

SB 711 -8, -9 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, 5/19

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:

-8 The -8 amendment replaces the original measure, directing the Oregon Department of Transportation (ODOT), in collaboration with Oregon State Police (OSP) to establish a highway worker photo radar program. It specifies ODOT as responsible for procurement and contracting. It revises statutory requirements for public notice and signage for photo radar in work zones. It limits deployment to four locations during the first two years, and allows expansion only if ODOT and OSP jointly conclude that increased use would effectively benefit worker safety.

The amendment requires a 30-day period after first deployment. during which drivers will be issued a warning rather than a citation if exceeding the legal speed by less than 15 miles per hour, and limiting drivers to no more than two written warnings. It limits use of work zone photo radar to period between April 1 and November 1 unless OSP determines that their use would be effective in improving safety. It requires ODOT to notify the Oregon Judicial Department by March 1 each year of the number of units to be deployed for the following 12 months, the counties where the devices will be deployed, and the expected number of violations expected to be issued.

The amendment specifies that units may only be operated in areas when workers are present, including provision that in cases of divided highways the workers must be present on the same roadway as the device. It outlines signage and posting requirements.

The amendment specifies a citation may only be issued if all the following conditions are met: review of photographic evidence by a police officer; the vehicle operator exceeded the legal limit by at least six miles per hour; signage requirements are met; and a citation is mailed within 30 business days of the alleged violation. It specifies that a court that receives a certificate of innocence shall dismiss the citation without requiring a court appearance or any other information except swearing or affirmation and photocopy of owner's driver license; the citation may be reissued only once if OSP verifies that the registered owner appears to have been the driver at the time of the violation. It designates OSP as responsible for accurate transmission of citations.

The amendment establishes a Highway Worker Safety Fund within the State Treasury for continuous appropriation to ODOT for costs of the program. It specifies the Fund consists of moneys allocated under ORS 137.300; allocated by the Legislative Assembly; and moneys received from any other source. It directs the Legislative Assembly to allocate all moneys deposited in the Criminal Fine Account from work zone photo radar fines, to the Fund.

The amendment clarifies that neither justice courts nor municipal courts have jurisdiction over trials for citations issued for highway work zone photo radar violations.

FISCAL: Fiscal impact statement issued on measure w/the -8 amendment

REVENUE: "Revenue Lite" issued on measure w/the -8 amendment

-9 The -9 amendment is identical to the -8 amendment, with the exception that it allows, rather than directs, the Oregon Department of Transportation to establish a highway worker photo radar program in collaboration with the Oregon State Police.

FISCAL:

REVENUE: "Revenue Lite" issued on measure w/the -9 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.

PRELIMINARY