored approaches.

18 c. Evaluate and document the automated traffic enforcement
19 system's effect on reducing the critical traffic safety issues
20 listed in the justification report.

21 d. Provide the total number of citations issued for each
22 calendar year that the automated traffic enforcement system has
23 been in operation.

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

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

31 3. The department shall utilize information collected
32 from the annual evaluation reports from local jurisdictions
33 to assist in evaluating the continued need for such systems
34 at each location. The continued use of automated enforcement
35 is contingent on the effectiveness of the system, appropriate

1 administration of the system by the local jurisdiction,
2 continued compliance with this chapter, considering changes
3 in traffic patterns, infrastructure improvements, and
4 implementation of other identified safety countermeasures.

5 4. The department is authorized to require a local
6 jurisdiction to remove or modify an automated system in a
7 particular location.

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

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

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

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

19 EXPLANATION

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

22 In 2014, the department of transportation (DOT) adopted
23 administrative rules authorizing and regulating the use of
24 automated traffic enforcement (ATE) systems on the primary road
25 system. After judicial review, the Iowa supreme court ruled
26 the DOT did not have authority to adopt rules regulating the
27 use of ATE systems. This bill codifies the previously adopted
28 DOT rules, other than those relating to the use of ATE systems
29 monitoring official traffic-control devices.

30 The bill applies only to automated enforcement used by local
31 jurisdictions to monitor and enforce excessive speed violations
32 on the primary road system. The DOT is prohibited from using
33 automated enforcement or receiving related payments from local
34 jurisdictions.

35 Under the bill, a city or county (local jurisdiction)

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

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

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

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

30 Automated enforcement must be used in conjunction with
31 conventional law enforcement methods, not as a replacement for
32 law enforcement officer contact.