Identifying Issues Related to Deployment of Automatic Speed Enforcement

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Background and Context
Speeding

- Contributing factor in 31% of traffic fatalities (GHSA)
- 33,808 total fatalities in 2009 (NHTSA)
- 10,591 speed-related fatalities in 2009 (NHTSA)
ASE and Speeding

- 20% reduction in crashes (NHCRP)
- 10 to 20% reduction in fatalities (Knapp and Utech 2010)
- 699 rural lives saved annually (Knapp 2011)
Deployments

- 111 communities and multiple state-wide applications (IIHA)
- Red light cameras in 556 communities (IIHA)
Examples

Source: NHTSA

Source: Tim Hynds, Sioux City Journal

Source: David Thorpe, CERS
Considerations

- Specific Location vs. Jurisdiction-wide
- Public Support and Education
- Revenues to Safety
Public Opinion
“Controversial”

• Legislators and reporters sometimes characterize ASE as “controversial”

• Primary research questions:
  – How much public support exists for ASE in MN?
  – What ASE project details would impact public support for ASE in MN?
Methodology

• Part of TechPlan Research Program
  – Sponsored by USDOT (RITA) and MnDOT
• Conducted by Critical Insights (Portland, ME)
• 601 five-minute interviews
• March 20, 2012 to April 2, 2012
• Computer-Aided Telephone Interviewing (CATI)
• +- 4.0% margin of error (larger for sub-samples)
ASE Seen As “Effective”

• “Enforcing speed limit laws through the use of automated camera and radar devices.”
  – Net “effective”: 64%
    • Very effective: 20%
    • Somewhat effective: 44%
ASE Has Majority Support

• “Enforcing speed limit laws through the use of automated camera and radar devices.”
  
  – Net “support”: 56%
    
    • Very supportive: 20%
    • Somewhat supportive: 36%
Limiting Locations Increases Support for ASE
Limited Locations Tested

• “On all roads”
• “On roads where many people violate speed limits”
• “On roads where many people have died”
• “On roads near schools”
• “In construction zones where workers are endangered”
Overwhelming Majority Support For ASE Use In Select Locations

- All Roads: 48%
- Many Speed: 69%
- Many Died: 77%
- Schools: 82%
- Construction: 83%
Project Details

Impact ASE Support
• More or less likely to support...
  – **Pre-warnings.** “If the location of the speed monitoring equipment were widely publicized ahead of time.”
  – **Ticket Only Extreme Speeds.** “If tickets were issued only to those driving at extreme speeds.”
  – **Revenue for Local Safety Improvement.** “If the money raised from speeding tickets were used to improve local road safety improvements.”
  – **Facial Recognition Photo.** “If a ticket could only be issued if the automated speed equipment also took a facial photograph verifying the driver of the vehicle.”
  – **Administered by Private Company.** “If a portion of the money raised from speeding tickets went to a private company hired to operate the system.”
Project Details Significantly Impact Likelihood of Support for ASE

Change in likelihood of support (i.e. “Net more likely to support” minus “net less likely to support.”)

- Private company: -40%
- Advance notice given: +24%
- Facial photo required: +32%
- Only extreme speeds: +44%
- $ for local safety: +48%
Bottom Line

• ASE has majority support
• ASE has even more support when used in construction zones, near schools and in other limited areas
• Support for ASE strengthens if revenue is used for local safety efforts, tickets are only for extreme speeds, and other adjustments are made.
Legal Findings
State v Kuhlman

- MN Supreme Court invalidated Minneapolis red-light camera ordinance (2007).
- Court’s reasoning:
  - (i) not authorized by state law; and
  - (ii) conflicted with state law because legislature had not authorized owner-liability for red-light violations.
- Court did not reject owner-liability for traffic offenses, provided legislature authorizes it.
- For ASE, Kuhlman does not require picture of driver.
ASE Needs Legislative Authorization

• ASE Camera Evidence in Court
  – Not clearly admissible under existing statutes
  – Legislature would need to amend the statute to:
    • indicate their approval of the use of ASE evidence in court; and
    • create guidelines for how the reliability and accuracy of an ASE devices can be established in court

• Use of ASE by local jurisdictions
  – Local authorities can generally only use “police officers” and “traffic-control signals” to regulate traffic.
  – Statute would need to be amended to include ASE.
Constitutional Constraints on Legislative Authorization

• Due Process
  – Does not prohibit ASE
  – Shapes how ASE program designed
    • Nature of penalties
      – Civil penalties make ASE far less vulnerable to due process challenges
    • Procedure to contest

• Equal Protection and Right to Privacy
  – Do not create notable legal limitations
Options on Driver Photo Issue

• Option 1: No Driver Photo
  • Owner-liability
  • Lower penalties (civil)
  • Easier to administer (what most states do)

• Option 2: Driver Photo
  • Driver-liability
  • Can impose same types of penalties as for other traffic offenses if driver identified
  • Harder to Administer
    – More back-office expense
    – What to do with offenses for which the driver cannot be identified?
  • Public’s concern with privacy
ASE & Posted Speed Limits

• Devices can be set to issue tickets if vehicle exceeding posted speed by some threshold.
  – MN law already has differing penalties for degrees of speed violation.
  – Legislature would need to address in authorizing legislation.

• This has been done in other states with ASE.
  – Tickets only for significant speeds over posted limit
  – Warnings for lower speed violations
Design Considerations for Authorizing Statute

• **Minimize Due Process Concerns**
  – Civil, not criminal penalties
  – Provide dispute procedures
  – Take a picture of driver (?)

• **Reduce Public Objections**
  – Limited deployment
    • Work Zones (only while workers present)
    • School Zones (certain hours on school days)
  – Proceeds directed to safety initiatives
  – ASE notification signage required
  – Tickets only for speeds significantly over posted limit
Proposed Strategy
Draft Strategy for ASE in Minnesota

1. Legislative authorization for pilot projects in work and/or school zones
   - Unmanned mobile units
   - Public information campaign
   - Local government approval
     - Work Zones: not needed
     - School Zones: needed
   - Measure effectiveness
   - Report to legislature and governor on results and recommendations for ASE
Draft Strategy for ASE in Minnesota

2. Statute includes elements to further increase public acceptance & limit legal vulnerability
   - Citations only for excessive speeds
   - Driver Photo v. No Driver Photo
   - Advance Signage
   - Adjudication procedures established
   - Contractors pay not tied to number of tickets
   - Net proceeds directed to work/school zone safety