

SUBJECT: Prohibiting red light cameras

COMMITTEE: Transportation — favorable, without amendment

VOTE: 9 ayes — Landgraf, Y. Davis, Goldman, Hefner, Krause, Leman, Raney, Thierry, E. Thompson

3 nays — Canales, Bernal, Martinez

1 absent — Ortega

WITNESSES: For — Kelly Canon, Arlington Republican Club; Byron Schirmbeck, Texas Campaign For Liberty; Terri Hall, Texas TURF, Texans for Toll-Free Highways; Jerry Dennard; Don Dixon; Michael Openshaw; (*Registered, but did not testify*: Angela Smith, Fredericksburg Tea Party; Jay Propes, Harley Davidson Motor Company; Fran Rhodes, Northeast Tarrant Tea Party; Amelia Casas, Texas Criminal Justice Coalition; Joel Starnes, Texas Liberty Initiative; Jason Vaughn, Texas Young Republicans; and 14 individuals)

Against — Anne O’Ryan, AAA Texas; Chad Cooley, Cedar Hill Police Department; Michael Barger, City of Austin Police Department; Danny Barton, City of Coppell; Tanya Brooks, City of Fort Worth; Dennis Webb, City of Irving; David Anderson, Kelly Kuentler, and Joe Salvaggio, City of Leon Valley; Scott Schultz, City of Sugar Land; Eric Hansen, Grand Prairie Police Department; Lance Hamm; Adrienne Paterson; (*Registered, but did not testify*: Benjamin Crum, Lamar Gillian, David Harris, and John Jahanara, City of Balcones Heights; Clifford Sparks, City of Dallas; John Kroll, City of Humble; Jon Weist, City of Irving; Jimmy Perdue, City of North Richland Hills; Curtis Howard, City of Plano Police Department; Ricardo Ramirez, City of Sugar Land; Terrence Rhodes, Dallas Police Department; John Bruce and Darren Stevens, Frisco Police Department; Thomas Berrettini, Grand Prairie Police Department; Bill Kelly, City of Houston Mayor’s Office; Jeff Williams, North Richlands Hills Police Department; Daniel Curtis, Plano Police Department; Jay Crossley; Patricia Schaub)

On — (*Registered, but did not testify*: Indra Hernandez and Joseph Schmider, Department of State Health Services; Michael Chacon, Texas Department of Transportation)

BACKGROUND: Transportation Code ch. 707 governs photographic traffic signal enforcement systems. A local entity by ordinance may implement a photographic traffic signal enforcement system, which is defined as a camera and vehicle sensor installed at an electric traffic signal that records images of the license plate of a vehicle that is not operating in compliance with the signal. The owner of a vehicle that violates the traffic signal is liable for a civil penalty of up to \$75.

Under sec. 707.008, 50 percent of the revenue derived from civil penalties is deposited to the Designated Trauma Facility and Emergency Medical Services Account. The remainder is deposited to an account in the local authority's treasury that may be used only to fund traffic safety programs, including pedestrian safety programs, public safety programs, intersection improvements, and traffic enforcement.

DIGEST: HB 1631 would prohibit a local authority from implementing or operating a photographic traffic signal enforcement system. The attorney general would enforce the prohibition.

A local authority could not issue a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system.

The bill would repeal most of Transportation Code ch. 707 and other provisions related to the implementation and operation of a photographic traffic signal enforcement system, including penalties for violations and the deposit of revenues from those penalties.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS
SAY:

HB 1631 would end a harmful practice by prohibiting the use of red light cameras, which deprive citizens of their due process rights. An individual is forced to face a camera, rather than an officer who was present at the scene, as their accuser and is presumed guilty until proven innocent.

Due process. Red light cameras capture the image of a license plate of a car that enters an intersection when the light turns red, ticketing the individual who owns the car rather than the driver. Since the cameras cannot take a picture of the individual due to privacy rights, there is no way to prove who was driving. Further, it is cumbersome for people to prove their innocence, as they often must appear in person to appeal the ticket and pay a fee.

Claims that red light cameras do not need to provide due process because tickets are issued in the same manner as parking tickets are misleading, since a moving violation is different from a parking violation. Further, there could be issues with the practice of police officers acting like judges by deciding when to dismiss charges against a person through an administrative review.

Safety. The bill also could make communities safer, as studies have shown that rear-end crashes increase when a red light camera system is installed at an intersection. Rather than following the normal flow of traffic, drivers brake too quickly upon entering the intersection to avoid getting ticketed, leading to crashes. Studies also showed that red light cameras do not necessarily end the practice of running red lights, as individuals still run them and then never pay the ticket. Since there is not a strong payment enforcement system, the cameras do not have the desired deterrent effect.

Citation revenue. By ending the use of red light cameras, the bill also would prevent cities from being incentivized to issue tickets to increase revenues. While the bill would end the deposit of ticket revenues for cities and the Trauma Facility and EMS Account, those could be funded through other revenue sources if the Legislature deemed it necessary to continue to fund trauma centers, some of which are private organizations.

Local control. The bill would continue the statewide movement to end the use of red light cameras. In every city election deciding whether to use red light cameras, local residents have voted against them.

Existing contracts. The bill should be passed immediately, without grandfathering in existing red light camera contracts, to end the harmful use of these cameras.

OPPONENTS
SAY:

HB 1631 would remove an important public safety tool by prohibiting the use of red light cameras. Communities should retain the ability to choose to use red light cameras at dangerous intersections to fix driver behavior, save lives, and assist law enforcement.

Due process. Due process is given in citing an individual through red light camera systems. Officers monitor the cameras and will cite vehicles at their discretion; it is not an automatic ticketing process. Vehicle owners who did not run red lights can appeal their citations.

The process of making citations based on camera footage is similar to a parking citation, which is imposed on the owner of the vehicle regardless of who is driving it, or any other footage used as evidence of a crime. If the Legislature does not agree with this practice, members should revise the process of issuing citations rather than repealing all red light cameras.

Safety. City data has shown that red light cameras reduce the number of crashes at intersections and curb risky driver behavior. Communities typically only install cameras at the most dangerous intersections, and they have proven to work. Camera systems allow law enforcement officers in the field to be flexible rather than having to patrol a single intersection. If a driver runs a red light, an officer would have to run that same red light to pursue the violator. Red light cameras keep officers and the public safe.

Citation Revenue. The bill also would cost the Trauma Facility and EMS Account millions of dollars each year, according to the fiscal note. This account funds designated trauma facilities, county and regional emergency

medical services, trauma-care systems, and certain graduate-level medical and nursing education programs.

Local Control. The bill would remove local control on traffic and public safety decisions. If local residents do not believe that a red light camera is useful in their community, they may end the practice by a local election. Local citizens should decide what is best for their own community.

OTHER
OPPONENTS
SAY:

HB 1631 should be amended to allow current city contracts with red light camera vendors to continue through the life of the contract. Without this provision, the bill could adversely affect existing contracts from which cities may not be able to withdraw.

NOTES:

According to the Legislative Budget Board, there would be a decrease of \$28.3 million from the Designated Trauma Facility and EMS Account in fiscal 2020-21 if the bill passed immediately or a decrease of \$21.7 million if it took effect September 1, 2019.