



*Serving the counties of District 2: Fannin, Delta, Hunt, Hopkins, Rains,
Rockwall, Kaufman, Van Zandt, and part of Dallas County*

Time To Abolish Red Light Cameras In Texas

Abolishing the "Big Brother" era of the notorious red light cameras has been a major issue for grassroots Texans for several years. Red light cameras, with their abominable safety record, exemplify an ill-conceived government project which is fueled almost entirely by bureaucratic greed. Then, there is the, not-so-small, issue of these systems bypassing due process and trampling the constitutional rights of Texas motorists everywhere. Their end cannot come soon enough.

There have been many efforts in the past few years to ban red light cameras on both the grassroots and state legislative levels. During both the 84th and 85th Legislatures, my office introduced bills to ban these systems. Both times the bills passed out of the Senate but died in the Texas House of Representatives.

This session, we have again introduced a camera-ban bill, SB 653, that was met with immediate and fierce opposition by municipalities who enjoy the lucrative revenue stream created by the systems. During the hearing on SB 653 a few days ago, many municipalities showed up, as they have in the past, making the same predictable arguments against implementing a ban.

However, this year is different from other years. This time, Governor Abbott waded into the debate with both feet firmly on the side of banning the cameras. In August of last year he tweeted, "More and more I think it's time to do away with Red-Light cameras in Texas." Further, in his Bicentennial Report on safeguarding the state, he called for prohibiting local adoption of red light camera ordinances.

Not everyone feels the same way, though, and arguments from both sides abound. The primary debate centers around the cameras' safety records and their lack of constitutionality under the Due Process Clause of the U.S. Constitution. Red light cameras create a presumption that the registered owner of the car committed the alleged traffic violation. This means that the burden is on the vehicle owner to affirmatively act to clear his or her name and not be found liable for the civil fine. In other words, the vehicle owner is accused of a crime which is treated as a civil issue wherein the owner must prove their innocence. This places the burden of proof on the accused. Criminal law, however, places the burden of proof on the government.

Red light cameras have also consistently failed to provide anticipated safety improvements. Instead, they actually increase certain types of collisions as drivers brake suddenly to avoid a ticket. A study by Case Western Reserve University in November 2017 found that rear-end accidents increase with red light camera usage by cities. Numerous other academic studies reinforce this fact:

- A 2008 University of South Florida report found: "Comprehensive studies conclude cameras actually increase crashes and injuries, providing a safety argument not to install them...public policy should avoid conflicts of interest that enhance revenues for government and private interests at the risk of public safety."
- A 2005 Virginia DOT study found: "The cameras are correlated with an increase in total crashes of 8% to 17%."
- A Texas Transportation Institute study found that the vast majority of red light camera tickets are being issued primarily for split-second violations where collisions are not occurring.



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All of these facts undermine the argument of local entities operating these systems who say that red light cameras are completely legal and effective at deterring unsafe driving behavior.

During the hearing for SB 653, many friends were present in Austin, and rightfully pointed out that the grandfather clause (only included in the committee substitute to get a committee hearing) should be removed to make the cameras go dark immediately. In a second, but very short hearing we successfully removed the grandfather clause so that now SB 653 and Representative Jonathan Stickland's HB 1631 are identical companions.

Either SB 653 or HB 1631, if signed by the Governor will end red light cameras in Texas, we removed the offending clause so that municipalities cannot continue to operate unconstitutional camera systems. If a municipality has as its objective increased public traffic safety, then there are many non-punitive, simple and inexpensive measures available to actually make the traffic flow environment safer for motorists and pedestrians WITHOUT trampling constitutional rights. Many municipalities have significantly reduced intersection accidents by longer yellow light time, one to three seconds of all-red time, and other visual aids.

No more excuses. It is time to end red light cameras in Texas.

