Arizona State Senate
Issue Brief

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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; however, the person does not have to identify who is in the photo.

Before the 2010 legislative session, there was only one statute 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. Further requirements have since been added. Statute prohibits a photo radar system from being placed within 600 feet of a posted speed

limit change, except in school crossing zones, and requires speed limit signs to be placed in specified locations within the photo radar zone. Additionally, if a person receives a notice of violation (notice) in the mail for speeding or running a red light that is obtained using photo radar, the person does not have to respond to the notice. Furthermore, the notice must state that it is not a court-issued document and inform the recipient of his or her right not to identify the person in the photo or respond to the notice. It must also state, however, that failure to respond may result in official service that may result in an additional fee being levied (Arizona Revised Statutes Title 28, Article 21).

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 1996. 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 July 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. DPS operated this system until June 2008, when construction in this section made it impossible to keep fixed camera units there.

STATEWIDE PHOTO ENFORCEMENT

In August of 2007, DPS awarded a contract for two mobile speed enforcement vehicles to be used on highways throughout Arizona as part of a pilot project. One mobile unit operated solely in Pinal County because it funded the project and was experiencing high collision levels, and the other operated on highways throughout the state. The pilot project ended when the contract ended in August 2009.

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

This measure required DPS to enter into a contract with a private vendor to establish a "state photo enforcement system." The cameras were placed throughout the state at locations determined by the Director of DPS in order to detect violations of speed limit laws. DPS deployed 40 mobile speed enforcement vehicles on highways throughout Arizona. Additionally, DPS had 36 fixed photo enforcement camera locations. The law also mandated that the civil

penalty or fine for a citation or a notice of violation was $165 and was not subject to any other surcharge except the ten percent surcharge required for the Citizens' Clean Elections Fund.

The measure created the Photo Enforcement Fund (Fund) consisting of monies received from paid photo radar citations. The Fund was administered by the Director of DPS, and monies in the Fund were appropriated in the following manner in FY 2011: 1) $2,173,000 for DPS staff expenses; 2) $4,056,600 to the Administrative Office of the Courts for processing photo radar citations; 3) $20,361,300 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 were deposited in the state General Fund. As of October 16, 2009, a total of about $19,000,000 was deposited in the state General Fund. Legislation in FY 2010 and FY 2011 required up to $7,000,000 of the monies in the Fund each of those years to be deposited in the Public Safety Equipment Fund.

If a person was found responsible for a civil traffic violation witnessed by the state photo enforcement system, the measure prohibited 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 were prohibited from transmitting abstracts of records for these violations to ADOT. The prohibition did not apply to commercial driver license holders.

DPS allowed the state photo enforcement program to expire when the contract ended in July 2010. According to DPS, the vendor and the Department continued to process all citations issued through the end of the contract until they were adjudicated in court. The statutory authority for the state photo enforcement system was repealed July 1, 2012. A potential 2010 ballot initiative to ban photo enforcement statewide failed to garner enough signatures to qualify, so local photo enforcement programs may still operate. Additionally, although DPS no longer operates photo enforcement on state highways, other agencies may do so if they have an intergovernmental agreement with ADOT.

MUNICIPAL PHOTO ENFORCEMENT

Laws 2012, Chapter 75 added new regulations relating to the placement of photo enforcement cameras by municipalities. The law prohibits a city or town from placing a photo enforcement system on a state highway unless the city or town proves the system is necessary for the public safety of the state, and obtains a permit or enters into a contract, no longer than three years, with ADOT. ADOT is required to post on its website specific information needed to determine if a photo enforcement system is necessary. This information must include current operational speed studies and reports of motor vehicle accidents on the section of highway in question. ADOT may prevent a photo enforcement system renewal if the required data does not show that the system is maintaining a positive impact on public safety. This statute does not apply to photo enforcement systems in operation on September 13, 2013, except when the permit or contract with ADOT for the photo enforcement system expires or is renewed.

ADDITIONAL REFERENCES

- Arizona Department of Public Safety
  http://www.azdps.gov
- Arizona Department of Transportation
  Technical Evaluation of Photo Enforcement for Freeways – Final Report 596
  http://www.azdot.gov
- National Conference of State Legislatures
  http://www.ncsl.org
- Photo Enforcement Statutes: A.R.S. §§ 28-1203, 28-1204, 28-1592, 28-1593, 28-1602, 28-3323 and 41-1722
- City of Scottsdale, Arizona
  Photo Enforcement Program
  http://www.scottsdaleaz.gov/photoradar
- Arizona Office of the Auditor General
  DPS Photo Enforcement Program, performance audit
  http://www.azauditor.gov