

AMENDED IN ASSEMBLY APRIL 14, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1160**

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**Introduced by Assembly Member Harper**  
**(Coauthor: Assembly Member Gatto)**  
*(Coauthor: Senator Huff)*

February 27, 2015

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An act to amend Section 21455.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1160, as amended, Harper. Vehicles: automated traffic enforcement systems.

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 authorizes a governmental agency to contract out the operation of the system under certain circumstances, except for specified activities, that include, among other things, establishing guidelines for selection of the location of the system.

This bill would, beginning January 1, 2016, prohibit a governmental agency from installing an automated traffic enforcement system. The bill would authorize a governmental agency that is operating an automatic traffic enforcement system on that date to continue to do so after that date only if the agency begins conducting a traffic safety study on or before February 28, 2016, at each intersection where a system is in use to determine whether the use of the system resulted in a reduction

in the number of traffic accidents *involving failing to stop at a red light or failing to stop at a red light when making a right turn* at that intersection. *The bill would require the traffic safety study to be completed on or before January 1, 2017.* The bill would require the governmental agency to terminate the use of an automated traffic enforcement system at an intersection no later than January 1, 2018, if the traffic safety study shows that the use of the system did not reduce the number of traffic accidents that occurred at that intersection *by a statistically significant number.*

Vote: majority. Appropriation: no. Fiscal committee: 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) Except or provided in subdivision (k), the limit  
4 line, the intersection, or a place designated in Section 21455, where  
5 a driver is required to stop, may be equipped with an automated  
6 traffic enforcement system if the governmental agency using the  
7 system meets all of the following requirements:

8 (1) Identifies the system by signs posted within 200 feet of an  
9 intersection where a system is operating that clearly indicate the  
10 system's presence and are visible to traffic approaching from all  
11 directions in which the automated traffic enforcement system is  
12 being used to issue citations. A governmental agency using a  
13 system does not need to post signs visible to traffic approaching  
14 the intersection from directions not subject to the automated traffic  
15 enforcement system. Automated traffic enforcement systems  
16 installed as of January 1, 2013, shall be identified no later than  
17 January 1, 2014.

18 (2) Locates the system at an intersection and ensures that the  
19 system meets the criteria specified in Section 21455.7.

20 (b) Prior to issuing citations under this section, a local  
21 jurisdiction using an automated traffic enforcement system shall  
22 commence a program to issue only warning notices for 30 days.  
23 The local jurisdiction shall also make a public announcement of  
24 the automated traffic enforcement system at least 30 days prior to  
25 the commencement of the enforcement program.

1 (c) Only a governmental agency, in cooperation with a law  
2 enforcement agency, may operate an automated traffic enforcement  
3 system. A governmental agency that operates an automated traffic  
4 enforcement system shall do all of the following:

5 (1) Develop uniform guidelines for screening and issuing  
6 violations and for the processing and storage of confidential  
7 information. Establish procedures to ensure compliance with those  
8 guidelines. A governmental agency that operates an automated  
9 traffic enforcement system installed on or before January 1, 2013  
10 shall establish those guidelines by January 1, 2014.

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

13 (A) Establishing guidelines for the selection of a location.  
14 Commencing January 1, 2013, before installing an automated  
15 traffic enforcement system the governmental agency shall make  
16 and adopt a finding of fact establishing that the system is needed  
17 at a specific location for reasons related to safety.

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

19 (C) Certifying that the equipment is properly installed and  
20 calibrated, and is operating properly.

21 (D) Regularly inspecting and maintaining warning signs placed  
22 pursuant to paragraph (1) of subdivision (a).

23 (E) Overseeing the establishment, change, and timing of signal  
24 phases.

25 (F) Maintaining controls necessary to ensure that only those  
26 citations that have been reviewed and approved by law enforcement  
27 are delivered to violators.

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

35 (e) The printed representation of computer-generated  
36 information, video, or photographic images stored by an automated  
37 traffic enforcement system does not constitute an out-of-court  
38 hearsay statement by a declarant under Division 10 (commencing  
39 with Section 1200) of the Evidence Code.

1 (f) (1) Notwithstanding Section 6253 of the Government Code,  
2 or any other law, photographic records made by an automated  
3 traffic enforcement system shall be confidential, and shall be made  
4 available only to governmental agencies and law enforcement  
5 agencies and only for the purposes of this article.

6 (2) Confidential information obtained from the Department of  
7 Motor Vehicles for the administration or enforcement of this article  
8 shall be held confidential, and shall not be used for any other  
9 purpose.

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

18 (g) Notwithstanding subdivision (f), the registered owner or any  
19 individual identified by the registered owner as the driver of the  
20 vehicle at the time of the alleged violation shall be permitted to  
21 review the photographic evidence of the alleged violation.

22 (h) (1) A contract between a governmental agency and a  
23 manufacturer or supplier of automated traffic enforcement  
24 equipment shall not include a provision for the payment or  
25 compensation to the manufacturer or supplier based on the number  
26 of citations generated, or as a percentage of the revenue generated,  
27 as a result of the use of the equipment authorized under this section.

28 (2) Paragraph (1) does not apply to a contract that was entered  
29 into by a governmental agency and a manufacturer or supplier of  
30 automated traffic enforcement equipment before January 1, 2004,  
31 unless that contract is renewed, extended, or amended on or after  
32 January 1, 2004.

33 (3) A governmental agency that proposes to install or operate  
34 an automated traffic enforcement system shall not consider revenue  
35 generation, beyond recovering its actual costs of operating the  
36 system, as a factor when considering whether or not to install or  
37 operate a system within its local jurisdiction.

38 (i) A manufacturer or supplier that operates an automated traffic  
39 enforcement system pursuant to this section shall, in cooperation  
40 with the governmental agency, submit an annual report to the

1 Judicial Council that includes, but is not limited to, all of the  
2 following information if this information is in the possession of,  
3 or readily available to, the manufacturer or supplier:

4 (1) The number of alleged violations captured by the systems  
5 they operate.

6 (2) The number of citations issued by a law enforcement agency  
7 based on information collected from the automated traffic  
8 enforcement system.

9 (3) For citations identified in paragraph (2), the number of  
10 violations that involved traveling straight through the intersection,  
11 turning right, and turning left.

12 (4) The number and percentage of citations that are dismissed  
13 by the court.

14 (5) The number of traffic collisions at each intersection that  
15 occurred prior to, and after the installation of, the automated traffic  
16 enforcement system.

17 (j) If a governmental agency using an automated traffic  
18 enforcement system has posted signs on or before January 1, 2013,  
19 that met the requirements of paragraph (1) of subdivision (a) of  
20 this section as it read on January 1, 2012, the governmental agency  
21 shall not remove those signs until signs are posted that meet the  
22 requirements specified in this section, as it reads on January 1,  
23 2013.

24 (k) (1) Commencing January 1, 2016, a governmental agency  
25 shall not install an automated traffic enforcement system.

26 (2) A governmental agency that is operating an automated traffic  
27 enforcement system on January 1, 2016, may continue to operate  
28 the automated traffic enforcement system after that date only if  
29 the agency begins conducting, on or before February 28, 2016, a  
30 traffic safety study at each intersection where an automated traffic  
31 enforcement system is in use to determine whether the use of the  
32 system resulted in a *statistically significant* reduction in the number  
33 of traffic accidents *when the primary collision factor was a*  
34 *violation of subdivision (a) or (c) of Section 21453* at that  
35 intersection. *The traffic study shall also determine whether*  
36 *rear-end collisions occurring within 100 feet of the intersection*  
37 *have increased. The methodology of the traffic safety study shall*  
38 *account for factors other than the automated traffic enforcement*  
39 *system that could have caused any reduction in red-light running,*  
40 *including, but not limited to, engineering countermeasures*

1 employed at the intersection, changes in traffic volume, effects of  
2 weather, collisions caused by impairment, statistical regression  
3 to the mean, and overall trends in red-light running collision rates.  
4 The study shall use, at a minimum, three years of data collected  
5 before the installation of the automated traffic enforcement system,  
6 and the entire period after installation, up to the date the study  
7 commences, if that data is available, and shall adjust for any  
8 differences between the two periods. The traffic safety study shall  
9 be conducted according to standards consistent with the analysis  
10 of data approved by the federal National Highway Traffic Safety  
11 Administration for automated traffic enforcement systems. All raw  
12 data used for, and referenced in, the study shall be clearly listed  
13 within the study to allow peer review. The study shall be completed  
14 on or before January 1, 2017.

15 (3) If the traffic safety study ~~shows~~ does not definitively show  
16 that the use of an automated traffic enforcement system ~~did not~~  
17 ~~reduce~~ reduced the number of traffic accidents caused by red-light  
18 running that occurred at an intersection equipped with an  
19 automated traffic enforcement system by a statistically significant  
20 number, or the study shows that there was an increase in rear-end  
21 collisions, the governmental agency shall terminate the use of the  
22 system at that intersection no later than January 1, ~~2018~~ 2018,  
23 and no violation captured by the system after that date shall be  
24 used for prosecution.

25 (4) If the governmental agency uses an automated traffic  
26 enforcement system to cite motorists for right-turn violations, the  
27 agency shall, using the same criteria listed in paragraph (2),  
28 include in the study, an analysis of collisions caused by motorists'  
29 failure to stop before turning right on a red light in violation of  
30 subdivision (a) or (c) of Section 21453. If the traffic safety study  
31 does not definitively show that the use of the automated traffic  
32 enforcement system reduced the number of traffic accidents caused  
33 by motorists' failure to stop before turning right on a red light in  
34 violation of subdivision (a) or (c) of Section 21453 at an  
35 intersection equipped with an automated traffic enforcement system  
36 by a statistically significant number, the governmental agency  
37 shall terminate the use of the system to cite motorists for right turn  
38 violations at that intersection on or before January 1, 2018, and

- 1 *no violation captured by the system after that date shall be used*
- 2 *for prosecution.*

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