



Legislative Report

Minnesota Speed Safety Camera (SSC) Program

March 4, 2025

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Introduction

State law required the Minnesota Department of Public Safety commissioner to submit a report on the implementation of a Speed Safety Camera (SSC) program and the issuing of citations. As required by this law, input was solicited from a task force comprised of members with a wide spectrum of experience. Task force members' experiences ranged from road safety professionals and elected county officials to interested residents. After multiple task force meetings, the recommendation is to create or modify an administrative statute for the issuance of mailed citations via SSCs.

Per the legislation, the report must include consideration and analysis of:

1. Methods to identify the owner, operation and any lessee of the motor vehicle.
2. Compliance with federal enforcement requirements related to holders of a commercial driver's license.
3. Authority of individuals who are not peace officers to issue citations.
4. Authority of individuals who are not peace officers to issue citations electronically.
5. Judicial and court administrative capacity to process violations issued under the pilot program authorized in Minnesota Statutes, section 169.147.
6. The appropriate legal classification of citations issued under a camera-based traffic enforcement system.
7. Data practices, including but not limited to concerns related to data privacy.
8. Due process, an appeals process, the judicial system and other legal issues.
9. Technology options, constraints, and factors, including the implementation of electronic citations.
10. Recommendations regarding implementation, of the pilot program authorized in Minnesota Statutes, section 169.147.

Task force

The legislation directed the commissioner to convene a task force to assist in the development of the report. It specified that the task force must include the Advisory Council on Traffic Safety (ACTS) under Minnesota Statutes, section 4.076, a Minnesota County Attorneys Association representative, a judicial branch representative and a person with experience in data privacy. The task force may include other members whom the commissioner determines are necessary to develop the report. Any other interested residents were also welcomed as task force members.

Members from the Minnesota Advisory Council on Traffic Safety were invited to participate in the task force. The task force met as a group three times: July 9, 15 and 30, 2004. Task force members who attended one or more meetings include:

- Paul Aasen, Minnesota Safety Council
- Bridget Allan Ales, interested resident
- Christopher Beck, Anoka County Sheriff's Office
- Tom Bouchard, Altumint
- Glenn Branam, Blue Line Solutions
- Margaret Donohoe, Minnesota Transportation Alliance
- Frank Douma, University of Minnesota

- Matt Ehling, Minnesota Coalition on Government Information (MNCOGI)
- Jeremy Ellison, St. Paul Police Department
- Christopher Erickson, Minnesota State Patrol
- EthanFawley, City of Minneapolis
- Emerald Gratz, Minnesota Department of Public Safety
- Mike Hanson, Minnesota Department of Public Safety's Office of Traffic Safety
- Julie Jeppson, Anoka County
- Ken Johnson, Minnesota Department of Transportation
- Lisa Kons, Minnesota Safety Council
- Jim Kosluchar, City Engineer - Fridley
- Reed Leidle, Safety Signs
- Bill Lemons, Minnesota Traffic Safety Resource Prosecutor
- DerekLeuer, Minnesota Department of Transportation
- Katie Madigan, Minnesota Department of Public Safety
- Kerry Meyer, Minnesota Judicial Liaison
- Munira Mohamed, ACLU
- Nichole Morris, University of Minnesota
- SherryMunyon, Capitol Access
- Ryan Murphy, St. Paul Police Department
- Rich Neumeister, interested resident
- Dimpri Patel, Minnesota Department of Transportation
- Derek Peters, Anoka County Sheriff's Office
- Jane Prosch-Jensen, JPJ Group
- Brian Sorenson, Minnesota Department of Public Safety
- Ryan Stevens, Duane Morris Government Strategies
- Karen Sprattler, Sprattler Group
- Mark Wagner, Minnesota Department of Transportation

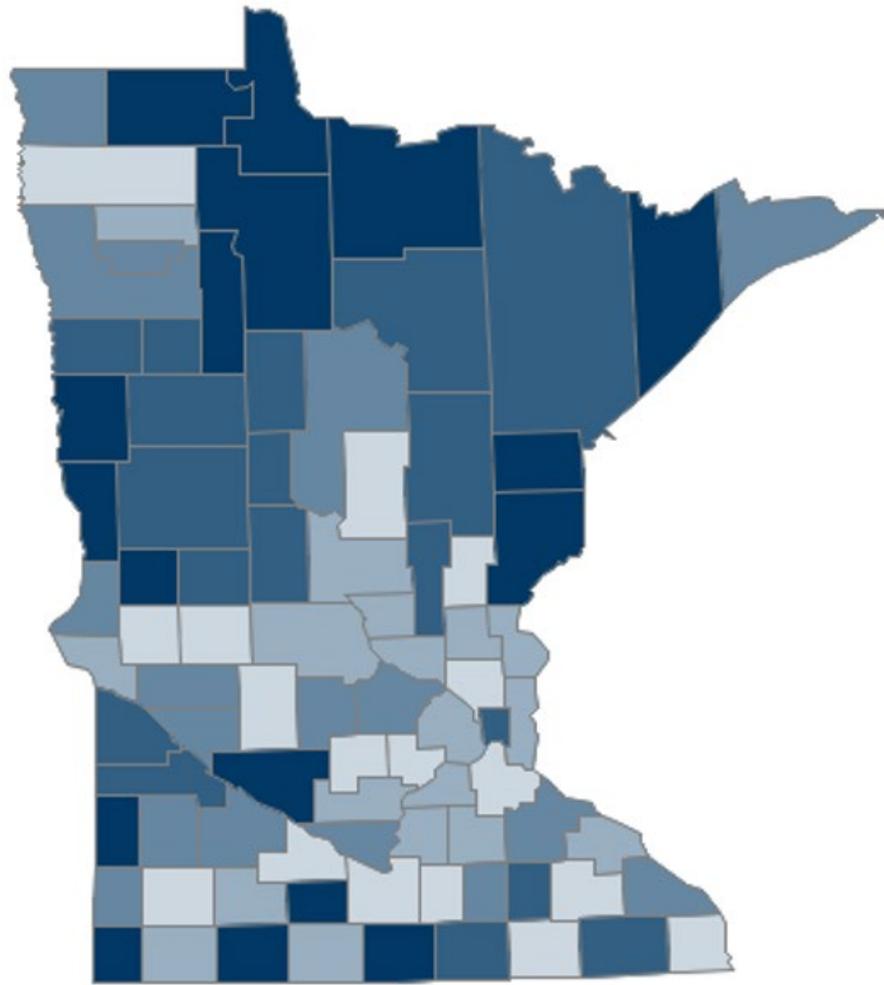
Defining the problem

Traffic deaths have increased significantly in recent years. In 2022, 444 people died in traffic crashes in Minnesota. That's an average of more than one person dying on our roads every single day. The single largest contributing factor to these tragedies — close to double the next largest contributing factor — is speed.

Unsafe speed is by far the most common dangerous driving behavior in Minnesota. Since 2020, 15.8 percent of all crashes in Minnesota have been attributed to unsafe driver speed.

While speed-related crashes occur throughout the state, counties in the northernmost and southernmost areas of Minnesota have higher percentages of their total crashes attributed to unsafe speed. Combined data for the Twin Cities Metro Area counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington) shows just 14.2 percent of crashes are from unsafe speeding. The following map displays the percentage of speed-related crashes for each county. Of all 87 counties, Wilkin County had the highest speed-related involvement, with 41.3 percent of all crashes citing unsafe speed as the primary causal factor. (Minnesota Advisory Council on Traffic Safety, 2024).

Percentage of speed-related crashes (2020-2024)



Technology and program tenets

As Minnesota continues to implement a range of countermeasures to improve traffic safety, the benefits of using new technological advancements cannot be ignored. Technology plays a key role in the safety formula and when implemented correctly, can reduce the carnage on our roadways caused by drivers who speed. New technological advances are available to safety and enforcement professionals in the form of automated enforcement. The expanded use of speed safety cameras (SSCs) is essential for reversing the unprecedented increase in motor vehicle-related deaths and injuries on Minnesota's roadways. SSCs can also advance equitable outcomes by reducing bias and interactions between law enforcement and the public that can result in tragic or unacceptable outcomes.

The primary goal of implementing a SSC program is to reduce the risk of speed-related fatal and serious injury crashes on Minnesota roadways. Minnesota's approach to reducing the risk of fatal and serious injury crashes using SSCs should prioritize the following tenets:

1. Create awareness of the safety risks of speeding.
2. Include community participation and engagement.
3. Enhance equity.
4. Ensure proper SSC site selection.
5. Provide transparency of program goals and camera placement.
6. Be motivated by safety and not revenue generation.
7. Protect privacy.
8. Minimize the burden on the court system and law enforcement agencies.
9. Provide due process.
10. Provide enforcement opportunities in areas where traditional enforcement methods would be unsafe or ineffective.

Statewide Program Recommendations

The recommendation from the SSC task force is to create or modify an administrative statute for the issuance of citations via SSCs. Speed-related violations should delineate the authority for the program and include the following provisions:

Statutory authority

In 2008, the Minnesota Legislature passed legislation that authorizes the issuance of administrative citations for a limited set of traffic offenses. It laid out a process for the issuance of these citations and provides direction to local units of government on how to process these citations. Minnesota Statutes section 169.999 speaks to the authority to issue citations, the statewide format of the citations, how to contest these citations, fines to be levied, and how monies derived from the penalties are to be disbursed. This existing legislation speaks to the exception of commercial driver license holders, the non-involvement of a person's driving record and the necessary state reporting requirements related to administrative fines.

Rather than creating an entirely new legislative schema for citations issued by SSCs, it is recommended that legislation authorizing the issuance of administrative speed citations be amended using procedures similar to those outlined in section 169.999 that would allow SSC enforcement.

Administrative citations would be mailed to the registered owners of vehicles for violations of the speed limits in specified locations at a designated threshold above the posted speed limit. The authority to issue administrative citations would be exclusively limited to speed violations contained in the statute. The administrative citation issued for speed would list the actual speed the vehicle was traveling at the time of the infraction, including the date, time and location of the violation.

The task force envisions a statewide SSC program to address both SSC programs to address excessive speed on Minnesota roadways and infrastructure safety proposals dealing with work zones. SSC program managers will assist local entities preparing for program implementation (including, but not limited to, education of local policymakers, site selection, public education, signage, technology selection, etc.). SSC program managers would be responsible for training non-sworn staff as well as approval and monitoring of local safety efforts using any funds generated by the SSC Program. Statutory authority is necessary to develop policy rulemaking so that there is uniformity in the deployment and training of communities implementing the SSC program.

The approved vendor(s) would capture and record only images of violating vehicles and their license plates and would not reveal the faces of the vehicle's driver or its passengers. Cameras would only be allowed to capture vehicle images while violations are occurring. Images would be reviewed by

properly trained and statutorily authorized staff employed by the selected vendor or operating political sub-division that would have access to the Minnesota registration file. The vendor would then confirm the violation and mail an administrative citation to the vehicle's registered owner .

Upon local community SSC adoption, administrative citations would be issued after limited and specific periods of public education and warnings. Once the public education and warning periods lapse, administrative citations would be issued by trained, non-sworn personnel from the selected vendor.

Community participation and engagement

It would be critical to engage with members of the community where SSC will be deployed and include them in the planning and implementation process. This not only helps to ensure the solution is appropriate to help eradicate speeding behavior but also provides the opportunity for community feedback. Meaningful public engagement in the process will bolster public acceptance, which is critical for a successful implementation. A robust public information and education campaign would be a critical component for gaining public support prior to SSC implementation and during its use. Public information and education efforts would fully describe the SSC rollout plans to the public, including where cameras will be located and why, and be transparent about how the administrative citations may be challenged.

Equity

Equity would be a core goal of the SSC program and would ensure decisions about camera placement are made through an equity lens. In the outreach and engagement process, communities would be required to engage underserved communities or groups that have not traditionally been a part of the highway safety discussions. Involving these groups in the planning process would further the SSC program goals and serve to engage community members who can be public advocates for the technology. Community leaders would be encouraged to be transparent with regard to where cameras will be placed and why, ensuring SSC use will complement other safety countermeasures that have been implemented or considered.

Site selection

After establishing the administrative rules framework for SSCs, a community's site selection for SSCs should focus on areas with higher crash risk within the jurisdiction. Sites for SSC enforcement should include, at a minimum, safety zones, which are defined as areas with proximity to vulnerable road users, such as schools, parks, hospitals or senior facilities. SSC enforcement could also focus on active work or utility zones with a duration of 30 days or more, where excessive speed can endanger workers or other road users. Each potential speed safety camera site will be unique and deserves the careful attention of local and state officials to garner public acceptance.

Transparency of program goals and camera placement

For the public to support a SSC program, jurisdictions should share the data and insights into the decision-making process that prompted adoption. Jurisdictions should also publicize how, when and where the cameras will be deployed in safety zones and higher crash risk locations. The public also needs assurances about the accuracy and reliability of the technology (e.g., the accuracy and image quality of photographs and thresholds set for enforcement), which should be reasonable and publicly justifiable. Advanced notice should be provided to the public through public information campaigns

and highly visible and easy-to-understand signage. The goal should be to ensure there are no hidden surprises for drivers and, ultimately, for drivers to take action on their own to drive safely.

Motivated by safety

Revenues generated from the SSC program should follow the formula set in Minnesota Statute section 169.999 and be used to support the program start-up and maintenance costs. Any excess revenue would be dedicated to traffic safety initiatives such as increased education and infrastructure enhancements. In addition, sharing periodic program updates with the community about crash reductions will help strengthen public acceptance. Program administrators must make it clear to constituents, through the values evident in the operation of the program, that the objective of this technology is to deter violators, not to issue citations and collect money. One effective method to achieve this goal is to consider a 30-day grace period upon SSC installation, where written warnings are issued to drivers violating the speed limits prior to the program going live.

Fairness of fines

Traffic enforcement should balance safety and the individual financial burdens of offenders. Traffic fines should be designed to change behavior, not inflict financial hardship. Aggressive sanctions hit low-income offenders the hardest and can lead to a downward spiral of debt, financial insecurity and increased involvement in the criminal justice system that in practice disproportionately impacts communities of color. A SSC program that appears predatory or exacerbates existing inequities will lose public trust.

A range of strategies exist to achieve more equitable outcomes in the use of fines and fees, including due date extensions, payment plans, the reconsideration of fees for nonpayment, income-based fines, community service and possibly traffic education in lieu of fines.

Protect privacy

Many motorists have the perception of privacy while operating their vehicles and some believe that SSCs violate this right. While SSCs do not violate a person's legal rights, according to the legal community, these concerns persist. It will be vital to the success of this program to address this issue up front and make very clear what the public is gaining in return in terms of public safety. One operational strategy to be considered is to photograph vehicles from the rear, capturing only the rear license plate, instead of from the front where the plate and driver's image may be captured.

Minimize the burden on the criminal justice court system and law enforcement agencies

An administrative SSC program operated by a licensed vendor reduces the burden on an already strapped law enforcement and criminal justice court system. Citations can be captured, reviewed and issued by a state-approved vendor selected by the jurisdiction where the SSC is located and then mailed to the registered owner of the vehicle. The state will develop, through statutory authorization, an easily understood and accessible process for violators to contest citations to ensure due process. Appeals of administrative citations could be made to online mediators or administrative law judges. Only appeals of mediated findings would be made to state district courts, greatly reducing the

involvement of the criminal justice system. The state-approved vendor would be authorized and required to issue citations and to appear for any appeals.

Develop a plan and strategy to address non-payment by offenders

Minnesota, like other states that have implemented automated enforcement programs, must be prepared to address violators who fail to respond to citations, either willingly or due to extenuating circumstances. Developing reciprocity agreements with neighboring states prior to setting up a SSC program can assist jurisdictions in recovering fines from out-of-state violators.

To encourage offenders to respond to an initial citation notice, the procedures and penalties for overdue violation notices should be part of the program's initial and ongoing public information campaign. For overdue citations, a reminder notice should be sent to the offender with a new due date and information detailing any penalties associated with a failure to respond to the initial or subsequent notice. Another solution to consider for collecting SSC citation fines is to turn unpaid citations over to a collection agency.

Compliance with federal enforcement requirements related to holders of a commercial driver's license

One challenge facing communities looking to implement a SSC program is whether such programs violate the Federal Motor Carrier Safety Administration's (FMCSA) rule on masking (Title 49 CFR 384.226). To ensure commercial driver's license (CDL) records are accurate, FMCSA regulations prohibit masking, which occurs when a court allows a CDL holder's conviction for a violation of a traffic control law to be deferred, dismissed or go unreported. Minnesota has adopted this same provision into Section 171.163. Since a SSC citation would not be entered onto a driver's record, there is no reporting of the violation. Because of this, SSC violations committed by a CDL holder would not be recorded and thus could not be used to disqualify that driver's commercial driver's license.

To address this concern, Minnesota Department of Transportation (MnDOT) contacted FMCSA on Oct. 3, 2023, to inquire if an administrative SSC program would violate Title 49 CFR 384.226. An e-mail response was received back from FMCSA's Deputy Chief Counsel Chuck Fromm on Oct. 6, 2023, stating, "The prohibition on masking in 49 CFR 384.226 **does not** apply to speed camera administrative citations, where the driver is not identified and no conviction results....".

If Minnesota chooses to implement a SSC program, a more formal response from FMCSA will be necessary.

Conclusion

The overwhelming role of excessive speed in traffic fatalities requires new approaches to roadway safety. Law enforcement officers cannot be present on every roadway or address the number of speed-related violations that occur, both on local roads and in work zones. SSCs enable communities to augment traditional enforcement efforts with proven technology that can prevent serious injuries, save lives and advance equitable enforcement.

By revising current Minnesota law in section 169.999 to include SSC enforcement, traffic safety outcomes can be improved in Minnesota. In so doing, Minnesota will use an existing legal framework to avoid overburdening an already strapped criminal justice system while enhancing the safety of Minnesota's roadways.

Appendix

The Governors Highway Safety Association (GHSA) has compiled a listing of states with automated enforcement programs for reference at: <https://www.ghsa.org/state-laws/issues/speed%20and%20red%20light%20cameras>

Examples of state speed safety camera laws:

1. Alabama: <https://law.justia.com/codes/alabama/title-45/chapter-37a/article-33/part-2/part-2/section-45-37a-331-33/>
2. Arizona: <https://www.azleg.gov/ars/28/01602.htm>
3. Arkansas: <https://www.arkleg.state.ar.us/Home/FTPDocument?path=%2FACTS%2F2023R%2FPublic%2FACT707.pdf>
4. California: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB645
5. Colorado: <https://codes.findlaw.com/co/title-42-vehicles-and-traffic/co-rev-st-sect-42-4-110-5/>
6. Connecticut: <https://www.cga.ct.gov/PS98/rpt/olr/htm/98-R-0929.htm>
7. District of Columbia: [https://code.dccouncil.gov/us/dc/council/code/titles/50/chapters/22/subchapters/V#:~:text=%C2%A7%2050%E2%80%932209.01.,may%20be%20submitted%20without%20authentication.&text=\(3\)%20Timely%20pay%20any%20civil,801%2C%2063%20DCR%2010143.](https://code.dccouncil.gov/us/dc/council/code/titles/50/chapters/22/subchapters/V#:~:text=%C2%A7%2050%E2%80%932209.01.,may%20be%20submitted%20without%20authentication.&text=(3)%20Timely%20pay%20any%20civil,801%2C%2063%20DCR%2010143.)
8. Delaware: <https://delcode.delaware.gov/title21/c041/sc08/>
9. Florida: <https://www.fdot.gov/traffic/trafficservices/school-zone-speed-detection-system/>
10. Georgia: <https://law.justia.com/codes/georgia/title-40/chapter-14/article-2/section-40-14-18/>
11. Illinois: <https://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=062500050K11-208.8>
12. Indiana: <https://legiscan.com/IN/bill/HB1015/2023>
13. Iowa: <https://www.legis.iowa.gov/legislation/BillBook?ga=90&ba=HF%202681>
14. Louisiana: <https://codes.findlaw.com/la/revised-statutes/la-rev-stat-tit-32-sect-45/>
15. Maryland: <https://roads.maryland.gov/mdotsha/pages/index.aspx?PageId=814>
16. New Mexico: https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-117907
17. New York: <https://casetext.com/statute/consolidated-laws-of-new-york/chapter-vehicle-and-traffic/title-7-rules-of-the-road/article-30-speed-restrictions/section-1180-e-effective-until-1062026-owner-liability-for-failure-of-operator-to-comply-with-certain-posted-maximum-speed-limits>
18. Ohio: <https://codes.ohio.gov/ohio-revised-code/section-4511.093>
19. Oregon: https://oregon.public.law/statutes/ors_810.439#google_vignette
20. Pennsylvania: <https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&t=75&div=0&chp=33&sctn=70&subctn=0>
21. Rhode Island: <http://webserver.rilin.state.ri.us/statutes/title31/31-41.3/INDEX.HTM>
22. Tennessee: <https://codes.findlaw.com/tn/title-55-motor-and-other-vehicles/tn-code-sect-55-8-198/#:~:text=55%2D8%2D198->

- [Tennessee%20Code%20Title%2055.,Vehicles%20%A7%2055%2D8%2D198&text=\(a\)%20A%20traffic%20citation%20that,considered%20a%20nonmoving%20traffic%20violation.](#)
23. Virginia: <https://law.lis.virginia.gov/vacode/title46.2/chapter8/section46.2-882.1/#:~:text=The%20operator%20of%20a%20vehicle,the%20zone%20monitored%20by%20the>
 24. Washington: <https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/2384-S.SL.pdf?q=20240405092242>

