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Senate Bill 875 (as passed by the Senate)
Sponsor: Senator Lana Theis
Committee: Transportation and Infrastructure

Date Completed: 8-15-22

RATIONALE

The Federal Highway Administration's (FHWA) Proven Safety Countermeasures Initiative consists of a collection of countermeasures and strategies that the FHWA encourages transportation agencies to implement for the reduction of roadway fatalities and serious injuries. Broad categories of the Initiative's strategies include roadway departure measures, intersection measures, and speed management measures. In 2021, the FHWA updated its Initiative to include within its speed management measures the implementation of speed safety cameras, which use speed recording devices to detect speeding and capture photographic or video evidence of vehicles that are violating a set speed threshold.

In February 2022, following the passage of the Infrastructure Investment and Jobs Act (IIJA), the FHWA released a memorandum clarifying eligibility requirements for states to receive funding for highway safety programs under the IIJA. Among other clarifications, the memorandum specified that states could spend up to 10% of their highway safety program funding allocated under the IIJA for certain noninfrastructure related safety projects, such as speed safety cameras. Some people believe that speed safety cameras are a form of government overreach. Accordingly, it has been suggested that speed safety cameras, also known as photographic traffic signal enforcement systems, be prohibited from enforcing compliance with certain traffic laws prescribed by the Michigan Vehicle Code.

CONTENT

The bill would amend the Michigan Vehicle Code to prohibit a photographic traffic signal enforcement system from enforcing compliance with the Code's prescribed use of a traffic control signal or any local ordinance substantially corresponding to the prescribed use of a traffic control signal.

Section 612 of the Code prescribes the meaning of a traffic control signal's red, yellow, and green lights and other signals, and the actions that vehicular traffic may or must undertake when a signal exhibits a given indication. The Code specifies that a person who violates the prescribed use of a traffic control signal is responsible for a civil infraction.

Under the bill, a photographic traffic signal enforcement system could not be used to enforce a violation of Section 612 or a local ordinance substantially corresponding to Section 612. The bill also specifies that any citation issued based on a recorded image produced by a photographic traffic signal enforcement system would be in violation of the bill and would be void. "Photographic traffic signal enforcement system" would mean a system that consists of a camera system and vehicle sensor installed to exclusively work in conjunction with a traffic control signal and is capable of producing at least two recorded images that depict the registration plate attached to the front or the rear of a motor vehicle that is not operated in compliance with the instructions of the traffic control signal. "Recorded image" would mean a photographic or digital image that depicts the front or the rear of a motor vehicle.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

In 2007, Attorney General Mike Cox released Opinion No. 7199, which addressed the legality of a city ordinance that allowed the city to issue civil infraction citations to drivers for failing to comply with traffic control signals based upon a photograph or video produced by a photographic traffic signal enforcement system. In the opinion, the Attorney General specified that while the Michigan Constitution grants cities and villages home rule authority to adopt ordinances relating to municipal concerns, the Home Rule City Act prohibits them from enacting an ordinance if the ordinance "directly conflicts with the [S]tate statutory scheme addressing that subject".¹ The Attorney General interpreted this to mean that a city operating under the Home Rule City Act may enact ordinances consistent with the Michigan Vehicle Code and then specified that Section 742 of the Michigan Vehicle Code provides for the issuance of citations for civil infractions. Among other things, Section 742 allows a police officer who witnesses a driver's violation of a local ordinance to issue a citation to the driver for the alleged civil infraction. Given the requirement that the officer witness the alleged civil infraction, the opinion concluded that an ordinance adopted by a city as described above was invalid. The opinion demonstrates why the use of photographic traffic signal enforcement systems, regardless of the FHWA's encouragement of the practice, is an illegal practice that should be prohibited in the State.

Opposing Argument

According to the FHWA, photographic traffic signal enforcement systems have many benefits for communities and traffic enforcement agencies, depending on the type of system employed. The FHWA specifies three systems that have varying benefits: a fixed unit system that provides a stationary camera targeting one location, a point-to-point unit that uses multiple cameras to capture average speeds over certain distances, and a mobile unit. The FHWA reports that a fixed system has the most benefit on urban principal roadways, producing a crash reduction upstream and downstream of its fixed location and potentially reducing crashes by 54%.² Point-to-point units can reduce fatal and injury crashes on urban expressways, freeways, and principal roadways by up to 37%, and mobile units can reduce fatal and injury crashes on urban principal roadways by up to 20%.

One of Michigan's transportation priorities is traffic safety and the reduction or elimination of traffic fatalities. However, according to Toward Zero Deaths, a statewide transportation safety campaign, there have been 291 motor vehicle-related deaths in 2022 as of May 10. Toward Zero Deaths also reports an annual increase in motor-vehicle related deaths in recent years. Given that photographic traffic signal enforcement systems could improve traffic safety in the State, these systems should not be prohibited from enforcing compliance with the prescribed use of traffic control signals.

Response: Photographic traffic signal enforcement systems are not the only measure that municipalities can take to improve traffic safety and decrease crashes. Other methods include increasing the time of yellow lights, adding intervals of all red lights, and making traffic lights more visible. These methods also have shown success and do not rely upon government overreach.

Legislative Analyst: Tyler P. VanHuyse

¹ OAG No. 7199 (2007).

² "Speed Safety Cameras", www.safety.fhwa.dot.gov. Retrieved on 5-16-22.

FISCAL IMPACT

The bill would have no fiscal impact on the State but could have a negative fiscal impact on any local government that currently uses a photographic traffic signal enforcement system to issue citations for violating its local ordinances for traffic signals. The amount of revenue loss to local libraries is indeterminate and would depend on the actual number of local units that currently use a photographic traffic signal enforcement system to enforce violations.

Currently, revenue collected from civil fines is used to support local libraries. Additionally, \$10 of the civil fine is deposited into the State Justice System Fund. The Fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.