

# STATE OF COLORADO

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June 3, 2015



John W. Hickenlooper  
Governor

The Honorable Colorado House of Representatives  
State Capitol  
200 E. Colfax Ave.  
Denver, CO 80203

Dear Members of the Colorado House of Representatives:

Today, I vetoed House Bill 15-1098, "Concerning the Elimination of the Use of Automated Surveillance Camera Vehicle Identification Systems for Traffic Law Enforcement," at 3:13 PM

I know too well that speeding and disregard for traffic signals are a danger for all drivers, bicyclists, and pedestrians. These actions may have very real, at times fatal, consequences. According to the National Highway Traffic Safety Administration, 481 fatalities occurred on Colorado roads and highways in 2013 - the third highest among all western states. Roughly ten percent of those fatalities were pedestrians, and one-third involved speeding. Photo-radar and red-light cameras are low-cost options to encourage drivers to follow the rules of the road. While not always popular, when used correctly they make roads safer. According to the Colorado Brain Injury Alliance, intersections equipped with these tools have seen vehicle collisions decrease from 27 to 67 percent in communities such as Boulder, Greenwood Village, and Denver.

We certainly acknowledge that photo-radar and red-light cameras are not without criticism, and understand the public's need for assurances that they be used responsibly. As we wrote in our April 30, 2015, message to the General Assembly, photo-radar and red-light cameras should be used only in a manner that instills trust in government and confidence that public safety is paramount. For that reason, photo-enforcement should be restricted to certain high-risk areas, and citation revenue should be limited to traffic safety purposes and not simply as a revenue generator to backfill general government operations. HB 15-1098 properly restricts citation revenue to traffic safety or transportation-related projects. Unfortunately, the bill goes too far in banning all photo-radar and red-light cameras unless a local election is held.

Adding a new layer of approval is both redundant and unnecessary. Voters *already* have ultimate control over photo-enforcement technology at the ballot box - through citizen-driven initiatives and through regular elections of public officials. At any time, a person may file a citizen-driven ballot measure to ban photo-radar and red-light cameras in their community, or may express opinions by voting for or against their council members. Our system of representative democracy makes HB 15-1089 unnecessary. The State should not force local governments to bypass these processes in circumvention of existing laws and thresholds to place issues on local

ballots. Moreover, this tactic is wrongfully designed to curb photo-radar and red-light cameras by driving local election costs and thereby deterring communities from this use.

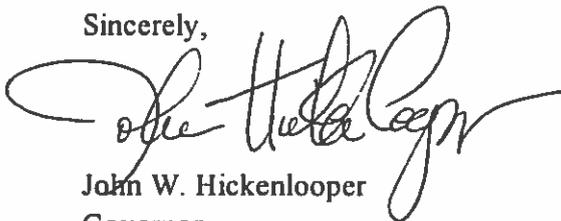
Over the past month, we heard from dozens of cities, towns, neighborhood associations, persons with disabilities, law enforcement, traffic safety organizations, and parents, children, and spouses of red-light running victims - all expressed concerns about keeping our roads safe. We know that no one is ever pleased to receive a traffic ticket. Photo-enforcement tools may not be universally popular. But some communities feel the need to use them; others do not. Communities decide for themselves - as it should be. And the governing boards of those communities are *always* accountable to their voters.

While the State should not dictate to all communities *whether* these tools should be used, or put new barriers and costs in place, it may and should provide guard-rails to ensure their use is measured and limited. Past legislatures have done this well, establishing a number of sound limitations. For example, visibly large signs must clearly mark camera locations, and a law enforcement officer or employee must be physically present when photo-radar is in use. Furthermore, for persons who receive a citation: fines are capped at \$75 and \$40, respectively; penalty assessment points cannot be applied against the violator's driver's license; and the violator's vehicle cannot be booted or immobilized. These are important limitations that the Legislature should build upon.

To that end, we encourage the General Assembly to enact legislation in 2016 that limits photo-radar and red light cameras to only the following locations: (1) school zones; (2) construction and roadway work zones; and (3) areas with disproportionately high traffic and pedestrian accidents, injuries, and fatalities. Secondly, legislation should require that fine revenue be used solely for traffic safety improvements and enforcement, rather than general operating funds or non-transportation purposes. Today, we also directed the Colorado Department of Transportation (CDOT) to study the use of automated traffic enforcement systems. To determine Colorado-specific practices, CDOT will analyze the use of these technologies in other states, and compile guidance for local governments on how to use photo-radar and red-light cameras in a manner that increases highway and road safety, while ensuring accuracy and accountability.

We believe this approach will preserve local authority in deciding whether to use this traffic safety tool, while also ensuring public confidence and trust. Together, we can create legislation that continues to cities and towns to decide what is best for themselves, while also protecting the safety of drivers, bicyclists, and pedestrians. We stand ready to work with you.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Hickenlooper". The signature is fluid and cursive, with a large initial "J" and "H".

John W. Hickenlooper  
Governor