

SB 711 -5 STAFF MEASURE SUMMARY

Joint Committee On Transportation

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/25, 4/29, 5/6

WHAT THE MEASURE DOES:

The measure modifies how photographic speed enforcement may be used in highway work zones.

Detailed Summary

Directs the Oregon Department of Transportation (ODOT) to collaborate with the Oregon State Police to establish a highway worker photo radar program to operate the devices within highway work zones located on state highways. Designates ODOT as entity responsible for contracting for program implementation. Modifies where and when photo radar units may be operated. Eliminates requirements that officer be present in marked vehicle when operating device and specifies that citations may be issued by officer reviewing photographic evidence. Specifies that citations may be issued to drivers exceeding the posted speed by six mile per hour or more. Specifies that a jurisdiction receiving a certificate of innocence that reasonably demonstrates that the registered owner was not the driver at time of violation shall dismiss the citation without a court appearance of the registered owner. States that revenues generated are to pay cost of system operation, with additional revenue to be used for traffic safety purposes.

ISSUES DISCUSSED:

- Instances of highway worker injuries and deaths
- Primary goal is public awareness of need for worker safety
- Regular instances of excessive vehicle speed
- Application only when workers are present
- Suggestion that there be an initial warning period before citations are issued
- Fiscal impact on Oregon Judicial Department
- Increasing level of surveillance in United States
- Whether a county-based, decentralized approach would be preferable
- Whether same level of resources could be used to hire more State Police troopers

EFFECT OF AMENDMENT:

-5 The amendment modifies provisions of certificate of innocence, requiring a court that receives such certificate to dismiss the citation, while maintaining provision allowing Oregon State Police (OSP) to verify that the registered owner was operating the vehicle at the time. Specifies that OSP is responsible for accurately transmitting citations to courts for processing. It establishes a Highway Worker Safety Fund to cover costs of highway worker photo radar program; revenues exceeding program costs to be used for transportation safety purposes as determined by the Department of Transportation in consultation with the Oregon Judicial Department and Oregon State Police. It clarifies that justice and municipal courts do not have jurisdiction over trials related to photo radar citations issued for speeding in highway work zones.

FISCAL: Fiscal statement issued on measure w/the -5 amendment

REVENUE: "Revenue lite" statement issued on measure w/the -5 amendment

BACKGROUND:

Following a decades-long general downward trend in highway fatalities, Oregon's roads began to see higher crash rates, injury rates, and fatalities. Total deaths in traffic crashes reached a low point in 2010, when the state had single-digit fatalities for each of the first four months of the year, which had never occurred since Oregon began tracking fatal road crashes in the 1930s. Fatality rates were on an upward trend in the mid-2010s, but accelerated further during the COVID-19 pandemic in 2020-2023, peaking at a high of 554 fatal crashes on Oregon roads in 2022.

Similarly, the Oregon Department of Transportation tracked a decrease in highway work zone fatalities among road workers during the early 2010s, but saw that number begin to go back up beginning in 2018. In response, the Department began limited use of automated enforcement of traffic laws to try to address this trend, as well as use of automated flagging systems to limit the number of workers in harm's way.

House Bill 2466 (2007) provided for the first use of photo radar speed enforcement in highway work zones in order to reduce worker injury and fatality rates. The measure stipulated that the devices could be used only from marked vehicles staffed by sworn officers in-person, both of which were common for photo radar use in other jurisdictions in Oregon at the time. Senate Bill 711 modifies and modernizes many of the requirements for use of photo radar in work zones in ways that bring them closer to how photo enforcement is used generally in Oregon today. It specifies that citations may be issued by an officer who has reviewed the evidence, and determined that a vehicle was traveling at least six miles per hour above the posted speed. It also specifies that the violation only occurs if a worker is actually present in the work zone.