



Arizona State Senate *Issue Brief*

October 15, 2008

Note to Reader:

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PHOTO TRAFFIC ENFORCEMENT

INTRODUCTION

Photo enforcement systems, commonly referred to as photo radar, utilize digital cameras, computers and radar sensors to detect violations of speed limit and red light laws.

There are two types of photo radar systems, fixed and mobile. A fixed photo radar system is the most common form of photo radar and can be installed on the side of a road or mounted overhead in gantries, while a mobile photo radar system is mounted on a mobile device that usually takes one of two basic forms: 1) a photo radar camera or sensor that can be moved from one fixed location to the next; or 2) a photo radar camera or sensor that is mounted in a van or tethered to a vehicle.

Photo radar typically utilizes two cameras to identify the vehicle and driver involved in speeding or red light violations. One camera is utilized to produce an image of the oncoming driver's face while the other camera is used to identify the vehicle's rear license plate.

ARIZONA USAGE OF PHOTO ENFORCEMENT

Under most contracts in Arizona, when traffic violations are detected using photo radar, the photo radar vendor reviews and validates the citation. Upon validation, a traffic citation is filed against the registered owner of the vehicle in the appropriate municipal court having jurisdiction over the violation. After the citation is filed, notice is sent by mail to the vehicle's registered owner. If the owner does not respond, a process server is sent to serve the complaint to the owner in person or may leave copies at the owner's home with another resident of suitable age and discretion. If the person in the photograph is not the registered owner of the vehicle, municipalities may allow the owner to identify the driver and transfer responsibility for the traffic citation.

Currently, there is only one statute, A.R.S. § 28-654, governing the use of photo radar to identify traffic violations in Arizona. The statute requires local municipalities using photo radar systems to display signs indicating to drivers on the road that a photo radar system is present and operational.

LOOP 101

The Phoenix metropolitan area was an early adopter of photo radar systems and numerous cities across the state have since begun to utilize the technology, including Scottsdale, Chandler, Mesa, Paradise Valley, Tempe, Prescott and Tucson.

The City of Scottsdale has used photo enforcement technology in its municipality since 1997. In the fall of 2005, the Scottsdale City Council approved a demonstration program using six fixed photo radar detection systems on a 7.8 mile stretch of Scottsdale's portion of the Loop 101 Freeway. The use of photo enforcement technology to reduce speeding on a freeway was a first for Arizona, and the Loop 101 demonstration program was also the first fixed photo radar system utilized on a freeway in the United States.

Scottsdale's program began with a 30-day warning period designed to alert drivers that photo radar would be operational on the freeway. During the warning period, notices were mailed to the registered owners of violating vehicles notifying them of potential fines if future infractions were observed. Upon conclusion of the warning phase, Scottsdale initiated an eight-month period of photo enforcement in which drivers were issued citations, rather than warnings, for speeding violations. The program's citation phase ended on October 23, 2006; however, Scottsdale left a majority of the photo radar equipment in place in order to continue to collect data on driver speeds.

An Arizona State University research team, led by internationally recognized civil engineering professor Dr. Simon Washington, issued a preliminary report stating that the Loop 101 Freeway cameras had lowered average speeds by approximately ten miles per hour and reduced the overall number and severity of collisions. Following the report, Scottsdale's City Council voted unanimously to request the State of Arizona to assume operations of photo enforcement programs on highways, specifically on Scottsdale's portion of the Loop 101. Correspondence between the City of Scottsdale and the Governor's office resulted in a request

that Scottsdale redeploy the photo enforcement cameras on the Loop 101 on February 22, 2007. In June of 2007, Scottsdale entered into an agreement with the Arizona Department of Public Safety (DPS) in order to allow DPS to take over and administer the program. New cameras have subsequently been installed, and DPS is now managing the Loop 101 Freeway photo enforcement cameras.

STATEWIDE PHOTO ENFORCEMENT

DPS continues to utilize the six stationary cameras on the Loop 101 Freeway to detect speed limit violations. Additionally, in November of 2007, DPS awarded a contract for two mobile speed enforcement vehicles to be used on highways throughout Arizona. These speed enforcement vehicles will primarily concentrate on enforcing speed limits on freeways, two-lane roads, areas with high collision rates and construction zones.

During the Second Regular Session of the 48th Legislature (2008) and in an attempt to further broaden the scope of photo enforcement across the state, Arizona lawmakers enacted Laws 2008, Chapter 286, which establishes a statewide photo enforcement program to be managed by DPS.

Under this measure, which applies retroactively to July 1, 2008, DPS is required to enter into a contract with a private vendor or vendors to establish a "state photo enforcement system." The cameras are to be placed throughout the state at locations to be determined by the Director of DPS in order to detect violations of speed limit and red light laws. The newly enacted law also mandates that the civil penalty or fine for a citation or a notice of violation is \$165 and is not subject to any other surcharge except the ten percent surcharge required for the Citizens' Clean Elections Fund.

The measure creates the Photo Enforcement Fund (Fund) that consists of monies received from paid photo radar citations. The Fund is administered by the Director of DPS, and monies in the Fund are to be appropriated in the following manner: 1) an undetermined amount to DPS for administrative and personnel costs relating to the state photo enforcement system; however, in FY 2008-2009, DPS is prohibited

from spending more than \$2,173,000 for this purpose; 2) \$4,056,600 in FY 2008-2009 to the Administrative Office of the Courts for processing photo radar citations; 3) \$20,361,300 in FY 2008-2009 to DPS for contract payments to private vendors for the operation of the photo radar cameras and processing of citations; and 4) any monies in the Fund in excess of \$250,000 at the end of each calendar quarter must be deposited in the state General Fund.

It is also worth noting, however, that state photo enforcement citations are prohibited from being included in judicial productivity credits calculations for FY 2008-2009.

Finally, if a person is found responsible for a civil traffic violation witnessed by the state photo enforcement system, the new measure prohibits the Arizona Department of Transportation (ADOT) from considering the violation for the purpose of determining whether the person's driver license should be suspended or revoked. Furthermore, the courts are prohibited from transmitting abstracts of records for these violations to ADOT.

ADDITIONAL REFERENCES

- Arizona Department of Public Safety
<http://www.azdps.gov/safety/photoenforcement/default.asp>
- Arizona Department of Transportation
Technical Evaluation of Photo Enforcement for Freeways – Final Report 596
<http://www.thenewspaper.com/rlc/docs/05-scottsdale.pdf>
- National Conference of State Legislatures
<http://www.ncsl.org/programs/transportation/transer8.htm#summary>
- Photo Enforcement Statutes: A.R.S. § 28-654, A.R.S. § 28-1593 and A.R.S. § 41-1722
- Scottsdale, Arizona
City Council Reports, January 30, and June 19, 2007
<http://www.scottsdaleaz.gov/photoradar.asp>
- The Official Web Site of the City of Scottsdale, Arizona
<http://www.scottsdaleaz.gov/Default.asp>