

# Identifying Issues Related to Deployment of Automatic Speed Enforcement in Minnesota

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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 Utecht 2010)
- 699 rural lives saved annually (Knapp 2011)

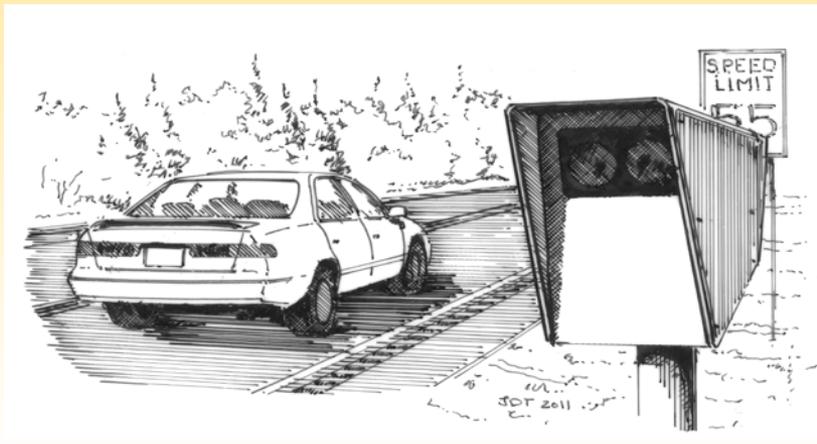
# Deployments

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

# Examples



Source: NHTSA



Source: David Thorpe, CERS



Source: Tim Hynds, Sioux City Journal

# 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)

# Legislators Should Improve Local Road Safety

- “How important is it to you that your state legislators are working to improve the safety of roads in your area?”
  - Net “important”: 92%
    - Very important: 52%
    - Somewhat important: 41%

# 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

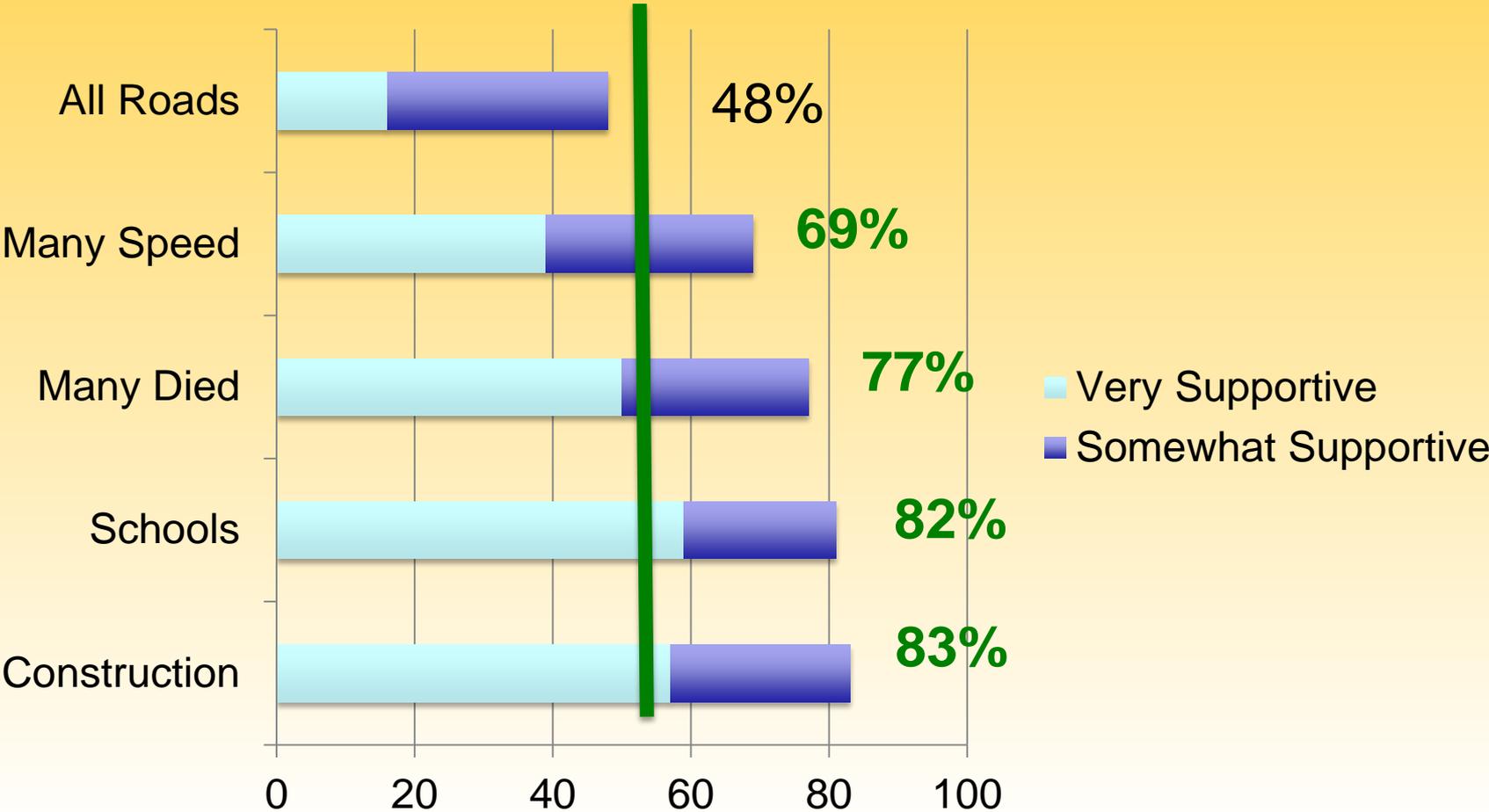
- “Enforcing speed limit laws through the use of automated camera and radar devices.”
  - **Net “support”**: **56%**
    - Very supportive: 20%
    - Somewhat supportive: 36%

# 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



# Project Details

## Impact ASE Support



# Project Details Tested

- 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.”)

# 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

# Is a photo of the driver necessary?

- Lack of driver photo raises due process concerns
- Most states with ASE do not take a driver photo
- In MN:
  - Several existing statutes impose owner-liability for certain traffic offenses with no identification of driver
    - Passing school bus with stop-arm out
    - Failing to pull-over for emergency vehicles
  - For ASE, owner-liability needs authorization by legislature
  - To minimize due process challenges with no driver photo, penalties need to be civil

# 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

# Model Statutes From Other States

- Maryland (2009).
  - School Zones
  - Work Zones
- Illinois
  - Work Zones (2004)
    - Take picture of driver
    - Same penalties as conventional speeding ticket
  - Park & School Areas in Chicago (2012)
    - Legislature provided detailed deployment parameters
    - No driver photo; civil penalties

# 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

# Next Steps



# Follow-On Study

- Develop preferred scenarios for a demonstration projects
- Identification of potential demonstration sites
- Recommendations for the best methods to demonstrate and evaluate ASE and/or automated warnings
- Outreach to local stakeholders