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Governor's Automated Speed Enforcement Proposal

LEGISLATIVE ANALYST'S OFFICE

Presented to:

Senate Budget and Fiscal Review Committee

Hon. Denise Moreno Ducheny, Chair





Overview of Automated Speed Enforcement (ASE) Proposal



New and Different Penalties

- Existing state law authorizes local governments to use automated enforcement systems to identify drivers who enter a local intersection when the traffic signal light is red.
- The Governor proposes to (1) authorize local governments to also use automated enforcement systems to identify individuals driving faster than the posted speed limit and (2) establish new and different penalties for drivers caught speeding by such systems.



Split of Revenues Would Change

- Existing state law allocates revenue collected from most traffic violations among a myriad of special fund accounts at both the state and local level.
- Under the Governor's proposal, 85 percent of ASE revenues would be transferred to the state and then deposited into the Trial Court Trust Fund. The remaining 15 percent of revenues would be allocated to the city or county where the violation occurred.



How State Revenues Would Be Spent

- The administration estimates that the proposal would result in additional revenue of \$398 million for the state and local governments in 2010-11.
- For 2010-11, the budget assumes that the state's share, \$338 million, would be deposited into the Trial Court Trust Fund—\$41 million for increased court security costs and \$297 million to fully offset a proposed General Fund reduction to trial courts.



Proposal Could Increase Traffic Safety, But Has Some Shortcomings



ASE Fines Differ From Existing Speeding Violation Fees

- Under the Governor's proposal, drivers caught speeding by an ASE system would, depending on their speed, pay either a greater or lesser fine than if caught for the same violation by a county sheriff or police officer.
- We find no policy rationale for structuring penalties differently and levying a different fine for essentially the same speeding behavior.



Directing Revenue to Courts Limits Budgeting Flexibility

- No compelling policy rationale was given for linking ASE penalty revenues to trial court operations, such as court security.
- The proposed restrictions on the uses of the revenue would significantly limit the Legislature's flexibility in meeting its budget priorities each year.



Revenue Estimates Appear Optimistic

- The administration's estimate of ASE revenues assumes that over 80 percent of the roughly 600 automated red light enforcement systems that currently exist in the state will be modified and fully operational in six months to include ASE capabilities.
- Given the Governor's proposed division of revenue between the state and local governments, some local jurisdictions might not receive sufficient revenues to fully cover the costs to operate and maintain ASE systems and, thus, could have little fiscal incentive to implement such systems.
- Thus, it is unlikely that the Governor's ASE proposal would generate the \$398 million assumed in the proposed budget for 2010-11.



Approve Governor's Proposal With Modifications

- Establish Fines Identical to Existing Speeding Fines.*** Recommend approving the Governor's proposal since it could result in increased traffic safety. However, recommend that the total amount paid for exceeding the speed limit when caught by an ASE system match the total amount a driver currently pays under existing state law when caught by a sheriff or police officer.

- Deposit New Revenues in the General Fund.*** Recommend depositing the state's share of ASE revenues in the General Fund rather than the Trial Court Trust Fund, in order to ensure that the Legislature has full flexibility to budget these funds for its statewide priorities.

- Increase Oversight of Fine Collections and Allocations.*** Recommend requesting an audit on the collection and distribution of the new revenue in order to ensure that any revenue generated by ASE systems is appropriately collected and remitted to the state.

- Consider Changing Split of Revenues.*** Consider increasing the share of ASE revenues that would be directed to local governments in order to ensure that cities and counties have a fiscal incentive—or at least no fiscal disincentive—to implement ASE systems. If the Legislature were to increase the share to local government from 15 percent to 25 percent, we estimate that the ASE systems proposal could generate around \$200 million in total revenues in 2010-11 with about \$150 million allocated to the state.