

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 289 (Haney)
Version: June 25, 2025
Hearing Date: July 15, 2025
Fiscal: Yes
Urgency: No
AM

SUBJECT

State highway work zone speed safety program

DIGEST

This bill establishes an automated traffic enforcement program for state highway work zones.

EXECUTIVE SUMMARY

California has taken an incremental approach at phasing in automated enforcement of certain laws. Starting in 1994, the Legislature authorized automated rail crossing enforcement systems, recognizing the potential fatal consequences of the relevant violations. Over the following years, the trend moved to red-light cameras under a trial basis that was then made permanent. Next, a very limited pilot was authorized in San Francisco to install cameras on public transit vehicles, for the first time explicitly authorizing automated enforcement of parking violations, but limited to transit-only lanes. This law has since been extended state-wide indefinitely. Current law also authorizes cameras on street sweeping vehicles, and just last session, a pilot project was authorized in six cities to deploy automated speed enforcement systems and along the Pacific Coast Highway.

Automated enforcement can provide more thorough enforcement of certain laws and reduce the need for employees conducting such enforcement, a cost savings measure. However, with these benefits come concerns regarding due process, privacy, and equity. Furthering the reach of automated surveillance should arguably be gradual, thoughtful, and done with an understanding of, and countermeasures to prevent, potential unintended consequences. Such enforcement gathers personal data, may reduce the judicious enforcement of relevant laws, and has the ability to create a perverse incentive for governments that stand to financially benefit from increased citations.

This bill establishes an automated traffic enforcement program for state highway work zones. The bill is supported by several labor organizations, including the California State Council of Laborers, the California-Nevada Conference of Operating Engineers, and United Contractors, advocacy organizations for the construction industry, advocacy organizations for motorists, and Fiona Ma, the California State Treasurer. The bill is opposed by the National Motorists Association. It passed out of the Senate Transportation Committee on a 13 to 2 vote.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Authorizes the use of an automated enforcement system for enforcement of red light violations by a governmental agency, subject to specific requirements and limitations. (Veh. Code § 21455.5.)
- 2) Establishes the Active Transportation Program (ATP), a grant program administered by the California Transportation Commission (CTC) to encourage increased use of active modes of transportation, such as walking and biking. (Sts. & Hy. Code § 2380.)
- 3) Authorizes the designation of “safety corridors” for up to one-fifth of a local jurisdiction’s streets with the highest number of injuries and fatalities. Authorizes jurisdictions to lower speed limits in safety corridors by 5 mph from the existing speed limit established by an engineering and traffic survey. (Veh. Code § 22358.7.)
- 4) Provides that a person is “indigent” for purposes of parking violations if the person meets specified income criteria or the person receives specified public benefits. (Veh. Code § 40220(c).)
- 5) Authorizes a public transit operator to install automated forward facing parking control devices on city-owned or district-owned public transit vehicles for the purpose of video imaging parking violations occurring in transit-only traffic lanes and at transit stops. Existing law defines a “transit-only traffic lane” to mean any designated transit-only lane on which use is restricted to mass transit vehicles, or other designated vehicles including taxis and vanpools, during posted times. (Veh. Code § 40240(a), (h).)
- 6) States that citations shall only be issued for violations captured during the posted hours of operation for a transit-only traffic lane. Existing law requires designated employees to review video image recordings for the purpose of determining whether a parking violation occurred in a transit-only traffic lane, and permits alleged violators to review the video image evidence of the alleged violation during normal business hours at no cost. (Veh. Code § 40240(a), (c), (d).)

- 7) Requires automated forward facing parking control devices to be angled and focused so as to capture video images of parking violations and not unnecessarily capture identifying images of other drivers, vehicles, and pedestrians. Existing law requires the devices to record the date and time of the violation at the same time video images are captured, and provides that video image records are confidential and shall not be used or accessed for any purposes not related to the enforcement of parking violations occurring in transit-only traffic lanes. (Veh. Code § 40240(a), (f).)
- 8) Authorizes the cities of Los Angeles, San Jose, San Francisco, Oakland, Long Beach, and Glendale to establish a five-year speed safety system pilot program. (Veh. Code § 22425.)
- 9) Authorizes the City of Malibu to establish a five-year speed safety system pilot program on the Pacific Coast Highway (PCH). (Veh. Code § 22435.)

This bill:

- 1) Authorizes the California Department of Transportation (Caltrans) to establish a program for automated speed enforcement that utilizes up to 75 speed safety systems, to be operated by Caltrans in state highway work zones.
 - a) "State highway work zone" means a state highway construction or maintenance area, during any time when traffic is regulated or restricted through or around that area pursuant to Section 21367 of the Vehicle Code.
- 2) Requires the systems to meet the following in order to be utilized:
 - a) Clearly identifies the presence of the speed safety system by signs stating "Photo Enforced," along with the speed limit signs with flashing beacons and speed feedback signs, no more than 500 feet before the placement of the system. The signs shall be visible to traffic traveling on the highway from the direction of travel for which the system is utilized, and shall be posted at locations as may be determined necessary by the department after consultation with the California Traffic Control Devices Committee.
 - b) Identifies the state highway work zones approved for enforcement using a speed safety system and the hours of enforcement on the department's internet website, which shall be updated whenever the department changes locations of enforcement.
 - c) Ensures that the speed safety system is regularly inspected no less than once every 60 days, and certifies that the system is installed and operating properly. Each camera unit shall be calibrated in accordance with the manufacturer's instructions, and at least once per year by an independent calibration laboratory. Documentation of the regular inspection, operation, and calibration of the system shall be retained for at least 180 days after the date on which the system has been permanently removed from use.

- d) Utilizes fixed or mobile speed safety systems that provide real-time notification to the driver when violations are detected.
 - e) A speed safety system records speed violations and actively issues citations only when construction or maintenance workers are present in the state highway work zone.
- 3) Requires Caltrans, prior to enforcing speed laws utilizing speed safety systems, to do both of the following:
 - a) Administer a public information campaign for at least 30 calendar days prior to the commencement of the program, which shall include public announcements in major media outlets and press releases. The public information campaign shall include the information on when systems will begin detecting violations in state highway work zones, and Caltrans' website, where additional information about the program can be obtained. Notwithstanding the above, no further public announcement by the department shall be required for additional systems that may be added to the program.
 - b) Issue warning notices rather than notices of violation for violations detected by the speed safety system during the first 60 calendar days of enforcement under the program. A vehicle's first violation for traveling 11 to 15 miles per hour over the posted speed limit shall be a warning notice.
- 4) Requires Caltrans to adopt written guidelines for the use of speed safety systems prior to entering into an agreement regarding a speed safety system, purchasing or leasing equipment for a program, or implementing a program. In developing the guidelines, the department must consult with the Department of the California Highway Patrol and relevant stakeholder organizations, including, but not limited to, racial equity, privacy protection, and economic justice groups.
 - a) The written guidelines shall be made available for public review at least 30 calendar days prior to adoption. Upon adoption of the guidelines, the department shall post the final adopted guidelines on its internet website. The written guidelines shall include all of the following:
 - i. A statement of the specific purpose for the speed safety system, the uses that are authorized and uses that are prohibited, and the procedures required prior to that use.
 - ii. An identification of the data or information that can be collected by the speed safety system and the individuals who can access or use the collected information, and the processes related to the access, transfer, or use of the information.
 - iii. The allowable uses for information collected and maintained is limited to the administration of the state highway work zone speed safety program only.
 - iv. Procedures for the retention and disposal of data collected by the speed safety system.

- v. Procedures for the screening and issuing of notices of violation.
 - vi. Procedures for the storage of confidential information to ensure compliance with confidentiality requirements. Requires the governing body of the designated jurisdiction to approve an automated traffic enforcement system impact report, which shall be made available to the public at least 30 days before adoption by the governing body at a public hearing. The governing body must collaborate with relevant local stakeholders, including racial equity, privacy protection, and economic justice groups, in developing the report.
- 5) Requires notices of violation to include a clear image of the license plate and rear of the vehicle only, identify the specific section of the Vehicle Code violated, the camera location, and the date and time when the violation occurred. Notices of violation shall exclude images of the rear window area of the vehicle.
 - a) Provides that the photographic evidence stored by a speed safety system does not constitute an out-of-court hearsay statement by a declarant under Division 10 (commencing with Section 1200) of the Evidence Code.
- 6) Requires records made by a system to be confidential. Caltrans can only use and allow access to these records for the purposes authorized by these provisions or assess the impacts of the system. Data about the number of violations issued and the speeds at which they were issued is not considered an administrative record required not to be disclosed by this section.
 - a) Confidential information obtained from the Department of Motor Vehicles for the administration of speed safety systems and enforcement of this article shall be held confidential, and shall not be used for any other purpose. The department and its contractors and agents shall establish procedures to protect the confidentiality of these records consistent with existing confidentiality protections.
 - b) The photographic evidence that is obtained from a speed safety system that does not result in the issuance of a notice of violation shall be destroyed within five business days after it was first made.
 - c) Information collected and maintained by the department to administer the program shall only be used to administer the program, and shall not be disclosed to any other persons, including, but not limited to, any other state or federal governmental agency or official for any other purpose, except as required by a court order, or in response to a subpoena in an individual case or proceeding.
 - d) The registered owner or an individual identified by the registered owner as the driver of the vehicle at the time of the alleged violation shall be permitted to review and obtain a copy of the photograph of the alleged violation.
- 7) Prohibits the use of facial recognition technology in conjunction with a speed safety system.

- 8) Requires a contract between Caltrans and a manufacturer or supplier of speed safety systems to allow Caltrans to purchase materials, lease equipment, and contract for processing services from the manufacturer or supplier based on the services rendered on a monthly schedule or another schedule agreed upon by the department and contractor.
 - a) The contract shall not allow for payment or compensation based on the number of notices of violation issued, or as a percentage of revenue generated, from the use of the system.
 - b) The contract shall include a provision that all data collected from the speed safety system is confidential, and shall prohibit the manufacturer or supplier of the contracted speed safety system from sharing, repurposing, or monetizing collected data, except as specifically authorized.
 - c) Caltrans is required to oversee, maintain control, and have the final decision over all enforcement activities, including the determination of when a notice of violation should be issued.
 - d) Caltrans may contract with a vendor for the processing of notices of violation after an employee of the department has issued a notice of violation. The vendor shall be a separate legal and corporate entity from, and not related to or affiliated in any manner with, the manufacturer or supplier of speed safety systems used by the department. Any contract between the department and a vendor to provide processing services may include a provision for the payment of compensation based on the number of notices of violation processed by the vendor.
- 9) Requires the speed safety system, to the extent feasible, to be angled and focused so as to only capture rear license plate photographs of speeding violations and shall not capture identifying images of other drivers or vehicles.
- 10) Prohibits contractual arrangements with third parties that provide for payment or other compensation based on the number of citations or as a percentage of revenue generated. A designated jurisdiction that proposes to install or operate an automated traffic enforcement system shall not consider revenue generation, beyond recovering its actual costs of operating the system, as a factor when considering whether or not to install or operate a system within its local jurisdiction.
- 11) Requires a designated jurisdiction to publish a report that includes, but is not limited to, all of the following information, if this information is in the possession of, or readily available to, the designated jurisdiction:
 - a) The number of alleged violations captured by the systems they operate.
 - b) The number of citations issued by the issuing agency based on information collected from the automated traffic enforcement system.
 - c) For citations identified, the number of violations that involved traveling straight through the intersection, turning right, and turning left.
 - d) The number and percentage of citations that are dismissed.

- e) The funds generated from the automated traffic enforcement systems.
- 12) Subjects violations to a \$50 civil penalty for driving at a speed of 11 to 15 miles per hour over the posted speed limit, \$100 for driving at a speed of 16 to 25 miles per hour over the posted speed limit, \$200 for driving at a speed of 26 miles per hour or more over the posted speed limit, or \$500 for driving at a speed of 100 miles per hour or more. The bill prohibits a suspension of license or a violation point as a result of being assessed a violation.
- 13) Requires the notice of violation to be in writing and issued to the registered owner of the vehicle within 15 calendar days of the date of the violation. The notice of violation shall include specified information, including:
- a) The violation, including reference to the speed law that was violated, the speed of the vehicle, the speed limit for the road on which the violation occurred.
 - b) The date, approximate time, and location where the violation occurred.
 - c) The vehicle license number and the name and address of the registered owner of the vehicle.
 - d) A statement that payment is required to be made no later than 30 calendar days from the date of mailing, or that the violation may be contested.
 - e) The amount of the civil penalty due and the procedures for payment of the civil penalty or for contesting the notice of violation.
 - f) An affidavit of nonliability, and information of what constitutes nonliability, information as to the effect of executing the affidavit, and instructions for returning the affidavit to the processor.
 - g) A phone number that the recipient may use to request additional information about the program.
 - h) A proof of service.
- 14) Provides that a person cannot be assessed a civil penalty if they are subject to criminal penalties for the same act.
- 15) Requires moneys generated from the issuance of the program to be deposited in the Safe Highway Work Zone Account, which is created in the State Transportation Fund. Moneys in the account are continuously appropriated to Caltrans for the administration of the program, the Construction Zone Enhanced Enforcement Program, and the Maintenance Zone Enhanced Enforcement Program.
- 16) Authorizes a recipient, no later than 30 calendar days from the date of mailing of a notice of violation, to request an initial review of the notice by the issuing agency. The request may be made by telephone, in writing, electronically, or in person. There shall be no charge for this review. If, following the initial review, the issuing agency is satisfied that the violation did not occur, or that extenuating circumstances make cancellation of the notice of violation appropriate in the interest of justice, the

issuing agency shall cancel the notice of violation. The results of the initial review shall be mailed to the person contesting the notice within 60 days, and, if cancellation of the notice does not occur following that review, include a reason for that denial, notification of the ability to request an administrative hearing, and notice of the procedures.

- 17) Permits a person contesting the notice of violation who is dissatisfied with the results of the initial review to request an administrative hearing. The person is still required to pay the amount of the civil penalty to the processing agency. The issuing agency shall adopt a written procedure to allow a person to request an administrative hearing without payment of the civil penalty upon satisfactory proof of an inability to pay the amount due. There shall be no additional charge for this hearing.
- 18) Requires the administrative hearing to be held within 90 calendar days of request for a hearing, as provided. The administrative hearing process shall include specified features, including:
 - a) The person requesting a hearing shall have the choice of a hearing upon written declaration, video conference, or in person.
 - b) The administrative hearing shall be conducted in accordance with written procedures established by the issuing agency and approved by the governing body or chief executive officer of the issuing agency. The hearing shall provide an independent, objective, fair, and impartial review of contested automated traffic enforcement violations.
 - c) Examiners shall have a minimum of 20 hours of training, which can be accomplished through a program developed and provided by, or for, the agency.
- 19) Provides that the employee of the designated jurisdiction who issues a notice of violation shall not be required to participate in an administrative hearing. To establish a violation, the issuing agency shall not be required to produce any evidence other than, in proper form, the notice of violation or copy thereof, including the photograph of the vehicle's license plate, and information received from the Department of Motor Vehicles identifying the registered owner of the vehicle. The documentation in proper form shall be prima facie evidence of the violation. If the designated jurisdiction meets its initial burden, the recipient of the notice of violation may present any evidence and argument in defense.
- 20) Provides that, within 30 days after personal delivery or mailing of the final decision, the contestant may seek review by filing an appeal to the superior court, where the case shall be heard de novo, except that the contents of the processing agency's file in the case on appeal shall be lodged by the designated agency at the designated agency's expense and be received into evidence. A copy of the notice of violation

shall be admitted into evidence as prima facie evidence of the facts stated in the notice.

- 21) Provides that the conduct of the hearing on appeal is a subordinate judicial duty that may be performed by a commissioner or other subordinate judicial officer at the direction of the presiding judge of the court.
- 22) Requires the program to offer the ability for indigent automated traffic enforcement system violation recipients to pay applicable fines and penalties over a period of time under a payment plan with monthly installments and shall limit the processing fee.
- 23) Establishes fees for an appeal of a hearing officer's determination regarding a civil penalty for an automated traffic enforcement violation.

COMMENTS

1. Stated need for the bill

The author writes:

AB 289 is a significant step toward safeguarding the lives of construction workers on our highways, where speeding vehicles pose a significant risk to both workers and motorists. By harnessing the proven effectiveness of Automated Speed Enforcement (ASE), AB 289 will save lives by reducing construction zone crashes and creating a safer environment for all.

2. The history of automated enforcement

While some counties may have installed automated traffic enforcement systems at an earlier date, legislative authorization for automated enforcement procedures relating to traffic violations began in 1994 with SB 1802 (Rosenthal, Ch. 1216, Stats. 1994). That bill authorized the use of "automated rail crossing enforcement systems" to enforce prohibitions on drivers from passing around or under rail crossings while the gates are closed. (Veh. Code § 22451.) Those systems functioned by photographing the front license plate and the driver of vehicles who proceeded around closed rail crossing gates in violation of the Vehicle Code provisions. The drivers of photographed vehicles, in turn, received citations for their violations.

In 1995, the Legislature authorized a three-year trial for red light camera enforcement programs. (SB 833, Kopp, Ch. 922, Stats. 1995.) Using similar technology, that program used sensors connected to cameras to take photographs of the front license plate and driver upon entering an intersection on a red light. That program was permanently extended in 1998 by SB 1136 (Kopp, Ch. 54, Stats. 1998).

In 2007, the Legislature authorized a four-year pilot project where San Francisco was authorized to install video cameras on city-owned public transit vehicles for the purpose of video imaging parking violations occurring in transit-only traffic lanes. (AB 101, Ma, Ch. 377, Stats. 2007.) Three years later, the Legislature authorized a five-year statewide pilot project to allow local public agencies to use automated parking enforcement systems for street sweeping-related violations. (AB 2567, Bradford, Ch. 471, Stats. 2010.) In 2011, the Legislature extended San Francisco's automated transit-only lane enforcement program for an additional year, and required the City and County to provide a report to the Transportation and Judiciary Committees of the Legislature no later than March 1, 2015, describing the effectiveness of the pilot program and its impact on privacy. (AB 1041, Ma, Ch. 325, Stats. 2011.) Following the receipt of that report, San Francisco's transit-only lane enforcement program was permanently extended in AB 1287 (Chiu, Ch. 485, Stats. 2015).

The following year, AB 1051 (Hancock, Ch. 427, Stats. 2016) authorized AC Transit to operate an automated transit-only lane enforcement program similar to San Francisco's with a sunset on January 1, 2022. AC Transit was required to provide to the Transportation, Privacy and Consumer Protection, and Judiciary Committees of the Legislature an evaluation report of the enforcement system's effectiveness, impact on privacy, cost to implement, and generation of revenue, no later than January 1, 2021. (Veh. Code § 40240.5.) AB 917 (Bloom, Ch. 709, Stats. 2021) expanded automated enforcement of parking violations using forward-facing cameras on transit vehicles to include both transit-only lanes and transit stops and extended the authorization statewide until January 1, 2027.

AB 645 (Friedman, Ch. 808, Stats. 2023) authorized six localities to deploy speed safety systems in designated roadways, namely official "safety corridors," school zones, and streets a local authority has determined to have had a high number of incidents for motor vehicle speed contests or motor vehicle exhibitions of speed. Last year, AB 1297 (Allen, Ch. 631, Stats. 2024) established a speed safety system pilot project for the PCH that was substantially similar to the one in AB 645.

3. Expanding automated enforcement to speed violations to highway work zones

This bill establishes an automated traffic enforcement program for state highway work zones. It closely models recent laws, specifically AB 645 and AB 1297. AB 645 passed this Committee on a vote of 10 to 1. AB 1297 was not heard by this Committee.

The National Motorist Association is opposed unless amended and seeks numerous amendments to the bill to address various concerns. These include, among many others:

- Arguments that there is no demonstrated need for the bill;
- Assertions that additional engineering countermeasures would provide greater compliance with speed laws than automated speed enforcement;

- Concerns that before AB 645's automated speed enforcement project has even launched, the Legislature is already authorizing more automated speed programs without any data or feedback on how the initial program is working;
- Due process concerns with the owner of the vehicle being responsible for the civil penalty, even if they were not driving;
- Due process concerns with enforcing traffic violations through civil enforcement instead of the traditional model, fairly noting that an administrative hearing affords less process rights than a hearing in superior court;
- Insufficient reporting requirements;
- Insufficient calibration requirements for cameras used under the program; and
- Insufficient limiting of bill's provisions to active work zones.

4. Right to Privacy

The California Constitution provides that all people have inalienable rights, including the right to pursue and obtain privacy. (Cal. Const., art. I, Sec. 1.) The California Supreme Court writes:

The right of privacy is vitally important. It derives, in this state, not only from the protections against unreasonable searches and seizures guaranteed by the Fourth Amendment and article I, section 13, but also from article I, section 1, of our State Constitution. Homage to personhood is the foundation for individual rights protected by our state and national Constitutions. (*In re William G.* (1985) 40 Cal.3d 550, 563.)

This Committee has previously expressed concern about the privacy implications of automated imaging that records not only vehicles, but also individuals on sidewalks and commercial and residential property adjacent to the roadway. To provide a layer of protection, the information being collected as part of these programs is deemed confidential and not subject to disclosure under the California Public Records Act. There are retention limitations, administrative records and photographs can be kept up to three years in certain circumstances, and this provision provides only to information that the vehicle was cited and convicted of a violation. The bill also requires the speed safety system, to the extent feasible, to be angled and focused so as to only capture photographs of speeding violations and shall not capture identifying images of other drivers, vehicles, or pedestrians.

There are also use limitations placed on the evidence, allowing public agencies to use information collected and maintained through a speed safety system only to administer the program. The bill prohibits disclosure of information collected to any other persons, including any other state or federal government agency or official, for any other purpose, except as required by state or federal law, court order, or in response to a subpoena in an individual case or proceeding.

California generally recognizes that public access to information concerning the conduct of the people's business is a fundamental and necessary right. At the same time, the state recognizes that this right must be balanced against the right to privacy. The general right of access to public records may, therefore, be limited where the Legislature finds a public policy reason necessitating the limit on access. In light of the privacy interests implicated by the bill, the bill's finding on the need for limiting access to public records seems warranted.

5. Equity, due process, and effectiveness versus revenue generation

This Committee has also previously expressed concern over the use of automated enforcement programs not as a means to promote roadway safety, but as a mechanism for revenue generation and how that might affect the fairness and equity of the program. Ultimately, there is concern that those paying for whatever revenue generation there is will be disproportionately low-income communities who tend to bear the brunt of the cost of citations. Depending on how authorized local agencies administer this new power, it could lead to an unreasonable or inflexible mode of enforcement that would not necessarily be the case with enforcement by officers present to witness a speeding violation.

Photographic evidence necessarily limits the field of view of an observer, and prevents consideration of relevant facts that would otherwise be available to an officer who sees an event transpire in person. In addition, the holistic assessment that can be performed by an actual person on the ground allows for more thoughtful and judicious enforcement of speeding violations. Ultimately, the technology and process will inevitably lead to errors. Yet, unlike in criminal cases, the civil enforcement regime established by the bill does not afford the same procedural protections. For these reasons, people may be less likely to identify errors in the technology or process that led to their notice of violation. The bill also provides that photographic evidence stored by a speed safety system does not constitute an out-of-court hearsay statement by a declarant.

In regards to the due process concerns, the opposition writes:

[...] Currently, work zone speeding tickets are dealt with in a Court of Law. This means that there are procedures in place to determine Guilt or Innocence and Discovery of the relevant facts. Decisions of Lower Courts can be reviewed, according to the law, by higher Courts.

An Administrative Hearing is NOT "the same" as a trial in Superior Court. Administrative Hearings operate under rules promulgated by the department issuing the ticket. "Administrative" means that they get to write their own rules, including lowering the standard of proof required for conviction to a "preponderance of the evidence" rather than "beyond a reasonable doubt". The

burden of proof and the burden of producing evidence is place on the defendant essentially turning the assumption of innocence on its head. Tickets under AB-289 are made prima facie evidence, removing any requirement that the government prove their case, the exact opposite of our most cherished principles of law in America.

Once the photo based tickets are jurisdictionally moved out of Court, all the normal rules of a Court of law (such as the Discovery rules) go away. Motions for Discovery, and Subpoenas to compel testimony are no longer permitted. No appeals of the department's decision are permitted, and ONLY when the department has made a final determination, may a Court review the record and the proceedings. This still is not an Appeal as such is contemplated under the Criminal Code. The only thing the Court may consider is if the department made such determination properly under the rules set up by the department.

AB-289 puts photo-based tickets into an Administrative Forum and re-writes the rules, literally from scratch, in such a way as to make challenge of any photo enforced ticket almost irrelevant. Those ticketed will not be able to demand proof of authentication, challenge whether the work zone speed limit was set properly, or find out when the devices were last serviced.

Civil Citations and Administrative hearings for photo ticket cases is a denial of equal protection, with lesser due process permitted for photo camera tickets than for speeding citations issued by live police officers. [...]

The bill does provide for some notice to affected communities. It requires a 30-day public information campaign before a system can be deployed. Additionally, the bill provides that only warning notices may be issued for the first 60 days, and thereafter, a vehicle's first violation may only be issued a warning notice where the violation is for traveling 11 to 15 miles per hour over the limit.

The civil penalties are also capped depending on the severity of the violation, \$50 for violations of 11 to 15 miles per hour above the posted speed limit up to \$500 for driving 100 miles per hour or more. In addition, the bill requires Caltrans to offer violation recipients who are indigent, or who otherwise provide evidence satisfactory to the examiner or Caltrans, of an inability to pay the civil penalty in full, the option to pay applicable fines and penalties over a period of time under a payment plan with monthly installments not to exceed \$25. Any processing fee to participate in a payment plan is prohibited from exceeding \$5. An administrative hearing is provided to contest or appeal any violation.

6. Statements in support

A coalition of trade unions, contractors, and other transportation related organizations, including the United Contractors, the California State Council of Laborers, the California-Nevada Conference of Operating Engineers, the State Building and Construction Trades Council of California, write in support, stating:

Highway construction and maintenance work is one of the most hazardous occupations in the United States. In 2021, more than 9,500 collisions occurred in construction zones on California highways. This resulted in an estimated 2,971 injuries and 73 fatalities, including both construction workers and drivers. While contractors, labor unions, state agencies, and law enforcement are doing everything in their power to keep workers safe, highway construction zones continue to be dangerous for our workers who risk injury and death by speeding vehicles. [...]

For 20 years, the State of California has identified work zone deaths and serious injuries as a road safety challenge area in its Strategic Highway Safety Plan (SHSP). The SHSP, which was established as a requirement in federal law in 2005, is a data-driven, multi-year comprehensive plan that establishes statewide goals, objectives, and key emphasis areas and which is developed by the State department of transportation in a cooperative process with public and private sector stakeholders. Despite California's longstanding focus on the issue of highway work zone safety and its development and implementation of numerous safety countermeasures to address this persistent safety issue, deaths and serious injuries within highway work zones have remained stubbornly and unacceptably high. Worse yet, California is now on the wrong trajectory. Following a small decrease during the first year of the COVID-19 pandemic, deaths and serious injuries in highway work zones have steadily increased since 2020.

While numerous safety initiatives have been proposed and implemented in highway work zones over the last two decades, one proven safety countermeasure has been unavailable in California. Automated speed enforcement is proven to reduce speeds, increase driver safety, and save lives. In response to the increasing fatal crashes and injuries in work zones, at least 16 other states have implemented ASE through active construction work zones. [...]

AB 289 also includes the data privacy protections that mirror or exceed those in the existing city pilot programs, which require warning signs, public awareness campaigns, transparency and accountability, data privacy, and reporting to the Legislature on safety improvements and other outcomes. In addition to these specific statutory requirements, AB 289 requires Caltrans to consult with stakeholders, including privacy and equity groups, to further develop and refine protections for motorists' privacy through guidelines that must be adopted prior to contracting for the acquisition or operation of automated speed enforcement systems.

California's construction workers should not have to put their lives at risk to maintain and build our state's highways; especially when California could authorize an available tool to equitably and effectively slow down drivers, reduce collisions, and ultimately save lives of construction workers and the motoring public alike. [...]

7. Statements in opposition

The National Motorist Association writes in opposition, stating:

[...] Notwithstanding the claims made by the bill's author and proponents, severe injuries and fatalities involving highway construction and maintenance workers due to motorists speeding in state highway work zones are, thankfully, relatively rare. The NMA evaluated fatal and severe injury collisions occurring in work zones from 2011 through 2020 from the CHP's Statewide Integrated Traffic Reporting System (SWITRS) database. As there is no specific data point for collisions involving "highway workers" in the SWITRS database, we used collisions involving "pedestrians" as a proxy. [...]

The legislation set precise guidance as to where and how speed cameras could be used in the State. Before that pilot program has even begun, legislators are already attempting to expand the use of ticketing cameras on state highways throughout the State. Either the camera program authorized under AB-645 is actually a pilot, honestly intended to test the use of speed cameras in California, or it is not. Was the entire exercise of promoting and negotiating a pilot program just a ruse to open the door to ever more automated ticketing? Or will we be guided by ethical principles and refrain from approving more speed camera usage until AB-645's pilot program results are known? There is no urgency to authorize ticketing cameras on California highways, specifically in light of the data provided above, which clearly shows that little is to be gained by rushing to implement this abusive technology. [...]

SUPPORT

AAA Northern California, Nevada & Utah
Associated General Contractors of California
Automobile Club of Southern California
Blue Line Solutions, LLC
California-Nevada Conference of Operating Engineers
California Alliance for Jobs
California Asphalt Pavement Association
California Construction & Industrial Materials Association
California State Council of Laborers
California State Treasurer, Fiona Ma
Rebuild SoCal Partnership
Southern California Contractors Association

State Building and Construction Trades Council of California
Transportation California
United Contractors

OPPOSITION

National Motorist Association

RELATED LEGISLATION

Pending Legislation: SB 720 (Ashby, 2025) authorizes the use of red light cameras to issue civil instead of criminal violations for failing to obey a traffic signal. This bill is pending in the Assembly Transportation Committee.

Prior Legislation:

SB 1297 (Allen, Ch. 631, Stats. 2024) authorized a pilot program for the city of Malibu to operate five speed safety systems on the Pacific Coast Highway.

AB 645 (Friedman, Ch. 808, Stats. of 2023) authorized a speed safety system pilot program in six specified cities.

AB 2809 (Haney, 2024) would have authorized the California Transportation Agency to establish guidelines for a work zone speed safety program using automated speed enforcement. That bill was held in the Assembly Transportation Committee.

PRIOR VOTES

Senate Transportation Committee (Ayes 13, Noes 2)
Assembly Floor (Ayes 71, Noes 3)
Assembly Appropriations Committee (Ayes 13, Noes 1)
Assembly Privacy and Consumer Protection Committee (Ayes 11, Noes 2)
Assembly Transportation Committee (Ayes 15, Noes 0)
