A BILL FOR

1 An Act regulating the use of automated traffic law enforcement systems, and providing a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 321.1, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. "Automated traffic law enforcement system" means a device used for the enforcement of laws regulating vehicular traffic and equipped with one or more sensors working in conjunction with one of the following:

a. An official traffic-control signal, to produce recorded images of motor vehicles entering an intersection against a red signal light.
b. A speed measuring device, to produce recorded images of motor vehicles traveling at a prohibited rate of speed.
c. A railroad grade crossing signal light, as described in section 321.342, to produce recorded images of motor vehicles violating the signal light.
d. Any official traffic-control device, if failure to comply with the official traffic-control device constitutes a moving violation under this chapter.

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

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

2. a. A local authority, or another entity on a local authority's behalf, shall not operate an automated traffic law enforcement system without approving the use of the system following an established self-certification process. The self-certification process shall include a justification report meeting the requirements of paragraph "b", which shall be made readily available for the public to review, and a public hearing at which the local authority shall provide evidence of a demonstrated safety need for the automated traffic law enforcement system. Notice of the date, time, and place of
the hearing shall be published in the manner described in section 362.3. A public hearing may address several locations at which a local authority intends to place an automated traffic law enforcement system. However, a local authority shall adopt an ordinance approving the use of an automated traffic law enforcement system for each location at which the local authority operates a fixed or mobile automated traffic law enforcement system. A local authority may approve the operation of an automated traffic law enforcement system only if the system is located in a documented high-crash or high-risk location at which there is a demonstrated safety need for the system. The local authority shall demonstrate the safety need for the system based on the volume of traffic, the history of motor vehicle accidents, the frequency and type of traffic violations, the risk to peace officers employing traditional traffic enforcement methods, any additional information required in the justification report, and any other safety criteria deemed appropriate by the local authority. These requirements shall apply for each location at which a local authority, or another entity on a local authority's behalf, operates a fixed or mobile automated traffic law enforcement system.

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

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

(2) The applicable motor vehicle accident history, the primary accident types, accident causes, accident severity, and the history of any related traffic violations. Only accidents
1 attributable to violating the speed limit or an official
2 traffic-control signal shall be included in this report. Such
3 documentation shall compare accident data with data from other
4 similar locations within the local authority's jurisdiction,
5 other similar jurisdictions, and larger 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) Solutions or safety countermeasures that the local
11 authority has implemented along with those that the local
12 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.
(3) The signage conforms to the manual on uniform traffic-control devices as adopted by the department.

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

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

f. An automated traffic law enforcement system working in conjunction with a speed measuring device or official traffic-control signal shall comply with the generally accepted procedures for operating the system. An automated traffic law enforcement system shall verify its internal calibrations on a daily basis. If the daily internal calibration is not valid, the system shall not operate until a successful calibration is subsequently conducted. In addition to the daily internal calibration, a monthly calibration shall be conducted by a person trained in the calibration of the system. A person trained in the calibration of a mobile automated traffic law enforcement system shall also conduct a calibration prior to the use of the mobile system after any change in location.

A local authority, or another entity on a local authority's behalf, operating an automated traffic law enforcement system shall maintain a monthly log detailing whether the local authority or entity successfully performed the daily and monthly calibrations. The log and documentation of the calibrations shall be admissible in any court proceeding relating to an official traffic-control signal violation pursuant to section 321.257 or a speed limit violation pursuant to section 321.285.
g. A local authority shall maintain or compile records relating to the number of traffic violations and number of traffic accidents for all locations at which the local authority, or another entity on a local authority’s behalf, operates or intends to operate an automated traffic law enforcement system. Such records shall be maintained or compiled by the local authority for one year prior to the installation of the automated traffic law enforcement system and for each year the automated traffic law enforcement system is in operation. Such records shall be available for examination to the same extent allowed in section 22.2. A local authority with an automated traffic law enforcement system operating within its jurisdiction shall file an annual report with the general assembly on or before December 31 of each year detailing the effectiveness of each automated traffic law enforcement system operating within its jurisdiction. An annual report shall include the justification report described in paragraph “b” and shall also include but not be limited to information relating to increases or decreases in the number of speed limit violations, violations of official traffic-control signals, and traffic accidents.

h. Prior to a local authority placing an automated traffic law enforcement system on a primary road, the local authority shall obtain approval from the department in accordance with rules adopted by the department. A local authority shall submit to the department any information requested by the department during the approval process. If the local authority’s use of the system is approved by the department, the local authority shall follow the requirements set forth in rules adopted by the department. The department may modify its rules relating to automated traffic law enforcement systems to the extent necessary to ensure automated traffic law enforcement systems are operated in a safe and equitable manner. This paragraph “h” shall not apply to an automated traffic law enforcement system approved or allowed to operate
in accordance with rules adopted by the department and in operation prior to January 1, 2017. A local authority may continue to operate such a system in the same manner as the system was operated prior to January 1, 2017. However, after a local authority discontinues operation of such a system, any new manner of operation or new system operated by the local authority shall comply with this paragraph "h". The department shall have the authority to annually review all automated traffic law enforcement systems placed on primary roads and shall have the authority to require removal or modification of such systems.

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

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

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

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

(2) If the local authority is a city, a petition brought under this paragraph "j" is valid if it is signed by a number of eligible electors of the city equal to or greater than ten percent of the number of persons who voted in the last regular city election. The petition shall include the signatures of
1 the petitioners, the places of residence of the petitioners,  
2 and the date on which the petitioners signed the petition.  
3  (3) If the local authority is a county, a petition brought  
4 under this paragraph "j" is valid if it is signed by a number  
5 of eligible electors of the county equal to or greater than  
6 ten percent of the number of votes cast in the county in the  
7 last presidential election. The petition shall include the  
8 signatures of the petitioners, the places of residence of the  
9 petitioners, and the date on which the petitioners signed the  
10 petition.  
11  (4) If a petition is valid as provided in this paragraph  
12 "j", the city council or county board of supervisors, as  
13 applicable, shall vote on whether to repeal the ordinance  
14 allowing the operation of the fixed system or approving the  
15 location for the use of mobile systems.  
16  (5) If a city council or county board of supervisors has  
17 voted pursuant to subparagraph (4), a new petition for the same  
18 fixed system or the same location approved for use of mobile  
19 systems shall not be valid for three years after the date of  
20 the vote.  
21 k. A local authority that operates an automated traffic  
22 law enforcement system in violation of this section shall be  
23 precluded from operating any automated traffic law enforcement  
24 system for a period of two years. A citizen residing within  
25 the jurisdiction of a local authority which violates this  
26 section shall be allowed to file suit to enjoin the local  
27 authority from operating an automated traffic law enforcement  
28 system in accordance with this paragraph "k".  
29  3. All moneys collected by a local authority from citations  
30 issued as a result of the use of an automated traffic law  
31 enforcement system, less the amount necessary for the  
32 installation, operation, and maintenance of the automated  
33 traffic law enforcement system, shall be deposited in the  
34 account or accounts maintained by the local authority for  
35 moneys appropriated to the local authority from the secondary
road fund or street construction fund of the cities, or shall be deposited in any account and used for the purposes of public safety. This subsection shall not apply to moneys collected for court costs or other associated costs, the criminal penalty surcharge required by section 911.1, or the county enforcement surcharge required by section 911.4, as applicable.