

HB 4081 -1, -2, -3 STAFF MEASURE SUMMARY

House Committee On Transportation

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/4, 2/11

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 (OSP) 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. Requires ODOT to report, by March 1 of any year the units will be deployed, to notify the Judicial Department of the number of units intended to be deployed in the following 12 months, the counties to which they will be deployed, and the expected number of citations based on driver behavior.

NOTE - MEASURE HAS A SUBSEQUENT REFERRAL TO THE COMMITTEE ON WAYS AND MEANS

ISSUES DISCUSSED:

- Increase in traffic fatalities since 2020
- Not intended as a revenue raising measure
- Crash statistics
- Estimated number of expected citations
- Use of photo enforcement versus on-side law enforcement personnel
- Examples of road flaggers being injured on the job
- importance of protecting highway worker safety
- Deterrent effect of cameras and threat of citations

EFFECT OF AMENDMENT:

-1 Stipulates that all amounts received from citations shall be used to cover the costs of the highway worker photo radar program, with excess revenues generated to be used for traffic safety purposes as determined by ODOT and OSP, including the costs associated with speed enforcement in highway work zones. Defines "highway work zone" for this section as "an area identified by advance warning where road construction, repair or maintenance work [including, but not limited to the setting up and dismantling of advance warning systems] is being done by highway workers on or adjacent to a highway, regardless of whether or not highway workers are actually present.

FISCAL: *"Fiscal Lite" hall pass issued for measure with the -1*

REVENUE: *"Revenue Lite" hall pass issued for measure with the -1*

-2 Specifies that notification requirements are not to be construed to limit authority of Oregon State Police to operate photo radar units as otherwise directed by the section.

FISCAL:

REVENUE:

-3 INCLUDES THE PROVISIONS OF THE -1 AMENDMENT with the following addition. Requires the court to dismiss a citation issued without a court appearance if it receives a certificate of innocence. Stipulates that the citation may be reissued only once, only to the registered owner, and only if the Oregon State Police verifies that the registered owner appear to have been the driver at the time of the violation.

FISCAL: *"Fiscal Lite" hall pass issued for measure with the -3*

REVENUE: *"Revenue Lite" hall pass issued for measure with the -3*

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. House Bill 4081 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.