

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 17, 2007**

**TO:** Honorable David Dewhurst, Lieutenant Governor, Senate

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: SB1119** by Carona (Relating to the authority of a local authority to implement a photographic traffic signal enforcement system; providing for the imposition of civil penalties. ), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would add Chapter 707 to Title 7 of the Transportation Code to authorize a local governmental entity to by ordinance implement a photographic traffic signal enforcement system and provide that the owner of a motor vehicle is liable to the local government for a civil penalty if the vehicle is operated in violation of the instructions of that signal. If a contract is entered into for the administration and enforcement of the system, a local authority would be prohibited from agreeing to pay the contractor a specified percentage of, or dollar amount from, each civil penalty collected.

Provisions of the bill would establish requirements related to installation and operation of a photographic traffic signal enforcement system, as well as required ordinance provisions and procedures for violation notices. Among the requirements would be that the entity conduct a traffic engineering study of the approach at which a system would be installed to determine whether, in addition to or as an alternative to the system, a design change to the approach or a change in the signalization would likely reduce the number of red light violations at the intersection. Certain criteria must be met in selecting an intersection at which a system would be installed. The local authority would be required to report results of the study to a citizen advisory committee appointed to advise on the installation and operation of the system.

In addition to conducting a traffic engineering study, before installing a system, the local authority would be required to report the number and type of traffic accidents that occur annually at the intersection. After installation, the authority would be required to monitor and report the number and type of traffic accidents at the intersection to determine whether the system results in a reduction in accidents or their severity. The Department of Public Safety (DPS) would be required by rule to require a local authority that implements a system to report to DPS not later than October 1 of each year regarding the number of accidents and red light violations at each intersection where a system is installed and each intersection that does not have a system installed. Not later than December 1 of each year, DPS would be required to publish the information from the report. DPS would be required to adopt applicable rules, reporting, and publication requirements by January 1, 2008.

The local government would be required to install signs along each roadway that leads to an intersection at which a system is installed to indicate the presence of a system.

Notice of a violation shall be mailed by certified mail, return receipt required, and would include a preprinted, self-addressed, postage-paid envelope for payment of the civil penalty. Persons in receipt of a violation notification would be allowed to contest imposition of a civil penalty by filing a written request for an administrative hearing. A hearing officer designated by the local government entity would conduct the hearing. The hearing officer's decision may be appealed to a justice court located in the county in which the local government entity is located, or if the local entity is a municipality, in a municipal court within the municipality.

The bill would take effect on September 1, 2007 only if Senate Bill 125, Acts of the Eightieth Legislature, Regular Session, 2007, is enacted into law. Requirements related to conducting a traffic engineering study would apply only to a system or a contract for a system entered into on or after the effective date of the bill.

According to DPS, the agency could implement provisions of the bill applicable to the agency using existing resources.

### **Local Government Impact**

The fiscal impact on units of local government would vary. If a local government entity already has camera systems installed or if an entity does not plan to install camera systems, there would be no significant fiscal impact. If a local government entity plans to install a camera system upon enactment of the bill, the entity would incur costs associated with conducting a traffic engineering study as well as the costs of equipment and installation of the equipment. Those costs, which would be the most significant costs of establishing a camera system, would vary depending on how many intersections would be studied and how many cameras would be installed. Costs associated with other requirements for ordinances, enforcement, monitoring, and reporting are anticipated to be moderate.

The City of Houston (2000 census population of nearly 2 million) estimates conducting a traffic engineering study would cost approximately \$10,000 per intersection. The city has 30 camera systems installed; had the provisions of the bill been in effect prior to installation, the city would have incurred an additional \$300,000 in expenses for the engineering study alone. The City of Sherman (2000 census population of 35,082) estimates if the city were to establish a camera system, the cost of photographic enforcement devices would be \$4,000 each, for a total of \$48,000 for one intersection.

Most counties that responded to an inquiry about the fiscal impact of the bill indicated they would not set up a traffic camera system. However, Bexar County (2000 census population of almost 1.4 million) provided a fiscal impact estimate based on installing 13 traffic signals at a cost of \$975,000, but did not have an estimate for the cost of a traffic engineering study, or maintenance and enforcement.

**Source Agencies:** 601 Department of Transportation, 405 Department of Public Safety

**LBB Staff:** JOB, DB, TG, KJG