

STATE OF COLORADO

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John W. Hickenlooper
Governor

June 3, 2015

The Honorable Colorado Senate
State Capitol
200 E. Colfax Ave.
Denver, CO 80203

Dear Members of the Colorado Senate:

Today, I vetoed Senate Bill 15-276, "Concerning the Elimination of the Use of Automated Vehicle Identification Systems for Traffic Law Enforcement," at 3:12 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. Unfortunately, SB 15-276 does neither. It instead issues a one-size-fits-all ban. A blanket prohibition is the wrong answer. It limits local governments' ability to choose for themselves. It mistakenly presumes that one community's needs are the same as another's. And, most concerning, it bars the use of a tool that, when used responsibly, can save lives and make streets safer.

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

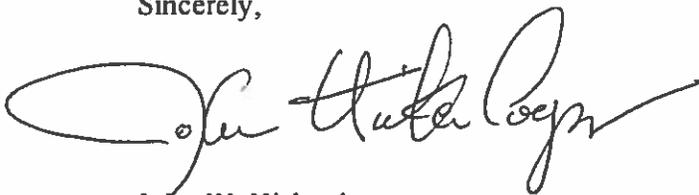
universally popular. But some communities feel the need to use them; others do not. Communities decide for themselves - as it should be.

When the General Assembly first authorized the use of photo-radar and red-light cameras, it had the wisdom to allow local governments to decide. Local town boards and city councils, not the State, know their communities' needs best. SB 15-276 should not impose the State's will upon all communities. Cities and towns decide for themselves whether to use these tools, just as it should be. While the State should not dictate to all communities *whether* these tools should be used, 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 a long, sweeping underline.

John W. Hickenlooper
Governor