



Policy Statement and Guidance on Automated Speed Enforcement (Speed Safety Cameras) in Roadway Work Zones

Approved by ARTBA's Executive Committee January 12, 2022

Policy Statement

The safety and well-being of all roadway users is a key priority for the American Road and Transportation Builders Association (ARTBA). According to the National Highway Traffic Safety Administration, over the past two decades, speeding has been involved in approximately one-third of all highway fatalities.¹ ARTBA supports proven strategies to improve the safety and health of workers and roadway users as they navigate roadway construction work zones. ARTBA advocates the adoption of automated speed enforcement programs for work zones and calls upon the transportation construction industry to seek authorization and begin implementation of this proven safety strategy.

Definition

Automated speed enforcement (ASE), also referred to as *speed safety cameras (SSC)*, use speed measurement devices to detect speeding and capture photographic or video evidence of vehicles that are violating a set speed threshold. Agencies can use this enforcement tool as an effective and reliable technology to supplement more traditional methods of enforcement, engineering measures, and education to alter the social norms of speeding.² It is one of a range of speed management techniques that is effective in reducing speeds in work zones thereby improving traffic, worker, and law enforcement safety.

Outcome

Excessive vehicle speed and speed variability are primary factors contributing to work zone crashes. Roadway construction workers are often exposed and vulnerable to fast moving vehicles when they are working, particularly when positive protective measures are not in use. Traffic law enforcement in work zones is effective at reducing speed, but also places law enforcement officers at risk. Moreover, active law enforcement is not always feasible, especially in work zones where geometry is restricted with limited areas to perform traffic stops.

Implementing ASEs/SSCs in work zones is a successful strategy in reducing speed, aggressive driving, fatalities, and injuries. ARTBA encourages the use of ASE/SSC as a proven technology to slow drivers and save lives.

¹ <https://www.nhtsa.gov/risky-driving/speeding>

² <https://safety.fhwa.dot.gov/provencountermeasures/speed-safety-cameras.cfm>

Guidance

This policy and guidance support the adoption of ASE/SSC (hereafter ASE) technologies for work zones and provides decision makers with recommendations for successful implementation. The following guidance is provided for jurisdictions when considering the adoption of such enforcement strategies. This information seeks to assist jurisdictions by creating a national model framework, enabling consistent enforcement of ASE programs from state-to-state.

Advocating for Automated Speed Enforcement

a. Goals, Expectations, Messaging

When embarking upon efforts to create legislation and enable ASE within a jurisdiction, it is important to set the proper tone and get ahead of the messaging to build support from both the public and other government agencies that will be impacted by such regulations. First and foremost, ASE is a SAFETY strategy, aimed at protecting the health and lives of all roadway users and construction workers. It is not, nor should it be perceived as a revenue mechanism. There are two audiences to consider when creating outreach campaigns: 1) the road-using public, and 2) other government agencies impacted by ASE policies.

The messaging must be clear that by adopting ASE, the aim is to:

- Protect motorists and their passengers from potential hazards that may be found in roadway work zones;
- Protect pedestrians, cyclists, and other vulnerable roadway users;
- Improve safety for workers laboring on and near the facilities who are engaged in construction, renovation, maintenance, landscaping, utility work, sign installation, etc.
- Reduce hazards for law enforcement officers who are often located in vulnerable locations. when enforcing traffic laws and protect other emergency responders responding to traffic incidents.
- Improve mobility and reduce congestion caused by traffic crashes and other incidents in work zones where the roadway is often not functioning as anticipated.
- Ensure equity and justice in law enforcement by using tools that do not discriminate based on individual characteristics.
- Deploy technologies tailored to change driver behaviors associated with higher rates of fatalities and serious injuries.

It is important to recognize that other interests will want to create their own messaging and assign alternative and less favorable motives for ASE, such as:

- Generate revenue for the jurisdiction;
- Allow government invasion into personal privacy (“big brother is watching”);
- Overload the court system with less-important legal matters; and
- Target enforcement in communities with predominant populations of black, indigenous, and people of color (BIPOC).

Such negative messaging should be anticipated, and well-researched information should be shared in advance to address these concerns. Examples of information to counteract negative pushback might include:

- Transparency on what data is collected, how it is used, how long it will be stored, and when it will be deleted.
- Clear guidelines on the how the ASE locations are selected, based on work zone and facility characteristics.

- Standardized and well publicized information on speed limit settings and tolerances. These limits should be standardized throughout the state (jurisdiction) as determined by the DOT.
- Data regarding the extent of speeding that occurs in work zones throughout the jurisdiction and the percent of work zone crashes that involve speeding, thereby showing the need for better work zone speed management.
- Successful ASE programs will decline in revenue over time and motorists comply with speed limits.

b. Creating Coalitions

Government agencies, organizations, and even unions should be invited to early discussions to build support for ASE *before* approaching state legislatures, city councils, local boards, etc. A coalition should be created to share information, resolve concerns, and build support from a unified position. If not, police bodies, court systems, road user associations, etc., may oppose ASE adoption efforts. Coalition meetings should focus on the importance of public safety, and establishing procedures to address and resolve anticipated opposition and controversial matters, including:

- How and where revenue will be used (ideally safety-focused efforts);
- Administrative matters related to citations, including the process for gathering and reviewing data and images, and issuing citations;
- Anticipate court load for contested citations.

Key partners in the coalition building phase may include:

- State Department of Transportation (DOT) or equivalent;
- Turnpike Commission/Toll Authority
- State Police/Highway Patrol
- Governor's Office/Safety Representative
- Industry Associations and Leading Contractors
- State Attorney Association
- Insurance Industry (for crash data/statistics)
- Motorist and Trucking Associations
- Other traffic safety stakeholders with strong influence (e.g., MADD)

If support for the effort can be created among such organizations, it will be much easier to pass enabling laws through the legislative body.

1) Law Enforcement

Some law enforcement agencies and police unions may feel threatened by ASE, fearing job loss, jurisdictional infringement, etc. Many of these concerns may be addressed with the following facts:

- ASE protects law enforcement personnel by removing them from dangerous surveillance areas where enforcement can be challenging. It's another tool akin to move-over laws.
- Automated enforcement removes officers from exposure to aggressive violators who have been stopped, infectious diseases, and high-speed traffic passing by when issuing citations.
- Jurisdictions that have adopted ASE still require law enforcement officials to review the photos and issue the citations.
- ASE expands police capabilities so officers can spend time on other enforcement activities that benefit the community.
- Automated enforcement facilitates better public relations for police who are not directly seen enforcing traffic laws in work zones.

2) Court System

Careful consideration should be given to the amount of the fine allowed by the statute. Experience with some jurisdictions (such as Maryland) show that ASE is effective with lower fines that are more likely to be paid rather than contested in a court. The penalty need not include “points” against one’s driving record or other punishments that might reinforce a court appearance.

Many court systems have large backlogs and may not welcome potential increased activity from ASE enforcement. Proponents of ASE should communicate with the legal system to set penalties that are significant enough to improve compliance, but not so large that those charged will be inclined to fight the ticket in court. A good practice is to create an initial administrative appeal process to ensure a citation’s validity before it can be appealed to the court system.

3) Other Organizations and Associations

Some organizations and member associations may be initially inclined to oppose ASE as an attempt to show support for their members. This creates an opportunity to meet with them as a first step in building program support. Helping groups understand the safety and congestion-relief benefits for their members may help assuage concerns and reduce their opposition to enabling legislation.

c. Data and Information

Before approaching a legislative body to propose adoption of ASE, efforts should be made to gather data about the current safety environment in local work zones. The “right” data sets will help policy makers and others understand why ASE is needed, and the benefits that will result. ASE programs have proven to be effective where properly used and have demonstrated success. Advocates should seek information from existing programs to establish their success. (As of November 2021, the following states have ASE programs: New York, Pennsylvania, Maryland, and Illinois. In addition, enabling legislation has been passed in Louisiana, Colorado, and Virginia.)
(See - <https://safety.fhwa.dot.gov/provencountermeasures/>); <https://www.iihs.org/topics/red-light-running/automated-enforcement-laws?topicName+=speed>)

The state department of transportation (or roadway administration) should work with law enforcement to gather information, such as:

- What speeds are being captured in work zones? Highest speed registered?
- How many crashes occurred in work zones during the past year/ five-year period?
- What is the average delay caused by a crash?
- How many people have been killed and injured in incidents that occurred in work zones during the past year/five-year period?
- How many police officers and emergency responders have been killed or injured during work zone traffic enforcement?
- What is the cost of having “live” officers vs. ASE?
- What is the number of possible contacts of traditional enforcement vs. ASE per hour of deployment?

It may help to have some stories to tell. Identify workers who were injured, or family members of someone who was killed in a work zone incident to be the “face” of your advocacy efforts. Data backed up with real-life stories helps communicate the need for ASE. Data and stories will assist in the communication effort to show that ASE is about safety, and additional protective measures are needed.

d. Legislative Considerations

There may be attempts by legislators to create a “pilot” program, or to include a sunset provision requiring that the program be renewed after a set period. This approach should be discouraged, if possible, as such limitations will require new campaigns and efforts in the future, often before the program has time to mature. ASE programs can demonstrate a record of success. Rather than legislating pilot programs or sunset provisions, such concerns by legislators may be assuaged by requiring a report on the program’s effectiveness after an adequate demonstration period or having the pilot program automatically become a permanent program unless ended by legislative action.

Creating an ASE program will require resources, and the financial needs to create and maintain the program must be carefully considered and budgeted. While the program may be projected to be “self-sustaining” using funds generated from speeding citations, this could be interpreted to show the program is a revenue generator for the state. It may be more beneficial to have a separate funding stream, with ASE revenues targeted to other safety or public benefit programs.

Implementing ASE

a. Transparency

Once the ASE policy is approved and implementation begins, it is important to continue public communications efforts to ensure motorists have good, clear information explaining how the program will be carried out. Efforts to communicate enforcement transparency are critical to ensure continued public support. Such communications and implementation efforts should include:

- Speed limits and citation amounts that are correlated and constant.
- If possible, provide explanations about how motorists can find information on where ASE is being deployed, such as a website that communicates camera locations.
- Use proper, ample, clear signage informing roadway users that photo enforcement is being used in the state. If no warning signs are in place, no cameras should be used. Warnings may be general, such as “photo enforcement may be in use” to cover areas where cameras are not necessarily deployed.
- Set signing and speed limits standards early; work with state police to decide speed thresholds for citations (e.g., 11-mph over the limit).

Consideration should be given to sharing information on multiple platforms, and may include private app vendors such as Waze, Google, Apple Maps, etc. Clear, consistent communication is key.

Ongoing interaction between the roadway owner and their contractors and local associations remains important to ensure ASE program objectives are clear and understood. Bi-weekly operations meetings to discuss plans as work zone progresses are strongly recommend. If the desired program goals are not well understood by all those involved in deployment, there may be misunderstandings about a successful ASE outcome. For example, the road authority may view the program as successful if traffic continues to move in an efficient manner, with reduced queues and fewer hard braking incidents. The contractor may be looking for traffic to pass through the work zone at slower speeds, and with fewer motorist intrusions into the workspace. All stakeholders must be in sync with desired outcomes.

b. ASE Vendor Factors

When preparing contracts and selecting contractors (vendors) to operate the ASE system, care should be taken to ensure the program remains flexible. As stakeholders become more familiar with operational needs, updates and changes may be required. These changes may be the result of best

practices, available technology, performance and monitoring results, and other new information necessary.

Systems should be created to facilitate communications and partnerships between the roadway owner, the vendor, law enforcement, and the court system to ensure citations are executed. If courts and enforcement personnel do not take the citations seriously, the program will not be effective.

When creating the contracts and requests for vendor proposals (RFPs), it is necessary to include a mechanism for establishing the performance measures that will be used to oversee the contract. From the beginning, there should be clear instruction and expectations set for operations, specifications, equipment functionality, upgrades, etc. Explicit standards for equipment, however, may prevent the facility owner from getting newer, better equipment as it becomes available. Allow for flexibility during the contract period.

Before the ASE vendor is selected, establish a set of performance measures, and clearly communicate and enforce them so the contractor can be held accountable for the program's performance, such as:

- Clarity of the photos.
- Timely issuance of citations.
- Time limits for backlogs.
- Destruction of photos after the predetermined retention cycle.

Setting performance criteria is important to create the ability to remove sub-performing contractors. Requiring weekly vendor reports with information such as the number of citations recorded, printed, and mailed, incomplete citations, and those in the queue is a good practice to improve accountability.

c. ASE Operations

Once the ASE is approved, early and regular communications with all stakeholders remains an important part of operations. Creating guidelines for the selection of projects where ASE will be used is an important activity for partner discussions. The group should consider:

- Criteria for project selection where ASEs will be deployed, including appropriate timing of ASE enforcement. For example, during specific roadway restrictions, the ASE should be run continuously. In situations where the roadway restrictions are minimal, only deploy the ASE when workers are present.
- Communications with stakeholders and roadway users.
- Steps to ensure the jurisdiction where ASE is to be implemented is aware and supportive of the citation activity.
- Contractor coordination and assistance to help ensure protection of equipment, communications, and other logistical needs.

d. Other Recommended Practices

- Collect, analyze, and record speed data on every ASE project. Include data both when ASE is in effect and when (or where) it is not to show the effectiveness of the system.
- Prioritize the safety of workers and roadway users when deploying the program.
- Establish an adequate training program for the deployment of units (train all involved).
- Specific work zone considerations will need to be evaluated. For example, the lane closure may need to be extended to provide a safe location where the ASE van (or other equipment) can be positioned, upstream of where workers or other work zone hazards are located. Consideration should be given for temporary alignments, extended work zones, narrowing roadways, etc.