

SUBJECT: Municipal authority to implement a photographic traffic systems

COMMITTEE: Transportation — committee substitute recommended

VOTE: 6 ayes — Alexander, Bosse, Alonzo, Clemons, Price, Siebert
2 nays — Moreno, Uher
1 absent — Edwards

SENATE VOTE: On final passage, March 28 — voice vote

WITNESSES: For — Sam Cox, Texas Municipal Police Association; George Human, City of Richardson transportation director
Against — None

DIGEST: CSSB 876 would allow a city to use surveillance cameras to monitor the use of preferential traffic lanes and response to steady red lights at intersections.

The bill would define preferential traffic lanes as lanes on a street or highway where motor vehicle usage is limited to vehicles occupied by a minimum number of persons, car pool vehicles or buses. If the surveillance camera captured a vehicle that had violated the limitations as to type or class of vehicle that is permitted in a preferential traffic lane, the city could impose civil penalties on the vehicle's owner as if the violation were a traffic violation. The photograph of the vehicle violating the limitations of the preferential traffic lane would be sufficient evidence in an administrative hearing to impose a civil penalty for the violation.

CSSB 876 would also allow cities to use surveillance cameras at traffic intersections, and would provide that the owner of a vehicle (except rented vehicles) would be liable for a civil penalty if the vehicle went through a steady red light. The photograph — which would be triggered by a vehicle going through red light — would be sufficient evidence in an administrative hearing to impose a civil penalty for the violation. The amount of the civil penalty could not exceed the maximum fine prescribed

by the Uniform Act Regulating Traffic on Highways, which is \$200. The penalty could not be considered a misdemeanor conviction

The owner of a vehicle that is photographed going through a red light would not be liable for a civil penalty if the owner was in the business of renting vehicles and rents the vehicle to the person who ran the red light or if the vehicle was driven by someone who stole the vehicle from the owner.

A person could not be found liable for a civil penalty both for running the same red light as caught on film doing so and if caught doing so by other means.

The bill would take effect September 1, 1995.

**SUPPORTERS
SAY:**

By allowing cities to use surveillance cameras to monitor the use of preferential vehicle lanes, SB 876 would ensure that these lanes are used properly by motorists. Use of surveillance cameras would eliminate the need to build expensive enforcement areas in future constructions of such lanes and would eliminate hazardous and costly enforcement operations on congested freeways.

SB 876 would also allow cities to place surveillance cameras at traffic intersections to help catch motorists who run red lights. The failure of many drivers in this state to heed traffic signals causes large numbers of fatalities to both drivers and pedestrians.

Since it is difficult for law enforcement personnel to effectively supervise busy traffic intersections, surveillance cameras would be a valuable tool to enforce traffic laws and ensure public safety. Surveillance systems that have been used in New York City and other places have resulted in a decrease in red-light infractions.

Cities should be allowed to decide whether they want to use surveillance cameras in traffic enforcement so that their police officers can spend their time fighting crime rather than issuing traffic tickets.

OPPONENTS
SAY:

SB 876 would violate the privacy of Texas motorists, would not be enforced fairly and would raise the unwelcome specter of "Big Brother" tactics into Texas law enforcement.

The privacy of passengers in a car would be violated because the bill would allow the whole car to be photographed. Pedestrians and other vehicles not involved in the traffic violations this bill is concerned with could also be photographed.

SB 876 could not be enforced fairly. Motorists caught running a red light on camera would get the equivalent of a traffic ticket while motorists caught by a police officer for the same offence would be subject to the penalty of a Class C misdemeanor.

CSSB 876 would replace the eyes, ears and common sense of a police officer with a surveillance camera that — even at the most advanced level of technology — would not be able to match the judgment and perception of a human being. Traffic violations should be prevented by human beings, not by unreliable and insensitive machines.

The people of this state should not have to face cameras operated by their government when they travel the state's roadways. If CSSB 876 passes, Big Brother would soon move from the street corner and into other public areas that law enforcement officials believe need to be monitored. It may be acceptable to use surveillance cameras to protect public buildings that citizens may choose not to enter, but government oversteps when it photographs citizens in public areas they have little choice but to traverse.

OTHER
OPPONENTS
SAY:

This bill would impose different penalties on those improperly in preferential traffic lanes and those running red lights. There would be no limit to the civil fine that could be imposed on the owner of a vehicle in preferential traffic lane while the owner of a vehicle that ran a red light could be fined no more than \$200. Furthermore, the owner of a vehicle running a red light would not be subject to civil penalties if the driver operating the vehicle had either rented or stolen the vehicle from the owner. Owners of vehicles in preferential traffic lanes would be subject to civil and criminal penalties no matter who was driving the vehicle.

NOTES:

The substitute added the provision for surveillance cameras at traffic intersections to monitor red light infractions. The original only contained provisions allowing surveillance cameras at preferential traffic lanes.

SB 317 by Armbrister, which would allow surveillance cameras at traffic intersections to monitor red light infractions, passed the Senate on May 9 by 27-3 (Henderson, Rosson and West) and was reported favorably, without amendment, by the House State Affairs Committee on May 16.