

## HB 4081 A STAFF MEASURE SUMMARY

### House Committee On Transportation

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**Action Date:** 02/16/26

**Action:** Do pass with amendments and be referred to Ways and Means by prior reference.  
(Printed A-Eng.)

**Vote:** 6-1-0-0

**Yeas:** 6 - Boshart Davis, Gamba, Helfrich, Mannix, McLain, Nathanson

**Nays:** 1 - Evans

**Fiscal:** Fiscal impact issued

**Revenue:** Revenue impact issued

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**Meeting Dates:** 2/4, 2/11, 2/16

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#### 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 work zones located on state highways
- Designates ODOT as the entity responsible for contracting for program implementation
- Modifies where and when photo radar units may be operated
- Eliminates requirements that officers be present in marked vehicles when operating the devices, and specifies that citations may be issued by officers reviewing photographic evidence
- Specifies that citations may be issued to drivers exceeding the posted speed by 6 miles 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 the time of violation shall dismiss the citation without a court appearance of the registered owner, and outlines how the citation may be reinstated
- Requires ODOT to report, by March 1 of any year, the units that 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

#### ISSUES DISCUSSED:

- Increase in traffic fatalities since 2020 and crash statistics
- Examples of road flaggers being injured on the job
- Importance of protecting highway workers' safety
- Not intended as a revenue-raising measure
- Estimated number of expected citations
- Use of photo enforcement versus on-site law enforcement personnel
- Deterrent effect of cameras and threat of citations
- Cybersecurity concerns

#### EFFECT OF AMENDMENT:

The amendment specifies that notification requirements to the Judicial Department are not to be construed to limit the authority of OSP to operate photo radar as authorized by the section. It stipulates that all amounts received from citations shall be used to cover the costs of the highway worker safety program, with excess revenue to be used for traffic safety purposes as determined by OSP and ODOT, including work zones. It defines "highway work zone" for the purposes of the measure. It requires the court to dismiss citations issued without a court appearance if it receives a certificate of innocence. It stipulates that the citation may be reissued only once,

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only to the registered owner, and only if OSP verifies that the registered owner appears to have been the driver at the time of the violation.

### **BACKGROUND:**

Following a decades-long general downward trend in highway fatalities, Oregon's roads are seeing higher crash, injury, and fatality rates. 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 2020–2022, peaking at a high of 554 fatal crashes on Oregon roads in 2022.

Similarly, ODOT tracked a decrease in highway work zone fatalities among road workers during the early 2010s, but the number began to rise in 2018. In response, the department began limited automated enforcement of traffic laws to address this trend, as well as automated flagging systems to reduce 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 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 at the time. House Bill 4081 A modifies and modernizes many of the requirements for photo radar use in work zones, bringing 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 6 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.