

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1061 Traffic Control
SPONSOR(S): Artiles
TIED BILLS: **IDEN./SIM. BILLS:** SB 1342

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Affairs Committee	12 Y, 4 N, As CS	Kiner	Creamer
2) Appropriations Committee			

SUMMARY ANALYSIS

CS/HB 1061 relates to the issuance of traffic citations under the state's traffic control law. Specifically, the bill:

- removes the authority to enforce right-on-red violations via red light camera;
- requires that red light camera notices of violation be sent via certified mail, rather than first-class mail;
- allows the registered owner receiving the notice of violation to request a hearing within the first 30 days, as opposed to waiting until the notice of violation becomes a uniform traffic citation;
- specifies that no payment or fee may be required prior to requesting such hearing;
- provides that delivery or attempted delivery of the notice of violation (sent via certified mail) constitutes notification;
- specifies that an individual that requests a hearing waives any challenge or dispute as to delivery of the notice of violation or uniform traffic citation;
- allows an individual identified on an affidavit to be issued a notice of violation rather than an immediate uniform traffic citation as currently required. In cases of a transfer of liability via affidavit, this will extend the same rights to everyone;
- codifies the standard that (1) the burden of proof falls upon the government bringing the charge; (2) an accused individual has the right to confront the witnesses against him or her; (3) the evidence from the camera shall be accounted for in writing from the time of violation (an affidavit will no longer be sufficient);
- provides a statutory requirement that yellow light intervals be synchronized according to the Florida Department of Transportation (DOT) standards and requires an all-red clearance interval to provide additional time before conflicting traffic movements proceed;
- sets a deadline for red light camera intersections to be in compliance with the standards articulated above; and
- penalizes local governments for noncompliance.

Both state and local governments may see a decline in revenue from the issuance and payment of red light camera notices of violation and uniform traffic citations related to the prohibition on right-turn on red citations.

The bill provides penalties for non-compliance. Under the bill, a local governmental entity that does not meet the bill's requirements faces a \$500 fine and must refund the moneys paid for all red light camera citations issued within the preceding 60 days.

The bill is effective July 1, 2013, and requires all current intersections with red light cameras meet requirements by December 31, 2013. All intersections with red light cameras installed after December 31, 2013, must meet the bills requirements upon installation of the red light camera. All other intersections must meet the bill's requirements by December 31, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Red light cameras generally

Red light cameras enforce traffic laws by automatically photographing vehicles running red lights. The cameras are connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system photographs vehicles that enter the intersection above a pre-set minimum speed after the signal has turned red; a second photograph typically shows the driver in the intersection. In some cases, video cameras are used. Red light cameras also record the license plate number, the date and time of day, the time elapsed since the beginning of the red signal, and the vehicle's speed.

Red light cameras in Florida

In 2010, the Florida Legislature enacted Ch. 2010-80, L.O.F.¹ The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of Ch. 316, F.S.² The law also authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to employ red light camera programs.³

Jurisdiction, Installation, and Awareness

Red light cameras must meet requirements established by DOT and must be tested at regular intervals according to procedures prescribed by DOT.⁴ If DHSMV, a county, or a municipality installs a red light camera at an intersection, the respective governmental entity must notify the public that a camera is in use at that intersection, including specific notification of enforcement of right-on-red violations.⁵ Such signage must meet specifications adopted by DOT pursuant to s. 316.0745, F.S.⁶

Notice of violation and uniform traffic citation

Generally

If a red light camera captures an image of a driver running a red light, the visual information is reviewed by a traffic infraction enforcement officer.⁷ A notice of violation (NOV) must be sent to the registered owner of the vehicle – who may or may not be the actual driver of the vehicle – by first-class mail within 30 days of the alleged violation.⁸ The NOV must be accompanied by a photograph or other recorded image of the violation, and must include a statement of the registered owner's right to review images or video of the violation, and the time, place, and Internet location where the evidence may be reviewed.⁹ Along with the notice, is a statement that the photographic or electronic images or the streaming video evidence of the violation constitute a "rebuttable presumption against the owner of the vehicle." A NOV carries a \$158 fine, although no points may be assessed against the driver's driver license and the NOV may not be used for the purpose of setting motor vehicle insurance rates.¹⁰

¹ House Bill 325.

² s. 316.0076, F.S.

³ s. 316.0083, F.S.

⁴ s. 316.0776, F.S.

⁵ s. 316.0776(2)(a), F.S.

⁶ Id.

⁷ s. 316.640(1)(b)3., F.S. A traffic infraction enforcement officer must successfully complete instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but may not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers under s. 943.13, F.S.

⁸ s. 316.0083(1)(b), F.S.

⁹ Id.

¹⁰ s. 322.27(3)(d)6., F.S.

If the registered owner of the vehicle does not pay the NOV within 30 days, the traffic infraction enforcement officer must issue a uniform traffic citation (UTC) to the registered owner, which after adding court costs and fees, may carry a fine of \$256 or higher.¹¹ The UTC must be mailed by certified mail, and must be issued no later than 60 days after the violation.¹² The UTC must also include the statements described above regarding review of the photographic or video evidence.¹³ The report of an officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used to commit the violation.¹⁴

A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of a UTC to the violator.¹⁵

Right-on-red violations

Under the red light camera statute, a city or county may issue a notice of violation and a traffic citation for a right-on-red violation, unless the motorist makes the right-hand turn in a “careful and prudent manner.”¹⁶ However, the red light camera statute does not define what constitutes a “careful and prudent manner.”

In December 2012, DHSMV released its Red Light Camera Program Analysis (Analysis).¹⁷ The Analysis compiled information from cities and counties that operate red light camera programs and focused on three specific areas: (1) statistical data; (2) enhancement to traffic safety; and (3) procedural information. DHSMV collected the information through an online survey. The reporting period was July 1, 2011 through June 30, 2012.

In total, 73 agencies responded to the online survey.¹⁸ Collectively, these 73 agencies reported that there were 404 intersections across the state with red light cameras.¹⁹ Out of 73 agencies, at least 45 agencies issue a notice of violation and a traffic citation for a right on red violation.²⁰ Only 16 agencies had a policy defining “careful and prudent manner.”²¹

Rebuttable presumption v. burden of proof

Under the red light camera statute, the registered owner of the motor vehicle involved in the violation receives the notice of violation. This is because the red light camera statute “presumes” the registered owner of the motor vehicle was driving the vehicle at the time of the violation. This presumption, however, is rebuttable.²² Under the statute, the registered owner may rebut the presumption if the registered owner qualifies for an exemption from payment.²³

Exemptions

¹¹ s. 316.0083(1)(c), F.S.

¹² Id.

¹³ Id.

¹⁴ ss. 316.0083(1)(e) and 318.18, F.S.

¹⁵ s. 316.650(3)(c), F.S.

¹⁶ ss. 316.0083, (1)(a) and (2), F.S.

¹⁷ See the DHSMV Analysis on its website at <http://www.flhsmv.gov/Reports/RedLightCameraAnalysis2012.pdf> (Last viewed on 3/13/2013).

¹⁸ Id.

¹⁹ Id.

²⁰ Id. Only 72 agencies responded to the question on whether the agency issues a notice of violation and traffic citation for a right on red violation. Of the 72 agencies that responded, 45 issue a notice of violation and traffic citation for a right on red violation.

²¹ Id. Only 71 agencies responded to the question on whether the agency issued a notice of violation and traffic citation for a right on red violation.

²² ss. 316.0083(1)(b)1.b., 316.0083(1)(c)2., and 316.0083(1)(e), F.S.

²³ s. 316.0083(1)(d)2., F.S.

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish:

- that the vehicle passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- that the vehicle passed through the intersection at the direction of a law enforcement officer;
- that the vehicle was, at the time of the violation, in the care, custody, or control of another person;
- that the driver received a UTC for the alleged violation issued by a law enforcement officer; or
- that the vehicle's owner was deceased on or before the date that the UTC was issued.²⁴

To establish any of these exemptions, the registered owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the UTC, if issued.²⁵ If the registered owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number of the driver.²⁶ A UTC may be issued to the driver, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding the driver's alleged violation of ss. 316.074(1) or 316.075(1)(c)1., F.S.²⁷ Submission of a false affidavit is a second degree misdemeanor.

If the vehicle is leased, the owner of the leased vehicle is not responsible for paying the UTC, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.²⁸ If a person presents documentation from the appropriate governmental entity that a UTC was issued in error, the clerk of court may dismiss the UTC and may not charge for such service.²⁹

Fines

Red light camera citations carry a \$158 fine. When the \$158 fine is the result of a local government's red light camera, \$75 is retained by the local government and \$83 is deposited with the Florida Department of Revenue (DOR).³⁰ DOR subsequently distributes the fine by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.³¹ If a law enforcement officer cites a motorist for the same offense, the fine is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Administrative Trust Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.³³

State Revenue

In FY 2011 – 2012, there were 71 jurisdictions operating red light camera programs throughout the state. Collectively, these 71 jurisdictions remitted \$51,065,841 to the state, of which \$43,070,985 was distributed to the General Revenue Fund; \$6,143,495 was distributed to the Department of Health

²⁴ s. 316.0083(1)(d), F.S.

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ Id.

²⁹ s. 318.18(15), F.S.

³⁰ s. 318.18(15), F.S., s. 316.0083(1)(b)3., F.S.

³¹ Id.

³² DHSMV is also authorized in s. 316.0083, F.S., to install its own traffic infraction detectors, although it has not done so. If DHSMV were to install its own traffic infraction detectors, the fine amount would still be \$158, with \$100 remitted to DOR for deposit into the General Revenue Fund, \$10 remitted to DOR for deposit into the Department of Health Emergency Medical Services Trust Fund, \$3 remitted to DOR for deposit into the Brain and Spinal Cord Injury Trust Fund. The remaining \$45 would be retained by the local government where the violation occurred.

³³ s. 318.18(15), F.S.

Administrative Trust Fund; and \$1,851,361 was distributed to the Brain & Spinal Cord Injury Trust Fund.³⁴

So far in FY 2012-2013³⁵, the 77 jurisdictions operating red light camera programs throughout the state have collectively remitted \$35,064, 271 to the state, of which³⁶

Yellow-light synchronization and all-red clearance interval

Florida Laws and Rules on Traffic Control Devices

Section 316.0745(1), F.S., requires DOT to adopt a uniform system of traffic control devices for use on the streets and highways of the state.³⁷ DOT is required to revise this system from time to time to conform to a national system or to meet local and state needs.³⁸ When revising the system, DOT may receive assistance from local authorities.³⁹ DOT is also authorized to permit the use of traffic control signals that do not conform to the uniform system upon a showing of good cause.⁴⁰

Section 316.0745(2), F.S., requires DOT to compile and publish a manual defining its uniform system.⁴¹ The statute also requires DOT to compile and publish minimum specifications for traffic control signal devices "certified . . . as conforming with the uniform system."⁴²

Following statutory requirements, DOT publishes a Traffic Engineering Manual (TEM) to provide traffic engineering standards and guidelines.⁴³ In addition to Florida Statutes, Rule 14-15.010, F.A.C., gives DOT authority to adopt the TEM. The TEM covers the processes whereby standards and guidelines are adopted, as well as chapters devoted to "highway signs and markings, traffic signals, traffic optimization through the use of computer models . . . , and links to information on DOT's mature driver/pedestrian program."⁴⁴

In addition to DOT's TEM, many sections of Florida law require drivers to obey traffic control signal demands. Section 316.075, F.S., requires drivers to follow set traffic control signal commands and yield the right-of-way to pedestrians lawfully in intersections and crosswalks. Violators of s. 316.075, F.S., including those that run red lights, commit non-criminal traffic violations punishable pursuant to ch. 318, F.S.

Institute of Transportation Engineers

According to its website, the Institute of Transportation Engineers (ITE) is an international, educational and scientific association of transportation professionals.⁴⁵ Among other things, ITE offers recommendations to the Manual on Uniform Traffic Control Devices (MUTCD) and is recognized as one of the leading organizations in transportation research. It publishes a Traffic Engineering Handbook containing information used by transportation officials nationwide. DOT's TEM calculates the minimum yellow signal change and all-red clearance intervals using formulas contained within the ITE's Traffic Engineering Handbook. However, there is no express requirement in Florida law that DOT's TEM contain formulas contained within ITE's Traffic Engineering Handbook.

³⁴ The Department of Revenue makes its most-recent data available online at <http://dor.myflorida.com/dor/taxes/distributions.html> (Last viewed on 3/13/2013).

³⁵ From July 1, 2013 through January 31, 2013.

³⁶ The Department of Revenue makes its most-recent data available online at <http://dor.myflorida.com/dor/taxes/distributions.html> (Last viewed on 3/13/2013).

³⁷ s. 316.0745(1), F.S.

³⁸ Id.

³⁹ Id.

⁴⁰ s. 316.0745(8), F.S.

⁴¹ s. 316.0745(2), F.S.

⁴² Id.

⁴³ Florida Department of Transportation *Traffic Engineering Manual*, "Adoption Procedure." This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last viewed 3/13/2013).

⁴⁴ Id.

⁴⁵ See the Institute of Transportation Engineers website at <http://www.ite.org/aboutite> (Last viewed 9/15/2011).

Yellow light display duration

The purpose of the yellow light display is “to provide a safe transition between two conflicting traffic signal phases.”⁴⁶ More specifically, the function of the yellow light display is “to warn traffic of an impending change in the right-of-way assignment.”⁴⁷

The Federal MUTCD states that a yellow change interval should have a minimum duration of 3 seconds and a maximum duration of 6 seconds.⁴⁸ With regard to specific guidance for the length of a yellow signal, the MUTCD specifies that the length shall be determined using engineering practices.⁴⁹ These engineering practices are contained within DOT’s TEM.

The TEM calculates the minimum yellow change and all-red clearance intervals using a formula contained within the ITE’s Traffic Engineering Handbook. The specific formula is explained in the image below, along with a chart calculating the formula’s results for a hypothetical intersection on level ground.⁵⁰

⁴⁶ Florida Department of Transportation *Traffic Engineering Manual*, s. 3.6.1, “Purpose.” This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last viewed 9/15/2011).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ FHWA *Manual on Uniform Traffic Control Devices* S.4D.26(2)-(3) (Last viewed 9/15/2011).

⁵⁰ “Table 3.6-1.” is reproduced directly from s. 3.6.2.1 of the TEM and can be seen in context at the following address:

<http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last viewed 9/15/ 2011).

Table 3.6-1. Florida Yellow Change Interval (0.0 % Grade)*

APPROACH SPEED (MPH)	YELLOW INTERVAL (SECONDS)
25	3.0
30	3.2
35	3.6
40	4.0
45	4.3
50	4.7
55	5.0
60	5.4
65	5.8

* For approach grades other than 0%, Use ITE Formula.

Formula 3.6-1

$$Y = t + \frac{1.47v}{2(a + Gg)}$$

Where:

Y = length of yellow interval, sec.

t = perception-reaction time, (Use 1 sec.).

v = speed of approaching vehicles, in mph.

a = deceleration rate in response to the onset of a yellow indication. (Use 10 ft/sec²)

g = acceleration due to gravity. (Use 32.2 ft/sec²)

G = grade, with uphill positive and downhill negative. (percent grade /100)

All variables in the formula have assumed or fixed values except the approach speed, v. As a result, the speed of vehicles as they approach an intersection is the critical input an engineer must consider when solving the formula for Y – an appropriate length in seconds for the yellow light.

With respect to determining the correct approach speed, the TEM states, “[a]pproach speed... is the posted speed or the 85th percentile approach speed, whichever is greater.”⁵¹ The phrase “posted speed” refers to the speed limit applied to the road pursuant to ss. 316.187 and 316.189, F.S.⁵² The phrase “85th percentile approach speed” is a commonly-used statistical measurement describing the speed at or below which 85 percent of free-flowing traffic is moving.⁵³

The TEM also contains a provision allowing traffic engineers to modify yellow light intervals as appropriate. Section 3.6.2(5) states that “yellow change... intervals specified herein are minimums, and should be increased as necessary, based on professional engineering judgment, to fit site conditions at any particular intersection.” DOT’s TEM does not contain language regarding the shortening of a yellow light interval to an amount of time less than those provided in the manual.

⁵¹ Florida Department of Transportation *Traffic Engineering Manual* “Section 3.6.2,” “Standard.” This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last viewed 3/13/2013).

⁵² Id.

⁵³ Id.

All-red Clearance Interval

The all-red clearance interval is a brief period when traffic is stopped at red lights in all directions. The purpose of the all-red clearance interval is to provide additional time following the yellow change interval to clear the intersection before conflicting traffic is released.⁵⁴ The idea is that the interval needs to be long enough to prevent accidents, but no longer than necessary to ensure traffic continues to flow. According to the Federal MUTCD, the duration of an all-red clearance interval should not exceed 6 seconds.

Effect of Proposed Change

Section One

Right-on-violations

The bill removes city and county authority to issue a notice of violation and uniform traffic citation for a right-on-red violation via a red light camera. A city or county may still issue a notice of violation and uniform traffic citation for straight-ahead red light violations via a red light camera.

Opportunity for a hearing within the first 30 days

The bill allows the motor vehicle's registered owner to request a hearing within the first 30 days after the date of delivery or attempted delivery of the notice of violation. The bill also requires that the notice of violation be sent via certified mail, rather than first-class mail. The effect of the proposed change is that the registered owner may dispute the notice of violation while he or she is still subject to the \$158 fine, as opposed to having to wait until issuance of a uniform traffic citation at a much higher price for an opportunity for a hearing, as is required under current law. The bill specifies that no payment or fee may be required for the hearing.

Extending notice of violation to person identified as the driver

During a transfer of liability, the bill places the person identified on the affidavit as having care, custody, or control of the vehicle at the time of the violation in the same position as the registered owner. As such, the person identified on the affidavit as the actual driver of the vehicle will no longer be immediately issued a uniform traffic citation; rather the person will have the opportunity to pay the \$158 notice of violation or request a hearing within 30 days.

While the bill does not explicitly prohibit the person identified on the affidavit from also submitting an affidavit that identifies someone else as the actual driver of the vehicle, the current red light camera statute does provide that the submission of a false affidavit is a 2nd degree misdemeanor.⁵⁵

Lack of notice as a defense

The bill specifies that if the registered owner, coowner, or person identified as the actual driver on the affidavit, requests a hearing, he or she waives any challenge or dispute as to delivery of the notice of violation. The effect of the proposed change no longer allows a person to claim "lack of notice" as an affirmative defense when that same person has requested a hearing. By making this change, the bill specifies that if the person requests a hearing, the person has received notice.

Burden of proof

The bill specifies that the governmental entity bringing the charge has the burden of proving guilt.

Self-incrimination

⁵⁴ Florida Department of Transportation *Traffic Engineering Manual* "Section 3.6.1," "Purpose." This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last viewed 3/13/2013).

⁵⁵ s. 316.0083,

The bill specifies that a person receiving a notice of violation or uniform traffic citation under the red light camera statute may not be compelled to be a witness against himself, and further, that the person has the right to confront any witnesses.

Authentication of evidence

The bill specifies that an affidavit is not sufficient to authenticate any evidence obtained from a traffic infraction detector (red light camera). The bill further requires any person who has received, processed, or reviewed any evidence obtained from a red light camera to authenticate the evidence in court. The bill requires that "compensation of any witness for the prosecution shall be as required in s. 92.143, F.S." Section 92.143, F.S., requires the office of the state attorney of the respective judicial circuit to pay the fees and costs of calling the witness that is required to testify on behalf of the prosecution in traffic court.

Section Two

Yellow-light display duration

The bill provides that whenever an engineering analysis is undertaken to evaluate or reevaluate signal display durations, DOT and local authorities will be responsible for ensuring traffic control signals meet guidelines related to the following:

- the minimum yellow signal display duration on traffic control signals is to be based on the posted speed limit plus 10 percent. The minimum yellow signal display duration is 3 seconds for traffic control signals on streets with a posted speed limit of 25 miles per hour or less, and the minimum yellow display duration shall increase by .5 second for each increase of 5 miles per hour in the posted speed limit, plus 10 percent. However, the yellow light display duration is not to exceed 6 seconds; and
- intersections with a posted speed limit greater than 55 miles per hour are required to have, on approach, a sign posted to alert drivers of the upcoming traffic control signal. The sign is to be posted in accordance with DOT's Manual on Uniform Traffic Control Devices.

All-red clearance interval

The bill also amends s. 316.075, F.S., to require an all-red clearance interval following the yellow signal display in order to provide additional time between conflicting traffic movements. DOT is required to use its adopted engineering practices to determine the duration of the all-red clearance interval. The bill provides that the duration may be extended from its predetermined value for a given cycle based upon the detection of a vehicle that is predicted to violate the red signal indication.

Dismissal of citations

The bill provides that a citation for a red light violation committed at an intersection where the traffic control signal does not meet all of the minimum yellow signal display duration, all-red clearance interval and other requirements is unenforceable and must be dismissed without penalty or assessment of points against the driver's license. This may require traffic engineers to attend the hearing.

In addition, the bill requires all current intersections with red light cameras meet requirements by December 31, 2013. All intersections with red light cameras installed after December 31, 2013, must meet the bills requirements upon installation of the red light camera. All other intersections must meet the bill's requirements by December 31, 2014.

The bill provides penalties for non-compliance. Under the bill, a local governmental entity may be fined \$500 per violation. The fine amount is to be remitted to the Florida Department of Revenue (DOR) for deposit into the Brain and Spinal Cord Injury Trust Fund.

The bill further provides that all fines paid for traffic citations issued at a nonconforming intersection during the preceding 60 days of the date that a traffic infraction detector was found to be in violation of section 316.075, F.S., will be refunded by the local governmental entity that issued the citation.

Possible effect on traffic flow

Currently, the yellow signal display duration and all-red clearance interval on traffic control signals is not addressed by statute, but is stated in DOT's TEM. The effect of the proposed changes is that functional aspects of traffic control signals will be more closely tied to DOT's TEM, federal standards and current engineering practices. Additionally, statewide guidelines for minimum yellow light display durations and all-red clearance intervals may result in greater consistency and may reduce traffic crashes by clearing out intersections before allowing conflicting traffic to proceed.

While various studies may be used as diagnostic tools, they are not necessarily accurate predictors of actual driver behavior. However, multiple studies have shown that increases in yellow light display duration may reduce traffic crashes and may reduce the number of red light violations. This has been the case in several states – California,⁵⁶ Missouri⁵⁷ and Virginia⁵⁸ are examples. One study conducted by the Texas Transportation Institute found an increase of just one second in yellow light display duration in three Texas cities resulted in a 40 percent collision reduction.⁵⁹

Conversely, one study suggests extending the yellow light display duration, or “indecision zone,” results in a greater probability of rear-end collisions.⁶⁰ This same study, however, concedes the notion that rear-end collisions are the most frequent type of accident at any signalized intersection. Further, the study pointed to findings that while rear-end collisions were more frequent, extending yellow light display durations resulted in a reduction in the more-severe, right-angle accidents.⁶¹

While increased yellow light display durations may reduce red light violations and traffic crashes, drivers may experience longer commute times as a result of traffic being stopped in all directions whenever the traffic control signals enter the all-red clearance interval.

Effective Date

The bill has an effective date of July 1, 2013.

B. SECTION DIRECTORY:

Section 1: removes authority to issue a notice of violation and uniform traffic citation for a right-on-red violation; allows the motor vehicle's registered owner to request a hearing within the first 30 days; requires the notice of violation be sent via certified mail; allows the person identified on the affidavit to pay the \$158 notice of violation; specifies that a request for hearing waives any challenge or dispute as to delivery; specifies the government has the burden of proving guilt; specifies that a person may not be compelled to be a witness against himself, and has the right to confront any witnesses; requires any person who

⁵⁶ *California: Longer Yellows Nearly Eliminate Violations.* See <http://www.thenewspaper.com/news/30/3055.asp> (Last viewed 3/13/2013); *California City Dumps Red Light Cameras After Increasing Yellow.* See <http://www.thenewspaper.com/news/31/3110.asp> (Last viewed 3/13/2013).

⁵⁷ *Missouri: State Moves for Longer Yellow, Reduced Violations.* See <http://www.thenewspaper.com/news/34/3477.asp> (Last viewed 3/13/2013).

⁵⁸ *Red Light Citations Drop Below One Per Day.* See <http://www.motorists.org/red-light-cameras/fairfax> (Last viewed 3/13/2013).

⁵⁹ *Study: Longer Yellows Reduce Crashes.* See <http://www.thenewspaper.com/news/02/243.asp> (Last viewed 3/13/2013).

⁶⁰ Mahalel, D. and Prashker, J.N. 1987. "A Behavioral Approach to Risk Estimation of Rear-End Collisions at Signalized Intersections." *Transportation Research Record*. Washington, D.C. (Record 1114, 96-102).

⁶¹ *Id.*

- has received, processed, or reviewed any evidence obtained from a red light camera to authenticate the evidence in court;
- Section 2: requires yellow-light synchronization and an all-red clearance interval; provides dates for intersection compliance; and provides a penalty for non-compliance;
- Section 3: provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. The number of citations that may be dismissed pursuant to provisions of this bill is unknown. Additionally, the number of citations that would not be written due to the additional yellow signal display duration and the elimination of right on red citations is unknown.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. The number of citations that may be dismissed pursuant to provisions of this bill is unknown. Additionally, the number of citations that would not be written due to the additional yellow signal display duration and the elimination of right on red citations is unknown.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Motorists may see fewer citations for red light running due to additional yellow signal display durations, all red clearance intervals, and the elimination of right on red citations.

D. FISCAL COMMENTS:

A notice of violation for a red light camera violation carries a \$158 fine, which must be paid within 30 days of the notice of the violation. If unpaid, the notice of violation becomes a uniform traffic citation. After factoring in court costs and fees – which vary by county – a uniform traffic citation for a red light camera violation may cost the driver upwards of \$256. As described in s. 318.18, F.S., the following court costs and fees may be assessed for a red light camera violation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to DOR, the bill's requirements related to the collection of fines from local governments and disbursement of refunds would be potentially difficult to implement. According to its agency bill analysis, provisions on how the fine will be imposed and who will collect and remit the fines for distribution are necessary.

According to DOR's agency bill analysis, DOR does not receive information on the person who paid the fine and does not have the authority to expend money deposited into the Department of Health Brain and Spinal Cord Injury Trust Fund so additional provisions would be needed to provide for the administration of the refund.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On Thursday, March 14, 2013, the Economic Affairs Committee adopted one amendment to HB 1061. The amendment revised provisions in the bill related to the following:

- the amendment revised "owner of the motor vehicle" to "owner or coowner of the motor vehicle" to provide consistency among provisions in the bill relating to a hearing to challenge a notice of violation or uniform traffic citation;
- the amendment revised "care, custody, and control of the motor vehicle" to "care, custody, or control of the motor vehicle" to make this phrase consistent throughout the red light camera statute;
- the amendment corrected a bill drafting error by revising "paragraph" to "subsection" and by revising a reference to "the fine listed in paragraph (f)" to read "the fine listed in paragraph (e)";
- the amendment removed the term "or similar unattended device" to clarify that the bill's provisions only apply to red light cameras;
- the bill clarified that the refund referenced in section two is to come from the local governmental entity that issued the citation.

This bill analysis is written to CS/HB 1061.