

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 10, 2007

TO: Honorable Kevin Bailey, Chair, House Committee on Urban Affairs

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 Engrossed**

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.

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.

Under the provisions of the bill, if the owner of a motor vehicle is delinquent in the payment of a civil penalty, the county assessor-collector or the Texas Department of Transportation (TxDOT) would be authorized to refuse to register the motor vehicle alleged to have been involved in the violation.

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 TxDOT, the fiscal impact to the state would depend on the number of counties that would establish a camera system and of those, how many would contract with TxDOT for reporting remarks under the agency's "Scofflaw" program. Based on current registration and denied registration figures, TxDOT assumes there could be 4,834 denials under provisions of the bill. It is anticipated that any loss in revenue and programming costs associated with denying vehicle registration for violations under the bill could be absorbed within 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 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 and enforcement would be insignificant. There could also be a loss of revenue for vehicles not allowed to be registered.

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

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