

AMENDED IN ASSEMBLY JANUARY 7, 2008

AMENDED IN ASSEMBLY MARCH 14, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 23**

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**Introduced by Assembly Member Ma**  
**(Coauthors: Assembly Members Mullin, Richardson, and Solorio)**

December 4, 2006

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An act to ~~add Section 21368.5 to~~ *amend Section 21455.5 of the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 23, as amended, ~~Ma. Department of Transportation: marked crosswalk: control signal. Automated traffic enforcement system.~~

*Existing law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated traffic enforcement system, as defined, if the system meets certain requirements. Existing law limits the authority to operate an automated traffic enforcement system to governmental agencies in cooperation with law enforcement agencies.*

*This bill would specify, but not limit, the traffic violations for which an automated traffic enforcement system may be utilized by a local jurisdiction. The bill would make other technical and conforming changes to these provisions.*

~~Existing law requires that whenever a marked pedestrian crosswalk is established in a roadway contiguous to a school building or its grounds, the crosswalk be painted or marked in yellow as shall be all the marked pedestrian crosswalks at an intersection in case one of the crosswalks is required to be marked in yellow.~~

~~The bill would require the Department of Transportation to place and maintain an audible indicator that indicates when a pedestrian may safely cross the highway and an official control signal that emits a count down pedestrian display at a marked pedestrian crosswalk, if that crosswalk crosses a state highway and is within 2,000 feet of a school building or the grounds of that school building or a senior center, as defined.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 21455.5 of the Vehicle Code is amended  
 2     to read:  
 3     21455.5. (a) The limit line, the intersection, or a place  
 4     designated in Section 21455; where a driver is required to stop,  
 5     may be equipped with an automated *traffic* enforcement system if  
 6     the governmental agency utilizing the system meets all of the  
 7     following requirements:  
 8     (1) Identifies the system by signs that clearly indicate the  
 9     system’s presence and are visible to traffic approaching from all  
 10    directions, or posts signs at all major entrances to the city,  
 11    including, at a minimum, freeways, bridges, and state highway  
 12    routes.  
 13    (2) ~~If it locates the system at an intersection, and ensures~~ *Ensures*  
 14    that the system meets the criteria specified in Section 21455.7 *if*  
 15    *it locates the system at an intersection.*  
 16    (b) ~~Prior~~ *(1) Prior* to issuing citations under this section, a local  
 17    jurisdiction utilizing an automated traffic enforcement system shall  
 18    commence a program to issue only warning notices for 30 days.  
 19    The local jurisdiction shall also make a public announcement of  
 20    the automated traffic enforcement system at least 30 days prior to  
 21    the commencement of the enforcement program.  
 22    (2) *The local jurisdiction may, but is not limited to, utilizing an*  
 23    *automated traffic enforcement system to enforce all of the*  
 24    *following:*  
 25    (A) *Failing to stop at a red light pursuant to subdivision (a) of*  
 26    *Section 21453.*

1 (B) *Failing to remain stopped at a red light where a sign is in*  
2 *place prohibiting a turn pursuant to subdivision (b) of Section*  
3 *21453.*

4 (c) Only a governmental agency, in cooperation with a law  
5 enforcement agency, may operate an automated *traffic* enforcement  
6 system. As used in this subdivision, “operate” includes all of the  
7 following activities:

8 (1) Developing uniform guidelines for screening and issuing  
9 violations and for the processing and storage of confidential  
10 information, and establishing procedures to ensure compliance  
11 with those guidelines.

12 (2) Performing administrative functions and day-to-day  
13 functions, including, but not limited to, all of the following:

14 (A) Establishing guidelines for selection of location.

15 (B) Ensuring that the equipment is regularly inspected.

16 (C) Certifying that the equipment is properly installed and  
17 calibrated, and is operating properly.

18 (D) Regularly inspecting and maintaining warning signs placed  
19 under paragraph (1) of subdivision (a).

20 (E) Overseeing the establishment or change of signal phases  
21 and the timing ~~thereof~~ *of those signal phases.*

22 (F) Maintaining controls necessary to ~~assure~~ *ensure* that only  
23 those citations that have been reviewed and approved by law  
24 enforcement are delivered to violators.

25 (d) The activities listed in subdivision (c) that relate to the  
26 operation of the system may be contracted out by the governmental  
27 agency, if it maintains overall control and supervision of the  
28 system. However, the activities listed in paragraph (1) of, and  
29 subparagraphs (A), (D), (E), and (F) of paragraph (2) of,  
30 subdivision (c) may not be contracted out to the manufacturer or  
31 supplier of the automated *traffic* enforcement system.

32 (e) (1) Notwithstanding Section 6253 of the Government Code,  
33 or any other provision of law, photographic records made by an  
34 automated *traffic* enforcement system shall be confidential, and  
35 shall be made available only to governmental agencies and law  
36 enforcement agencies and only for the purposes of this article.

37 (2) Confidential information obtained from the Department of  
38 Motor Vehicles for the administration or enforcement of this article  
39 shall be held confidential; and ~~may~~ *shall* not be used for any other  
40 purpose.

1 (3) Except for court records described in Section 68152 of the  
 2 Government Code, the confidential records and information  
 3 described in paragraphs (1) and (2) may be retained for up to six  
 4 months from the date the information was first obtained, or until  
 5 final disposition of the citation, whichever date is later, after which  
 6 time the information shall be destroyed in a manner that will  
 7 preserve the confidentiality of any person included in the record  
 8 or information.

9 (f) Notwithstanding subdivision (d), the registered owner or any  
 10 individual identified by the registered owner as the driver of the  
 11 vehicle at the time of the alleged violation shall be permitted to  
 12 review the photographic evidence of the alleged violation.

13 (g) (1) A contract between a governmental agency and a  
 14 manufacturer or supplier of automated *traffic* enforcement  
 15 equipment may not include provision for the payment or  
 16 compensation to the manufacturer or supplier based on the number  
 17 of citations generated, or as a percentage of the revenue generated,  
 18 as a result of the use of the equipment authorized under this section.

19 (2) Paragraph (1) does not apply to a contract that was entered  
 20 into by a governmental agency and a manufacturer or supplier of  
 21 automated *traffic* enforcement equipment before January 1, 2004,  
 22 unless that contract is renewed, extended, or amended on or after  
 23 January 1, 2004.

24 ~~SECTION 1. Section 21368.5 is added to the Vehicle Code,~~  
 25 ~~to read:~~

26 ~~21368.5. (a) The Department of Transportation shall place~~  
 27 ~~and maintain an accessible pedestrian signal with an audible~~  
 28 ~~indicator that indicates when a pedestrian may safely cross the~~  
 29 ~~highway and an official control signal that emits a count down~~  
 30 ~~pedestrian display at a marked pedestrian crosswalk, if that~~  
 31 ~~crosswalk crosses a state highway and is within 2,000 feet of either~~  
 32 ~~of the following:~~

33 ~~(1) A school building or the grounds of that school building.~~

34 ~~(2) A senior center.~~

35 ~~(b) As used in paragraph (2) of subdivision (a), a “senior center”~~  
 36 ~~is a community focal point on aging, where older individuals as~~  
 37 ~~individuals or in groups regularly come together for services and~~  
 38 ~~activities including, but not limited to, education, creative arts,~~  
 39 ~~recreation, advocacy, leadership development, employment, health,~~  
 40 ~~nutrition, social work, and other supportive services, that enhance~~

- 1 ~~their dignity, support their independence, and encourage their~~
- 2 ~~involvement in and with the community.~~

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