

Summary of Amendment #01643773 on HB3024/SB2918

By Chairman Bill Harmon

Summarizes how the amendment changes to current statute

Clarifies use of a citation (a)

- A traffic citation based on evidence from a traffic enforcement camera is a non-moving violation. The citation shall not be reported to the Department of Safety or used by any insurance provider or credit reporting agency.

POST Certified Police Officer and who may send the citation (b)

- Amends current law to require a POST certified police officer to view evidence from a traffic enforcement camera and issue the citation. The citation shall be sent by the applicable law enforcement office. Any notice sent by a vendor is invalid. Deletes language relating to a second notice.

Signage requirement (c)

- Clarifies the advance signage requirement of at least 500 feet but not more than 1000 feet applies to all traffic enforcement cameras, whether at an intersection, fixed or mobile.

Traffic engineering study required for new traffic enforcement cameras (g(1))

- Prior to any new traffic enforcement camera, the local governing body by majority vote shall request a traffic engineering study must be conducted. The study shall:
 - 1) Assure that all reasonable engineering solutions have been exhausted
 - 2) Document the need for traffic enforcement camera
 - 3) Follow standard engineering practices as determined by the Institute of Transportation Engineers (ITE)
 - 4) Be stamped by a professional engineer specializing in traffic engineering licensed to practice in Tennessee
- A vendor of traffic enforcement camera systems shall not be allowed to conduct the traffic engineering study, or participate in the selection of the traffic engineer.

Study requirements for new red light cameras (g(1)(A))

- At minimum the study shall include the following:

- 1) Verification that the intersection meets signal warrants as defined in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).
- 2) Verification that the intersection meets all the requirements in the MUTCD with regard to signal layout, signing, and marking.
- 3) Verification that the signal head displays are at least 12 inches in diameter and have back plates with yellow retro-reflective strips. The number and configuration of the signal head displays shall meet the latest edition of the MUTCD to maximize visibility of the displays.
- 4) A crash history at the intersection must establish a rate higher than the statewide crash rate for similar intersections across the state based on at least the last 3 years of crash history.
- 5) Angle crashes shall compose 10% or more of the overall crash rate at the intersection.
- 6) Signal timing at the intersection shall be reviewed and optimized for the intersection. Yellow clearance intervals shall be calculated by standard engineering practices as outlined by the ITE. If the intersection is part of a coordinated signal system, the system timing shall be reviewed and optimized. All-red clearance intervals shall have been tried for at least 6 months without significantly reducing angle crashes prior to traffic enforcement camera implementation.
- 7) Calculation of the violation rate of motor vehicles running the red light at the intersection, either manually or through the use of video cameras over at least a 24 hour period.
- 8) Documentation that traditional enforcement methods are cost-prohibitive or of considerable risk to law enforcement, motorists or pedestrians.
- 9) All documentation, including traffic engineering and traffic safety studies, shall be compiled by the governing body maintaining traffic enforcement cameras establishing the need for traffic enforcement cameras and made a public record.

Study requirements for new speed cameras (g(1)(B))

- At minimum the study shall include the following:
 - 1) Verification that the current speed limit has been established by an engineering study and posted in accordance with the requirements of the MUTCD.
 - 2) Verification that all reasonable engineering solutions have been exhausted. Reasonable engineering solutions shall include, but not be limited to, speed limit signing in advance of the detection area and advanced speed reduction warning signs installed in accordance with the MUTCD, if the enforcement zone is in an area of reduced speed.

- 3) A calculation of the violation rate for the posted speed limit. Counts of speed violations shall be done manually, through the use of video cameras or by the use of generally accepted speed monitoring equipment over at least a seven-day period.
- 4) All regulatory, speed limit and warning signs shall meet the conventional road size or larger requirements of the MUTCD. Minimum size signing shall not be allowed.
- 5) Documentation that traditional enforcement methods are cost-prohibitive or of considerable risk to law enforcement, motorists or pedestrians
- 6) All documentation, including traffic engineering and traffic safety studies, shall be compiled by the governing body maintaining traffic enforcement cameras establishing the need for traffic enforcement cameras and made a public record.

Local governing body to approve use of traffic enforcement cameras (g(2))

- After a proper traffic engineering study has been completed, the local governing body shall approve by majority vote use of traffic enforcement cameras at a new location.

Current traffic enforcement cameras (g(3))

- On or after January 1, 2011, any traffic enforcement camera in operation shall be based on a traffic engineering study performed for the location it is used. The study shall assure that all reasonable engineering solutions have been exhausted and document the need for the camera use.

Operational requirements for new and existing red light cameras (g(3)(A))

- In addition, the following operational protocols are:
 - 1) The intersection shall have a minimum one-half (0.5) second all-red clearance interval.
 - 2) To cite for right turn on red violations, signage shall be posted at the stop line with the following language "STOP HERE ON RED" in accordance with the MUTCD. If there is no signage, no citations for right turn on red shall be issued.
 - 3) Signage indicating the intersection is video enforced shall be placed in advance of the zone in accordance with current state law. All regulatory and warning signs relating to the intersection shall meet the conventional road size or larger requirements of the MUTCD. Minimum size signing shall not be allowed.
 - 4) To run a red light, the target vehicle must have its front tire or tires on or before the stop line when the signal is red, and its rear tire or tires must past the stop line while the signal is red.
 - 5) The governing body maintaining traffic enforcement cameras shall:

- Verify the intersection meets signal warrants as defined in the latest edition of the MUTCD
- Verify the intersection meets all the requirements in the MUTCD with regard to signal layout, signing and marking
- Verify signal head displays are at least 12 inches in diameter and have back plates with yellow retro-reflective strips. The number and configuration of the signal head displays shall meet the latest edition of the MUTCD to maximize visibility of the displays
- Review and optimize the signal timing for the intersection. Yellow and all-red clearance intervals shall be calculated by standard engineering practices as outlined by the ITE. If the intersection is part of a coordinated signal system, the system timing shall be reviewed and optimized.
- Evaluate the system on at least a monthly basis to ensure all traffic enforcement cameras are functioning properly, with the evaluation results made available to the public.
- Compile all documentation establishing the need for existing traffic enforcement cameras and make it public record.

Operational requirements for new and existing speed cameras (g(3)(B))

- On or after January 1, 2011, the following is required:
 - 1) Verification that the current speed limit has been established by an engineering study and posted in accordance with the requirements of the MUTCD.
 - 2) Signage indicating that the location is video enforced shall be placed in advance of the zone in accordance with current state law. All regulatory and warning signs shall meet the conventional road size or larger requirements of the MUTCD. Minimum size signing shall not be allowed.
 - 3) Written documentation that all speed monitoring equipment is verified for accuracy by a qualified equipment traffic enforcement technician at least every 6 months. No employee of a vendor shall conduct or participate in the accuracy verification.
 - 4) All documentation establishing the need for existing traffic enforcement cameras is to be compiled and made a public record.
 - 5) Evaluate the system on at least a monthly basis to ensure all traffic enforcement cameras are functioning properly, with the evaluation results made available to the public.

Contract based on services rendered (h)

- After January 1, 2010, no local government may place or operate a traffic enforcement camera on any highway receiving state financial aid unless the contract with the private vendor is for services rendered, and no payment is based on percentage or number of traffic citations generated by the traffic enforcement camera.

Vendor contract length (i)

- Each local governing body placing or operating a traffic enforcement camera by contract with a private vendor after July 1, 2010 shall limit the terms of the contract to 4 years or less.

State law governs contracts (j)

- A contract between a local governing body and a private vendor entered after enactment shall include language clearly stating state law governs the operation of traffic enforcement cameras.

City to submit signed contract to Comptroller (k)

- The signed contract with the vendor shall be submitted the contract to the Comptroller's Office.
- The Comptroller may audit any city using traffic enforcement cameras to ensure compliance with state law governing traffic enforcement cameras.

Locations of traffic enforcement cameras to be made available online (l)

- Each local governing body operating or placing a traffic enforcement camera shall notify the Comptroller of the locations by August 1, 2010, or within 30 days of it becoming operational. The Comptroller shall compile the location on the Comptroller's website. Each local governing body shall provide the locations on its website.

Public awareness program and warning notices (m)

- Prior to issuing citations from traffic enforcement cameras at any new location, a local governing body shall commence a public awareness program, advising the public the location is implementing or expanding a traffic enforcement camera system at least 30 days prior to commencement of the program at the new location
- In addition, the local governing body shall utilizing a fixed or mobile traffic enforcement camera shall issue only warning notices for 30 days following the date the traffic enforcement camera becomes operational.

\$50 fine only and no court costs (n)

- A violation from a traffic enforcement camera is a non-moving violation, subject to a fine not to exceed \$50, including court costs. No additional penalty or costs may be assessed. This deletes language allowing for charging court costs for second notices.

Other provisions

- If a court finds that a traffic enforcement camera is operated in violation the operational protocols, any traffic citation based solely on evidence generated from traffic enforcement cameras is invalid.
- Defines “stop line” in statute (Section 2)
- Incorporates the term “stop line” into the statutes dealing with turning right on red and turning right at a stop sign. (Sections 3 and 4)
- Clarifying language regarding right turn on red (Section 4)
- Severability clause (Section 5)
- Bill becomes effective upon passage. (Section 6)