



Colorado
Legislative
Council
Staff

HB16-1231

REVISED
FISCAL NOTE

(replaces fiscal note dated February 22, 2016)

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0054
Prime Sponsor(s): Rep. Lebsack
Sen. Carroll

Date: March 15, 2016
Bill Status: Senate Transportation
Fiscal Analyst: Erin Reynolds (303-866-4146)

BILL TOPIC: RESTRICTING THE USE OF RED LIGHT CAMERAS

Summary of Legislation

The **reengrossed** bill limits the authority of state and local governments to use automated vehicle identification systems at traffic signals (red light cameras) to detect violations. Under the bill, red light cameras may only be used within a school zone, a construction or repair zone, or on a major roadway intended to serve through traffic, criteria for which is outlined in the bill. The bill requires any governmental entity that assesses fines using a red light camera to use that revenue solely for traffic safety improvements, enforcement, and other related purposes.

Background

Veto of House Bill 15-1098 and Senate Bill 15-276. In 2015, two bills that related to the use of automated vehicle identification systems (AVIS) were vetoed by the Governor. HB15-1098, as enrolled into an act, would have directed state and local governments to obtain voter approval before using AVIS. SB15-276, as enrolled into an act, would have prohibited the issuance of a traffic citation based on the use of AVIS, with certain exceptions. In the veto letters, the Governor encouraged the General Assembly to enact legislation in 2016 that limits AVIS to school and construction zones, and areas with disproportionately high traffic and pedestrian accidents, injuries, and fatalities. Further, the letter suggested that fine revenue be used solely for traffic safety improvements and enforcement.

Current state law regulating red light cameras. The maximum original penalty for a red light violation detected by AVIS is established in statute at \$75. Subsequent fees may apply due to failure to respond, personal service, and default. In the case of default, the penalty may be sent to a collection agency. Governmental entities are not permitted to enforce a penalty by immobilizing a vehicle or reporting it to the Division of Motor Vehicles. AVIS cannot be used to detect a red light camera violation unless a sign is posted to notify the public that such a system is in use. A penalty assessment notice or summons must be delivered within 90 days of the alleged violation.

There are limits on the use of speed photo radar enforcement that do not apply to red light cameras, which limit the use of speed photo radar to school zones, residential neighborhoods, within maintenance, construction, or repair zones, or along a street that borders a municipal park.

Departments of Transportation and Public Safety. Under current law, the Colorado Department of Transportation (CDOT) may request the Department of Public Safety (DPS) to utilize AVIS to detect speeding violations within an active highway maintenance, repair, or construction zone. The state does not currently use AVIS in this capacity, and is not authorized to use red light cameras under current law.

Assumptions

Because the bill permits the use of red light cameras in school zones, construction or repair zones, and, in particular, on major roadways intended to serve through traffic, the fiscal note assumes that local governments that have adopted ordinances approving the use of red light cameras will continue to utilize AVIS technology to promote intersection safety at similar rates. The Local Government section provides information on current red light camera use.

Local Government Impact

Beginning in the current fiscal year, FY 2015-16, local government fine revenue from red light camera violations captured through AVIS may fluctuate. For informational purposes, Table 1 shows a two-year average of revenue collected and costs incurred by the eight municipalities that currently use red light cameras. Expenditures generally include equipment maintenance and ticket processing.

| Table 1. Two-Year Average Revenue and Expenditures from Municipal Use of Red Light Cameras | | | |
|---|----------------------|----------------------|----------------------|
| <i>Numbers are rounded</i> | | | |
| City | Revenue | Expenditures | Net Revenue |
| Aurora | \$3.2 million | \$1.9 million | \$1.3 million |
| Boulder* | 1.1 million | 863,000 | 219,000 |
| Commerce City | 383,000 | 224,000 | 158,000 |
| Denver* | 905,000 | 440,000 | 465,000 |
| Fort Collins* | 410,000 | 280,000 | 130,000 |
| Greenwood Village | 337,000 | 283,000 | 54,000 |
| Lone Tree | 134,000 | 78,000 | 56,000 |
| Pueblo | 138,000 | 126,000 | 12,000 |
| Totals | \$6.6 million | \$4.2 million | \$2.4 million |

Source: Colorado Municipal League

* Expenditure data specific to red light camera use in Boulder, Denver, and Fort Collins, where speed photo radar is also used, was not available at the time of writing, so these expenditure totals were extrapolated proportionally to revenue totals in each category.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties
Public Safety

Information Technology
Revenue

Municipalities
Transportation

Research Note Available

An LCS Research Note for HB 16-1231 is available online and through the iLegislate app. Research notes provide additional policy and background information about the bill and summarize action taken by the General Assembly concerning the bill.