

CONCURRENCE IN SENATE AMENDMENTS

AB 645 (Friedman, et al.)

As Amended September 7, 2023

Majority vote

SUMMARY

Establishes a five-year pilot program to give local transportation authorities in the cities of San Jose, Oakland, Los Angeles, Glendale, Long Beach, and the City and County of San Francisco the authority to install speed safety systems.

Senate Amendments

- 1) Requires the first violation within a designated jurisdiction for traveling 11 to 15 miles per hour (mph) over the speed limit to be a warning notice.
- 2) Requires speed safety systems to be placed in locations that are geographically and socioeconomically diverse.
- 3) Clarifies that flashing beacons shall be installed at all school zones in order to enforce the school zone speed limit and reduces the number of hours the school zone speed limit can be enforced.
- 4) Requires, to the extent feasible, for the speed safety system camera to be angled and focused so as to only capture photographs of speeding violations and not capture identifying images of other drivers, vehicles, or pedestrians.
- 5) Provides that a person will not be subject to a civil violation if there is proof the vehicle was being used by someone sharing their vehicle in a personal vehicle sharing program or if proof of a copy of a police report indicating the vehicle had been stolen at the time of the violation, in addition to the existing provision for the owner of a rental car.
- 6) Makes numerous technical, clarifying amendments.

COMMENTS

Speed Safety Systems Can Save Lives. According to The National Transportation Safety Board (NTSB), a 2010 review of 28 studies of ASE in the United States, Canada, Europe, Australia, and New Zealand determined found a lower number of crashes in ASE areas after automated speed enforcement (ASE) implementation. These studies reported reductions of 8% to 49% for all crashes and reductions of 11% to 44% for crashes causing serious injuries or fatalities.

Since June of 2020, New York City has deployed 750 speed cameras in school zones that were authorized to be used from 6 A.M. to 10 P.M. on weekdays (as of August of 2022 cameras are now permitted to operate 24/7). As of December of 2021, speeding at fixed camera locations had dropped, on average, 73%. In the eight full calendar years New York City's speed camera program has been in operation, 46% of plates receiving a Notice of Liability have not received a second. An additional 19% received no more than two over this period. From 2018 to 2020 New York City saw a 35.3% decrease in injuries in areas where new speed cameras were installed.

Achieving Vision Zero. Between 2000 and 2018, over 660,000 people were killed in vehicle collisions. According to the National Safety Council, vehicle miles traveled dropped 13% in 2020, but the mileage death rate went up 24%, the highest estimated year-over-year jump in 96 years. Over 42 thousand Americans lost their lives to traffic collisions in 2020, and an estimated 4.8 million road users were seriously injured last year. According to the Governors Highway Safety Association the number of pedestrian fatalities in the United States has grown sharply. Between 2009 and 2018, pedestrian fatalities increased 53%. This is during a time when all other traffic-related deaths increased by 2%. In 2018, 17% of all traffic fatalities were pedestrians, compared to 12% in 2009.

According to the National Transportation Safety Board (NTSB), from 2005-14, crashes in which a law enforcement officer indicated a vehicle's speed was a factor resulted in 112,580 fatalities, representing 31% of all traffic fatalities. NTSB notes that speeding increases the risk of a crash and the severity of injuries. According to the Office of Traffic Safety crash ranking results, the six pilot cities in this bill saw a total of 4,795 speed related traffic injuries and fatalities in 2020 alone, with 3,297 occurring in the City of Los Angeles.

More recently, the United States Department of Transportation (USDOT) introduced the National Roadway Safety Strategy (NRSS). Under the NRSS, USDOT has set a goal to strive for zero roadway fatalities. Zero is the only acceptable number of deaths on our highways, roads, and streets. The USDOT is committed to taking substantial, comprehensive actions to significantly reduce serious and fatal injuries on the Nation's roadways. Reaching zero will require USDOT to work with the entire roadway transportation community and the American people to lead a significant cultural shift that treats roadway deaths as unacceptable and preventable. To achieve this goal, USDOT is adopting a safe systems approach, with the principles that death and serious injuries are unacceptable, humans make mistakes, humans are vulnerable, responsibility is shared, safety is proactive, and redundancy is crucial. USDOT recommends states implement the use of ASE, and under the safer roads objective, USDOT recommends states implement traffic calming measures to slow cars down to make things safer for pedestrians.

Some of the most dangerous roads in California and in the United States are in minority communities and as a result, people of color are disproportionately effected by traffic collisions. According to NRSS, African Americans, Latinos and Native Americans pedestrians are more likely to be killed in a traffic collision. According to the UCLA Lewis Center Policy Brief, *The Need to Prioritize Black Lives in LA's Traffic Safety Efforts*, "In terms of fatalities, 43% of all victims who were killed in this dataset were walking. One in four fatal victims represents a Black or Latino/a pedestrian." The brief found that African Americans make up 9% of the city of LA's population, but 16% of the traffic fatalities and 14% of the injuries caused by vehicle crashes. The requirement for traffic calming measures to be added to areas where speed cameras exist and fail to curb speed violations should also help make these roads safer.

According to the Author

"Since the 1980s communities around the world have been using speed safety systems to slow drivers down. These cameras have proven to be widely effective. A 2005 systematic review of 14 studies of speed safety systems in Canada, Europe, Australia, and New Zealand found crash reductions of 5 to 69%, injury reductions of 12 to 65%, and fatality reductions of 17 to 71% at speed safety system locations after program implementation. Speed safety systems are used in over 150 communities across the United States, and more recently became eligible for federal

funding under the Bipartisan Infrastructure Investment and Jobs Act as part of a new nationwide goal to achieve zero traffic fatalities. It is finally time for California to join 17 other states and authorize the use of speed safety systems."

Arguments in Support

The City of Los Angeles, argues "Speed is the number one factor in crash severity. Nationwide, 112,580 people were killed in speeding-related incidents from 2005 to 2014. California is no exception: every year for the past five years, more than 1,000 Californians have died in speed-related traffic collisions. Tens of thousands more have been injured. These deaths and injuries are preventable. Jurisdictions suffering from high levels of avoidable fatal and severe collisions are desperate for additional tools to bring the number of traffic deaths down to zero. Vision Zero traffic safety initiatives underway in these localities have made some progress, but these efforts to date have not brought about the necessary reductions in injuries and deaths. Across the United States, numerous peer-reviewed studies have shown that speed detection systems reduce the number of severe and fatal collisions by as much as 58%. California must provide communities with the option to pilot this public safety tool in order to create the expectation of regular speed checking on the most dangerous streets, in school zones, and on streets with a history of speed racing and motor vehicle exhibitions of speed."

Arguments in Opposition

According to the National Motorist Association, "AB 645 subjects Californians to increased surveillance and perpetuates the false notion that this surveillance benefits the communities that are surveilled. The need for enforcement of speed limits does not warrant the creation of a new mechanism for government collection of large amounts of data on Californians.

There are effective alternatives to reduce speed-based traffic collisions without these harmful impacts, including those highlighted in the bill itself: roundabouts, speed humps or speed tables, traffic circles, and other traffic-calming measures that do not require increasing surveillance to automate enforcement and issue more tickets."

FISCAL COMMENTS

According to Senate Appropriations Committee:

Unknown, potentially significant court workload cost pressures for superior courts to hear and adjudicate appeals of hearing officer determinations that are brought under the provisions of this bill. These costs would be partially offset by the \$25 fees for filing appeals. See Staff Comments. (Trial Court Trust Fund, General Fund).

Unknown, significant local costs for the specified cities to establish and administer automated speed enforcement systems, including adopting specified policies and guidelines prior to implementing a program, conducting a public information campaign, entering into contracts with suppliers of camera enforcement systems, identifying sites, installing signage and infrastructure, adjudicating violations, establishing a diversion program for indigent violation recipients, and evaluating and reporting the systems' impacts. Staff notes that any costs incurred by local agencies to establish and administer an automated speed enforcement system would not be state-reimbursable because those costs would be attributable to a discretionary action, rather than a state mandated local program. In addition, any local costs are likely to be fully offset by revenue gains from civil penalties paid by violators of speed laws in enforcement zones. (local funds)

VOTES:

ASM TRANSPORTATION: 12-0-3

YES: Friedman, Vince Fong, Berman, Juan Carrillo, Gipson, Hart, Jackson, Kalra, Lowenthal, Stephanie Nguyen, Ward, Wicks

ABS, ABST OR NV: Davies, Sanchez, Wallis

ASM PRIVACY AND CONSUMER PROTECTION: 8-1-2

YES: Gabriel, Bauer-Kahan, Bennett, Vince Fong, Irwin, Lowenthal, Papan, Wicks

NO: Wilson

ABS, ABST OR NV: Joe Patterson, Essayli

ASM APPROPRIATIONS: 11-3-2

YES: Holden, Bryan, Calderon, Wendy Carrillo, Mike Fong, Hart, Lowenthal, Papan, Pellerin, Weber, Ortega

NO: Megan Dahle, Dixon, Mathis

ABS, ABST OR NV: Robert Rivas, Sanchez

ASSEMBLY FLOOR: 58-7-15

YES: Aguiar-Curry, Alanis, Alvarez, Arambula, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Garcia, Gipson, Haney, Hart, Holden, Irwin, Jackson, Jones- Sawyer, Kalra, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Santiago, Schiavo, Ting, Valencia, Villapudua, Ward, Weber, Wicks, Wood, Zbur, Rendon

NO: Megan Dahle, Dixon, Essayli, Hoover, Mathis, Ta, Waldron

ABS, ABST OR NV: Addis, Bains, Bryan, Davies, Gallagher, Grayson, Lackey, Jim Patterson, Joe Patterson, Rodriguez, Blanca Rubio, Sanchez, Soria, Wallis, Wilson

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