



- e) Maintain controls necessary to ensure that violations are reviewed and approved by a governmental agency.
- 3) Specifies that the photographic records of the automated system are confidential and may only be used to enforce speeding violations. Such records may not include the driver's face but shall be available to the registered owner of the cited vehicle.
- 4) Requires the governmental agency to consider the safety data and demographics of a community before installing the automated system to ensure equitable system placement.
- 5) Prohibits the governmental agency that proposes to install the automated system from considering revenue generation as a factor when considering whether to install such a system.
- 6) Establishes that a violation recorded by the automated photo enforcement system is a civil penalty of not more than \$150. It is not a moving violation nor shall it result in an assessment of points against the license of the person found to be liable for the violation. Only a peace officer or a qualified employee of a law enforcement agency may affirm a violation occurred.
- 7) Establishes an appeal process.
- 8) Authorizes, but does not require, the governmental agency to accept payment in installments if the individual provides satisfactory evidence of an inability to pay the fine. Performance of community service in lieu of payment of the civil penalty is authorized.

**COMMENTS:**

- 1) *Purpose.* "SB 735 will help increase the safety of children and pedestrians by allowing the use of speed safety cameras in school zones to prevent speeding drivers. School zones are designed to be low-speed areas, but studies have found that two-thirds of drivers exceed the posted speed limit in a school zone during the 30-minute period before and after school. Speed safety cameras in school zones are a proven technology used in other states to change behavior and save lives."
- 2) *What's the Evidence?* There's little official evidence about traffic accidents in school zones in California. The California Highway Patrol's traffic accident

database does not record accidents with that detail so we have no evidence as to the number of school zone accidents or whether those numbers are increasing.

In support of this bill, the author makes the more general observation that speed is a contributing factor in 26% of all traffic fatalities nationwide, according to the National Highway Traffic Safety Administration, and that 134 Los Angeles pedestrians were killed by drivers in 2019, according to LAist, part of Southern California Public Radio. The author also cites a 2016 report from Safe Kids Worldwide, a nonprofit, which noted that between 2014 and 2016 the pedestrian death rate for 12-19 year olds had increased 13%.

- 3) *Improving Safety or Raising Revenues?* Automated traffic enforcement has a poor history, sometimes used to raise revenue rather than support public safety. Automated stop sign enforcement has targeted drivers for trivial and technical violations, providing a revenue source for the sponsoring agency and its contractor. Red light cameras have the same unfortunate history. This has resulted in repeal of the right to use automated enforcement, statutory establishment of minimum yellow light intervals, and prohibitions on compensation to the companies selling automated enforcement systems based on the number of tickets issued.
- 4) *Other States.* Supporters of this bill cite other states where automated speed enforcement in school zones has worked. Seattle has implemented automated photo enforcement at 14 mostly elementary schools. A 2018 study by the University of Washington found that automated photo enforcement decreased speeding violations by nearly 50%. Those violations are fines of \$237 to the vehicle owner. New York City has installed automated speed enforcement around many schools. Fifty-dollar fines are issued to the vehicle owner if the vehicle exceeds the limit by more than 10 mph between 6 am and 10 pm weekdays.
- 5) *A Very Big, Deep and Strict Net.* This bill has a number of provisions, which could be implemented very strictly and broadly, capturing drivers who unknowingly violate its provisions in trivial and unexpected ways, imposing significant fines. Because cameras can be always on, the impact is a zero tolerance policy.

The bill proposes that the school zone extend as much as 2500 feet beyond the school boundary in every direction. This is far beyond the existing school zone boundary of 500 feet where a 15 mph limit applies and well past where students would have dispersed. The bill allows the automated enforcement to be

activated seven days a week, twenty four hours a day, obviously far beyond when students could reasonably be expected to be about. The bill requires no safe haven allowing a fine to be issued for the most inconsequential overage of the speed limit. The bill does not require clear notice that the automated enforcement is activated nor what the speed limit is, raising questions of fairness. The bill does not prohibit the company operating the camera system to be compensated for each ticket issued. Finally, the bill provides weak safeguards on ensuring that the automated enforcement program isn't used to raise funds for the city.

- 6) *Alternative Approach.* Because of the poor history of automated traffic enforcement and the lack of data on the degree of the problem, *the author may wish to consider a less expansive, more calibrated approach such as a pilot program* to give the state some experience with the technology and to develop best practices for implementing the technology, keeping in mind that the goal is to improve safety. A reasonable pilot program would be limited to a few school sites, established after a public meeting by the school governing board, be restricted to the 500 foot school zone boundary, limit the operations to school days during specified hours, provide specific warning to drivers that the system is activated and what the speed limit is, establish a safe haven threshold for speed above the limit that would not be ticketed, prohibit compensation to the companies providing the automated enforcement systems that is based on tickets issued or revenue raised, and require that fines in excess of the cost of operating the automated enforcement system be remitted to the Office of Traffic Safety.
- 7) *Like a Parking Ticket, but More.* A speeding violation caught by the automated enforcement system in this bill is subject to a civil fine, like a parking ticket, of up to \$150. The fine goes to the vehicle owner, not the driver. That same speeding violation caught by a traffic officer is a moving violation for the driver that goes on his driving record, potentially raising his insurance rates and costing more. The bill provides for an appeal process, which gives cities the option of allowing payment plans or offering community service for those who demonstrate they can't pay the fine.

The \$150 maximum fine in the bill seem steep and out of step with the Legislature's recent actions to reduce the impact of parking fines. *The author may wish to consider reducing the fine to a less punitive level and to require, rather than simply authorize, cities to allow payment plans and community service.*

- 8) *Double Referral.* This bill has been double referred to the Judiciary Committee.

**RELATED LEGISLATION:**

**SB 111 (Newman, 2021)** – Authorizes automated enforcement of school bus stopping requirements. *This bill is pending in the Senate Transportation Committee.*

**AB 43 (Friedman, 2021)** – Generally authorizes lower speed limits. *This bill is pending in the Assembly Transportation Committee.*

**AB 550 (Chiu, 2021)** – Authorizes pilot programs for implementation of automated speed enforcement. *This bill is pending in the Assembly Transportation Committee.*

**AB 3277 (Jones-Sawyer, Chapter 44 of 2020)** – Expands the eligibility for payment plans for parking tickets established by AB 2544 and lengthens the period over which payments can be spread.

**AB 2544 (Lackey, Chapter 494 of 2018)** – Requires cities to offer payment plans and to waive late fees when collecting parking penalties from indigent persons.

**FISCAL EFFECT:** Appropriation: No    Fiscal Com.: Yes    Local: No

**POSITIONS:** (Communicated to the committee before noon on Wednesday, April 7, 2021.)

**SUPPORT:**

Streets Are For Everyone (sponsor)  
Active San Gabriel Valley  
Association of California School Administrators  
Boys and Girls Clubs of Greater Anaheim-Cypress  
Charter Oak Unified School District  
Children’s Advocacy Institute  
Conor Lynch Foundation  
Hang Up and Drive  
Institute for Safer Trucking  
Keep Rowena Safe  
Khmer Parent Association  
Kids are 1<sup>st</sup>  
La Casa de San Gabriel Community Center

LA Trust for Children's Health  
Liam's Life  
Lime  
Los Altos Grace Schools (Long Beach)  
Los Angeles Neighborhood Initiative  
Loving Hands Community Care  
National Association of School Crossing Guards  
National Coalition for Safer Roads  
Neighborhoods United for Safe Streets  
Noah Benardout Foundation  
Plumas County Office of Education  
Plumas Unified School District  
Safe Roads Alliance  
San Francisco Marin Medical Society  
Santa Monica Safe Streets Alliance  
Santa Monica Spoke  
Servants Arms CBO  
South Bay Bicycle Coalition, Inc.  
South Central Injury Prevention Coalition  
Southern California Families for Safe Streets  
SPIN  
Sunset 4 All  
Streets for All  
Street Racing Kills  
Unidos Por La Musica  
Walk Long Beach

**OPPOSITION:**

California Association of Highway Patrolmen  
California Teamsters Public Affairs Council  
Peace Officers Research Association of California  
Safer Streets LA  
Western States Trucking Association

**-- END --**