



Legislative Fiscal Office
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Bill Title: Relating to photo radar in highway work zones.

Government Unit(s) Affected: Counties, Cities, Judicial Department, Department of Revenue, Department of State Police, Department of Transportation

Summary of Fiscal Impact

Costs related to the measure are indeterminate at this time - see explanatory analysis.

Summary of Revenue Impact

Revenues related to the measure are indeterminate at this time - see explanatory analysis.

Measure Description

The Oregon Department of Transportation (ODOT), in collaboration with the Oregon State Police (OSP), may establish a program to operate photo radar units in state highway work zones when workers are present. ODOT would be responsible for procuring and administering contracts necessary to implement the program. Citations may be issued to drivers who exceed the posted speed limit by six miles per hour or more, as long as photographic evidence of driver conduct is reviewed by a police officer, a sign is posted to indicate that photo radar is in use within one mile, and the citation is mailed to the registered owner of the vehicle within 30 days.

The measure stipulates the photo radar program, if established, must include a strategy to provide reasonable notice to the public on the use of photo radar in highway work zones, including but not limited to: notifying news media in counties where the units will be deployed, publishing information on the program and goals on ODOT and OSP's websites, and providing a minimum 30-day written warning period for drivers who exceed the posted speed limit in a highway work zone by less than 15 miles per hour. A driver may not be issued more than two written warnings. The measure limits photo radar use to units in no more than four highway work zones at once for the first two years of deployment, to be used between April 1 and November 1 of each calendar year. Only after two years, if ODOT and OSP agrees, the program may allow deployment of additional photo radar units in an expanded period of time. By March 1 of each year, ODOT is directed to notify the Oregon Judicial Department (OJD) the number of radar units intended to be deployed, in which counties, and the number of expected violations within the next 12 months. Once per biennium, ODOT is directed to conduct a process and outcome evaluation and report to the Legislative Assembly by March 1 of each odd-numbered year regarding the effect of photo radar use, public acceptance, and the process of administering the program.

The measure also transfers responsibility for citation review from jurisdictions to courts and stipulates that municipal and justice courts have no jurisdiction over citation issued for speeding in a highway work zone, therefore the jurisdiction is the sole responsibility of circuit courts staffed by OJD. OSP is responsible for transmitting citations and evidence to courts for processing.

The measure creates the Highway Worker Safety Fund with moneys continuously appropriated to ODOT for the costs of the highway worker photo radar program. Costs of the highway worker photo radar program are limited to violations under this measure in relation to ORS 810.442, use of photo radar in highway work zones. Revenue

that exceeds program costs can be used for general traffic safety purposes as determined by ODOT in consultation with OSP and OJD. Traffic citations issued due to photo radar in highway work zones will be deposited in the Criminal Fine Account (CFA) and then allocated in full to the Highway Worker Safety Fund.

Fiscal Analysis

Although the measure permits, rather than obligates, ODOT and OSP to establish a highway work zone photo radar program, the Legislative Fiscal Office issues an explanatory fiscal impact statement providing an analysis of the expenditures, revenues, staffing, and organizational effects of carrying out the work authorized by the measure. The indeterminacy of the fiscal impact is due to uncertainty of the intended program scope, including the number, placement, and deployment duration of photo radar units, which inform the number of citations issued.

If the maximum deployment allowed by the measure, four photo radar units placed in work zones from April 1 to November 1 of each year, the total estimated fiscal impact of this measure is \$3,129,920 total funds and 27 positions (6.75 FTE) in the 2025-27 biennium and \$7,858,409 total funds and 27 positions (27.00 FTE) in the 2027-29 biennium. ODOT has approximately 100 active worksites in the state at any given time, so these numbers could increase substantially if additional units are operationalized. Citation revenues depend on the total citations issued, the portions dismissed, and the volume of each type of violation: Class A (\$875), Class B (\$525), Class C (\$325), or Class D (\$225). These fines are roughly double the standard fine amounts, due to occurring in highway work zones.

Following program roll-up and two full years of program implementation, ODOT and OSP may choose, if they agree, to alter project scope to include additional units, locations, deployment times, etc. Therefore, the estimated fiscal impact for subsequent biennia is largely indeterminate and based on the future scope of the highway work zone photo radar program. As scope increases, OJD anticipates needing to hire additional permanent, full-time Court Operations Specialist positions to support court operations related to the traffic violations.

Judicial Department

If established, the estimated fiscal impact to OJD in the 2025-27 biennium is estimated to be \$1,604,418 General Fund, including 24 positions (5.00 FTE), and \$6,051,267 General Fund and 24 positions (24.00 FTE) in the 2027-29 biennium. OJD will need to modify the Department's case management system, including recoding for new laws. OJD is responsible for transferring collected violation penalties into CFA, which is then transferred to ODOT. As scope increases, OJD anticipates needing to hire additional permanent, full-time Court Operations Specialist positions to support court operations related to the traffic violations.

On average, OJD processes between 130,000 and 150,000 traffic violation cases per year. Assuming program establishment with four photo radar units deployed eight hours per day, five days per week, for 30.6 weeks per year (April 1 to November 1), with an average of 9.5 citations per unit per hour (based on prior radar unit deployments), each of the photo radar units would generate 11,617 additional citations per camera per year. This is equivalent to 46,468 violation cases filed in circuit courts per year for four units, beginning in the 2027-29 biennium, which is an approximately 30% increase in violations that OJD is required to process. The number of violations could be much higher if additional units are deployed. To process the increased violations, OJD would hire 24 positions:

- One permanent, full-time Hearings Referee to conduct appearances at citation trials, and review letters to the court.
- Two permanent, full-time Court Manager 1 positions to coordinate and supervise processing of work zone photo radar citations and coordinate the transfer of citation filing information between OJD, ODOT, and OSP.
- 21 permanent, full-time Court Operations Specialist positions to support court operations.

Photo radar violation cases typically generate more inquiries that necessitate additional staffing. Processing of these cases has some complexities and additional steps due to the lack of front-loaded processing of citations similar to what happens with citations issued in person by uniformed officers. Additionally, due to the temporary nature of the prescribed use of photo radar units on highways, it is likely a portion of these violations will be from out of state drivers, increasing the difficulty of collecting penalties.

Oregon Department of Transportation

The estimated fiscal impact to ODOT in the 2025-27 biennium is \$1,059,296 General Fund, including three positions (1.75 FTE), and \$1,807,142 Other Funds (3.00 FTE) in the 2027-29 biennium. General Fund will be used for program start-up costs, with costs in subsequent biennia absorbed by revenue generated from the program's traffic citations.

If established, program start-up is estimated to take 18 months with six months for establishment of rules and policies, followed by 12 months for the procurement process. Assuming four photo radar units, an estimated three full-time positions would be needed to support the work for this program, including one limited-duration Operations and Policy Analyst 2 position to develop program requirements, coordinate with stakeholders, oversee procurement, and manage start-up and deployment of devices; one permanent Professional Engineer 2 position to conduct outreach, provide expertise when coordinating with engineers and technical experts, and to evaluate deployment locations; and one permanent Office Specialist 1 to absorb work related to enforcement and increased traffic violations. These estimates also include \$511,000 per year for a flat fee-based procurement of four photo radar units. Costs and position needs would increase with deployment of additional photo radar units. ODOT estimates that at any one time they have around 100 active construction sites that, at full capacity should ODOT and OSP decide after two years of program operation, could potentially utilize photo radar and would cost up to \$51 million, not inclusive of positions required for that additional workload.

Other entities

If established, the photo radar program authorized by the measure has an indeterminate but likely minimal fiscal impact on OSP, which has an existing agreement with ODOT to provide work zone enforcement. The measure may transfer the workload for speed limit enforcement from patrol employees to those reviewing evidence captured by photo radar. The estimated workload is dependent on the number of radar units, preliminary review of DMV systems by OSP staff, traffic volume, citation volume, and contested citations. OSP notes the limit of exceeding the speed limit by six miles per hour could substantially increase the number of generated citations, as opposed to a higher violator speed. OSP may need to return during a subsequent legislative session or a meeting of the Emergency Board to request funds if this workload exceeds budgeted resources.

If established, there is a minimal fiscal impact for the Department of Revenue (DOR). The Department would need to separately track photo radar traffic fines collected from OJD, which will be allocated to the Fund for specified program expenditures and managed within current DOR resources.

There is no fiscal impact to local governments.

Relevant Dates

The measure takes effect on January 1, 2026.