

Walker, Madison

From: Walker, Madison
Sent: Tuesday, January 10, 2012 9:30 AM
To: Walker, Madison
Subject: Traffic Commission Report
Attachments: Traffic Commission Report.pdf

Good morning,

On behalf of Glenn McCall, Chair of the South Carolina Traffic Camera Enforcement Commission, attached is the proposed Commission Report for your review. Please submit any comments or recommendations to me by this Friday, January 13th as we would like to submit the finalized report as soon as possible. Feel free to contact me with questions.

Thank you,

Madison Walker
Director of Boards and Commissions
Office of Governor Nikki R. Haley
803.734.2100

Walker, Madison

From: Walker, Madison
Sent: Monday, January 09, 2012 2:46 PM
To: 'Bryan Stirling'
Subject: RE: resume

k. almost ready for traffic camera discussion. 3:00 okay?

From: Bryan Stirling [mailto: [REDACTED]]
Sent: Monday, January 09, 2012 1:50 PM
To: Walker, Madison
Subject: Fwd: resume

Here you go. John De La Hoye school.

----- Forwarded message -----

From: < [REDACTED] >
Date: Mon, Jan 9, 2012 at 12:44 PM
Subject: resume
To: [REDACTED]

Hey man. Here it is. Hopefully it's enough info.

Walker, Madison

From: Veldran, Katherine
Sent: Wednesday, January 04, 2012 5:24 PM
To: Walker, Madison
Subject: FW: [FWD: Re: Legislative priorities for 2012]

Madison,
Can you shed some light this situation?
Thanks, Veldran

From: Debbie Barthe [mailto:DebbieBarthe@scsenate.gov]
Sent: Wednesday, January 04, 2012 4:34 PM
To: Veldran, Katherine
Subject: FW: [FWD: Re: Legislative priorities for 2012]

Katherine,

Hoping you can help me find the correct contact to help us on this. Senator Davis received a follow up inquiry from Mr. Bill Lowrie, asking when the committee will be looking into the Ridgeland camera matter. I believe that Senator Davis offered up an amendment that formed the commission, and I remember that earlier this fall there was news that the report had not been submitted to the GA.

I have included an article that speaks about this issue. I think the commission was formed, but I can't find any information about it or what they have done.

Do you know any details about this commission and report that we can share with our constituent?

Thanks.

Debbie Barthe
For Senator Tom Davis

Traffic camera commission chairman says belated group will meet soon

By PATRICK DONOHUE
pdonohue@beaufortgazette.com
843-706-8152
By PATRICK DONOHUE The Island Packet
Published Wednesday, November 2, 2011

Updated Wednesday, November 2, 2011

Although the panel he leads has not yet met and has missed a Nov. 1 deadline to report to state lawmakers, Glenn McCall says the S.C. Traffic Enforcement Commission will not remain dormant for long.

McCall, chairman of the York County Republican Party, was appointed Friday by Gov. Nikki Haley to chair the 13-member commission, which was created by state lawmakers in June to examine the ethical, legal and policy issues posed by traffic cameras.

Several state officials have said the group never met, and that the panel failed to produce a report to the General Assembly by Nov. 1, as instructed by state law.

A Haley spokesman blamed the oversight on language in the bill that did not specify how the study group would be staffed.

McCall said he has spent much of the past week researching the use of cameras to enforce traffic laws and intends to convene the panel within two weeks.

"I'd love to meet next week, if possible," McCall said. "If we can't, we certainly will meet before the week of Thanksgiving so we can begin to divvy up the questions that we are required, by the law, to answer."

The study group must answer more than 20 questions related to the use of traffic cameras. Those questions include the constitutionality of mailing speeding tickets to alleged violators, whether the state has enough judges and magistrates to handle the increase in citations and whether the S.C. Department of Public Safety should be the only agency authorized to use the cameras.

McCall said the panel's work will go a long way toward determining the usefulness of traffic cameras, which were first used in the state last year by the town of Ridgeland. Officials there pulled the plug on the cameras after state lawmakers in June outlawed their use to enforce speeding laws and tickets based on photographic evidence.

"I was reading through some studies this weekend ... and it appears when you put those cameras up, folks do tend to slow down and they do reduce accidents," McCall said. "This is an important issue, and we need to have our findings to the legislature before it reconvenes."

State lawmakers are expected to reconvene Jan. 10, according to state records.

Follow reporter Patrick Donohue at twitter.com/ProtectServeBft.

Traffic camera commission never meets, fails to report findings

By PATRICK DONOHUE
pdonohue@beaufortgazette.com
843-706-8152

By PATRICK DONOHUE The Island Packet
Published Tuesday, November 1, 2011
Updated Tuesday, November 1, 2011

A 13-member commission created in June to examine any future use of traffic cameras in South Carolina missed its Nov. 1 deadline to report findings to state lawmakers.

In fact, the S.C. Traffic Enforcement Commission never met, according to several state officials.

The panel was created as part of a state law that banned the use of cameras to enforce speeding laws and tickets based upon photographic evidence.

The law required the commission to examine the ethical, legal and policy issues posed by traffic cameras. It was to include representatives from state government, the S.C. Sheriff's Association and other law enforcement groups, as well as the S.C. Bar and Criminal Defense Lawyers associations.

The group was instructed to begin meeting "as soon as practically possible" with Gov. Nikki Haley or her designee serving as the group's chairman, and report back to the General Assembly by Nov. 1.

A spokeswoman for the S.C. Bar Association and Beaufort County Sheriff P.J. Tanner, former president of the Sheriff's Association, said that never happened.

"We had decided that our executive director, Jeff Moore, was going to represent us on the committee," Tanner said. "No meeting was ever called. We were told that no one was given the task of calling a meeting."

A Haley spokesman blamed language in the new law for the oversight but provided a letter showing Haley did not appoint a chairman until Friday.

"These advisory committee bills typically specify who is staffing the commission," Haley spokesman Rob Godfrey said. "This bill left that detail out. Gov. Haley has appointed Glenn McCall to this legislatively constituted commission. Mr. McCall is ready to meet when the entity that is staffing this commission has been determined."

McCall is chairman of the York County Republican Party.

The study group was created by an amendment introduced by Sen. Tom Davis, R-Beaufort, to a bill sponsored by Sen. Larry Grooms, R-Bonneau, to outlaw the technology, which was pioneered in the state by the town of Ridgeland and its contractor, iTraffic.

Ridgeland became the first municipality in South Carolina to use traffic cameras when it deployed the technology in August 2010 to catch and ticket speeders on Interstate 95. The town pulled the plug on the controversial cameras following the bill's passage this summer.

As chairman of the Senate Transportation Committee, Grooms also was expected to serve on the study group and said it was the responsibility of Haley or her appointee to ensure the committee met on time.

"When these study groups are created, it is the responsibility of the chairman to call the first meeting," Grooms said. "It was the governor's responsibility to appoint someone to serve as chairman, but a chairman was never appointed, so we never met. I intend to serve on the committee whenever it meets."

Some state lawmakers who voted for Grooms' bill earlier this year voiced their disappointment Tuesday that the panel failed to meet.

"It's kind of disappointing," said Rep. Bill Herbkersman, R-Bluffton. "I probably still would have voted for the bill if that amendment hadn't been attached, but (the amendment) was an important part of it. We need to know the whole story, especially when it comes to something this controversial and something this important."

Davis urged the group to begin meeting as soon as possible.

"Having once been a governor's chief of staff, I know how hectic things can get and how deadlines can be missed," Davis said. "The important thing now is for the commission to be constituted quickly and for it to begin making the inquiries required by the law."

Follow reporter Patrick Donohue at twitter.com/ProtectServeBft.

Walker, Madison

From: Glenn McCall [REDACTED]
Sent: Friday, December 16, 2011 3:16 PM
To: Walker, Madison; David Owens; Bryan Stirling
Subject: DRAFT: Traffic Cam Report
Attachments: Speed Cam Report 12 8 11.docx

Hello Team,

After reviewing the attached draft Traffic Camera Enforcement Report, I feel that it addresses the questions posed in the legislation with brevity and lacking any ambiguity. I would suggest that once Bryan has had an opportunity to review the document and make edits, if needed; then we can share the draft report along with our meeting minutes with the Governor and Senator Grooms for review and comments.

Thank you for your hard work and dedication to our great state.

-Glenn
(m) 704.907.3319

----- Forwarded message -----

From: David Owens <DavidOwens@scsenate.gov>
Date: Wed, Dec 14, 2011 at 2:09 PM
Subject: DRAFT Traffic Cam Report
To: "[REDACTED]" <[REDACTED]>
Cc: "Walker, Madison" <MadisonWalker@gov.sc.gov>, Bryan Stirling <BSTirling@scag.gov>

Mr. McCall,

It was good speaking with you today. Attached is a revised draft that I sent the Governor's office on Thursday, as well as their initial draft. More information is below.

Please call if you have questions.

Thank you.

David Owens
Senate Transportation
Senator Grooms' office
[803.212.6402](tel:803.212.6402)

-----Original Message-----

From: David Owens
Sent: Thursday, December 08, 2011 4:58 PM
To: 'Walker, Madison'
Cc: 'Bryan Stirling'
Subject: DRAFT Traffic Cam Report

Madison and Bryan,

Attached is a revised draft the report. Please proofread it and make changes you think necessary. Bryan, I believe you should review any legal concerns. The other attachment is Madison's first draft. I will be out of the office tomorrow, returning on Monday. Madison, it would be good to forward this and any edits to Commission members for their review this weekend. Thanks.
David
803-212-6402

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From: Walker, Madison [mailto:MadisonWalker@gov.sc.gov]
Sent: Wednesday, November 30, 2011 4:18 PM
To: David Owens
Subject: RE: Traffic Cam Report

Bryan can review this on Friday, but if you want to look over it in the meantime... I'm wondering if we need to include sources of some of the stats, and if we want to include any additional stats/facts to back everything up. Some of those parts are highlighted. Also, I'm thinking we need to include a summary and/or conclusion. Just not sure how in depth we want this to be. Let me know.
Madison

From: David Owens [mailto:DavidOwens@scsenate.gov]
Sent: Wednesday, November 30, 2011 1:31 PM
To: Walker, Madison
Subject: RE: Traffic Cam Report

If you need help let me know.
Thanks.

From: Walker, Madison [mailto:MadisonWalker@gov.sc.gov]
Sent: Wednesday, November 30, 2011 12:13 PM
To: David Owens
Subject: Re: Traffic Cam Report

David,
We are working on the report and will hopefully have it done by the end of the week.
Thanks.
Madison Walker

From: David Owens [mailto:DavidOwens@scsenate.gov]
Sent: Tuesday, November 29, 2011 03:14 PM
To: Walker, Madison
Subject: Re: Traffic Cam Report

Madison,
Senator Grooms asks what's the latest on the draft?
Thanks.
David

From: Walker, Madison

To: David Owens

Sent: Thu Nov 17 09:54:57 2011

Subject: RE: Traffic Cam Report

No problem - if there's any information or anything you think should be written/included, please let me know!

From: David Owens [mailto:DavidOwens@scsenate.gov]

Sent: Thursday, November 17, 2011 9:58 AM

To: Walker, Madison

Subject: Re: Traffic Cam Report

Thank you.

From: Walker, Madison

To: David Owens

Sent: Thu Nov 17 08:49:25 2011

Subject: RE: Traffic Cam Report

Stirling and I are working on a draft, we'll send it over to you as soon as we have something concrete before it goes further.

Thanks

From: David Owens [mailto:DavidOwens@scsenate.gov]

Sent: Wednesday, November 16, 2011 1:37 PM

To: Walker, Madison

Subject: Traffic Cam Report

Madison,

What's the latest on the traffic cam report?

Thanks,

David

Walker, Madison

From: Bryan Stirling [bstirling@scag.gov]
Sent: Wednesday, December 14, 2011 4:46 PM
To: DavidOwens@scsenate.gov
Cc: Walker, Madison; Mark Plowden
Subject: Re: DRAFT Traffic Cam Report

[REDACTED] Mark Plowden from my office will be sending a reply. He is waiting on Bob Cook to review it. I sent it to Bob to review.

Bryan Stirling
Deputy Attorney General
State of South Carolina

Sent from my iPhone

On Dec 14, 2011, at 2:10 PM, "David Owens <DavidOwens@scsenate.gov>" <DavidOwens@scsenate.gov> wrote:

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> David Owens
> Senate Transportation
> Senator Grooms' office
> 803.212.6402

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> Madison, it would be good to forward this and any edits to Commission members for their review this weekend.

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Walker, Madison

From: Walker, Madison
Sent: Wednesday, December 14, 2011 4:44 PM
To: 'Bryan Stirling'
Subject: RE: DRAFT Traffic Cam Report

Thanks Bryan. Hope you're doing well. Miss ya at Carolina Café!! Feel better --MW

-----Original Message-----

From: Bryan Stirling [<mailto:bstirling@scag.gov>]
Sent: Wednesday, December 14, 2011 4:46 PM
To: DavidOwens@scsenate.gov
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Deputy Attorney General
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Walker, Madison

From: Rick Fulmer [RickFulmer@schouse.gov]
Sent: Monday, November 21, 2011 2:17 PM
To: Walker, Madison
Subject: RE: The South Carolina Traffic Camera Enforcement Commission

Thanks, I passed along your message to Chairman Owens. If you would keep me posted, that would be most appreciated. I will let you know as soon as he has chosen a designee.

Take care,
Rick

From: Walker, Madison [mailto:MadisonWalker@gov.sc.gov]
Sent: Monday, November 21, 2011 2:08 PM
To: Rick Fulmer
Cc: Debra Brooks
Subject: RE: The South Carolina Traffic Camera Enforcement Commission

The first meeting was held on November 10th. There are no future meetings currently scheduled. I will be happy to keep you posted if/when one is scheduled.

Thanks,
Madison

From: Rick Fulmer [mailto:RickFulmer@schouse.gov]
Sent: Monday, November 21, 2011 1:58 PM
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Subject: The South Carolina Traffic Camera Enforcement Commission

Dear Ms. Walker,

I am the staff attorney for Chairman Phil Owens of the House Education & Public Works Committee. By statute, he or his designee serves on the above referenced Commission.

He is planning on naming a designee shortly and expects to be speaking to a possible designee this evening. He asked that I contact you to see if and when another meeting has been scheduled. He simply wants to pass this information along to his anticipated designee. If no meeting has yet been scheduled, please so advise.

Thank you for your gracious assistance in this matter.

Rick Fulmer

Staff Attorney
SC House of Representatives
Education & Public Works Committee
429 Blatt Building
P.O. Box 11867
Columbia, SC 29211

(w) (803) 734-3053
email: rickfulmer@schouse.gov

Walker, Madison

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From: Glenn McCall [redacted]
Sent: Wednesday, November 09, 2011 5:41 PM
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Subject: Re: RE: SC Traffic Camera Enforcement Commission Meeting Agenda attached

Thank you and looking forward to seeing you tomorrow! -Glenn

On Nov 9, 2011 4:43 PM, "Walker, Madison" <MadisonWalker@gov.sc.gov> wrote:

Sure thing!

From: Glenn McCall [mailto:[redacted]]
Sent: Wednesday, November 09, 2011 4:37 PM
To: Walker, Madison
Subject: SC Traffic Camera Enforcement Commission Meeting Agenda attached

Hello Madison,

Please provide copies of the attached TCEC Meeting Agenda for tomorrow.

Thanks,

-Glenn

Walker, Madison

From: Walker, Madison
Sent: Wednesday, November 09, 2011 4:51 PM
To: 'Katherine Thomas'
Subject: RE: FW: NOTICE: SC Traffic Camera Enforcement Commission

Thank you!!

-----Original Message-----

From: Katherine Thomas [<mailto:kthomas@oepp.sc.gov>]
Sent: Wednesday, November 09, 2011 4:49 PM
To: Walker, Madison
Subject: Re: FW: NOTICE: SC Traffic Camera Enforcement Commission

It is posted.

>>> "Walker, Madison" <MadisonWalker@gov.sc.gov> 11/9/2011 4:36 pm >>>

From: Walker, Madison
Sent: Tuesday, November 08, 2011 1:53 PM
To: 'Bryan Stirling'
Subject: FW: NOTICE: SC Traffic Camera Enforcement Commission

From: Walker, Madison
Sent: Monday, November 07, 2011 10:40 AM
To: Walker, Madison
Subject: NOTICE: SC Traffic Camera Enforcement Commission

Good morning,

On behalf of Glenn McCall, Chair of the South Carolina Traffic Camera Enforcement Commission, attached is a meeting notice for this Thursday, November 10th at 10:00 AM, as well as the enabling legislation for the Commission.

Thank you,

Madison Walker
Office of Governor Nikki R. Haley
803.734.2100

Walker, Madison

From: Katherine Thomas [kthomas@oepp.sc.gov]
Sent: Wednesday, November 09, 2011 4:49 PM
To: Walker, Madison
Subject: Re: FW: NOTICE: SC Traffic Camera Enforcement Commission

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>>> "Walker, Madison" <MadisonWalker@gov.sc.gov> 11/9/2011 4:36 pm >>>

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Subject: FW: NOTICE: SC Traffic Camera Enforcement Commission

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Subject: NOTICE: SC Traffic Camera Enforcement Commission

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Madison Walker
Office of Governor Nikki R. Haley
803.734.2100

Walker, Madison

From: Walker, Madison
Sent: Wednesday, November 09, 2011 4:40 PM
To: 'Glenn McCall'
Subject: RE: SC Traffic Camera Enforcement Commission Meeting Agenda attached

Sure thing!

From: Glenn McCall [mailto:
Sent: Wednesday, November 09, 2011 4:37 PM
To: Walker, Madison
Subject: SC Traffic Camera Enforcement Commission Meeting Agenda attached

Hello Madison,

Please provide copies of the attached TCEC Meeting Agenda for tomorrow.

Thanks,
-Glenn

Walker, Madison

From: Glenn McCall [REDACTED]
Sent: Wednesday, November 09, 2011 4:37 PM
To: Walker, Madison
Subject: SC Traffic Camera Enforcement Commission Meeting Agenda attached
Attachments: SC Traffic Camera Enforcement Agenda 111011.doc

Hello Madison,

Please provide copies of the attached TCEC Meeting Agenda for tomorrow.

Thanks,
-Glenn

Walker, Madison

From: Walker, Madison
Sent: Wednesday, November 09, 2011 4:36 PM
To: 'Katherine Thomas'
Subject: FW: NOTICE: SC Traffic Camera Enforcement Commission
Attachments: TCEC Meeting 11.10.11.pdf

From: Walker, Madison
Sent: Tuesday, November 08, 2011 1:53 PM
To: 'Bryan Stirling'
Subject: FW: NOTICE: SC Traffic Camera Enforcement Commission

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To: Walker, Madison
Subject: NOTICE: SC Traffic Camera Enforcement Commission

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Madison Walker
Office of Governor Nikki R. Haley
803.734.2100

Walker, Madison

From: Bryan Stirling [BStirling@scag.gov]
Sent: Tuesday, November 08, 2011 1:57 PM
To: Walker, Madison
Subject: Re: FW: NOTICE: SC Traffic Camera Enforcement Commission
Attachments: Bryan Stirling.vcf

Thanks.

>>> "Walker, Madison" <MadisonWalker@gov.sc.gov> 11/8/2011 1:53 PM >>>

From: Walker, Madison
Sent: Monday, November 07, 2011 10:40 AM
To: Walker, Madison
Subject: NOTICE: SC Traffic Camera Enforcement Commission

Good morning,

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Thank you,

Madison Walker
Office of Governor Nikki R. Haley
803.734.2100

--- Scanned by M+ Guardian Messaging Firewall ---

Walker, Madison

From: Walker, Madison
Sent: Tuesday, November 08, 2011 1:53 PM
To: 'Bryan Stirling'
Subject: FW: NOTICE: SC Traffic Camera Enforcement Commission
Attachments: TCEC Meeting 11.10.11.pdf; TCEC Enabling Legislation.pdf

From: Walker, Madison
Sent: Monday, November 07, 2011 10:40 AM
To: Walker, Madison
Subject: NOTICE: SC Traffic Camera Enforcement Commission

Good morning,

On behalf of Glenn McCall, Chair of the South Carolina Traffic Camera Enforcement Commission, attached is a meeting notice for this **Thursday, November 10th at 10:00 AM**, as well as the enabling legislation for the Commission.

Thank you,

Madison Walker
Office of Governor Nikki R. Haley
803.734.2100

Walker, Madison

From: Marvin Quattlebaum [marvin.quattlebaum@nelsonmullins.com]
Sent: Monday, November 07, 2011 11:49 AM
To: Walker, Madison
Subject: RE: NOTICE: SC Traffic Camera Enforcement Commission

I have designated Frank Eppes as the representative of the SC Bar. Frank is getting married this week so he probably will not be able to attend this meeting. So we will have a representative of the SC Bar staff there in Frank's place. It will be either Bob Wells, Leah Johnson or Kali Turner. Thank you and please let me know if you have any questions.

From: Walker, Madison [<mailto:MadisonWalker@gov.sc.gov>]
Sent: Monday, November 07, 2011 10:40 AM
To: Walker, Madison
Subject: NOTICE: SC Traffic Camera Enforcement Commission

Good morning,

On behalf of Glenn McCall, Chair of the South Carolina Traffic Camera Enforcement Commission, attached is a meeting notice for this **Thursday, November 10th at 10:00 AM**, as well as the enabling legislation for the Commission.

Thank you,

Madison Walker
Office of Governor Nikki R. Haley
803.734.2100

Walker, Madison

From: Marion Edmonds [medmonds@scprt.com]
Sent: Monday, November 07, 2011 10:46 AM
To: Walker, Madison
Subject: RE: NOTICE: SC Traffic Camera Enforcement Commission

Thanks. See you then.

From: Walker, Madison [mailto:MadisonWalker@gov.sc.gov]
Sent: Monday, November 07, 2011 10:40 AM
To: Walker, Madison
Subject: NOTICE: SC Traffic Camera Enforcement Commission

Good morning,

On behalf of Glenn McCall, Chair of the South Carolina Traffic Camera Enforcement Commission, attached is a meeting notice for this **Thursday, November 10th at 10:00 AM**, as well as the enabling legislation for the Commission.

Thank you,

Madison Walker
Office of Governor Nikki R. Haley
803.734.2100

Walker, Madison

From: Walker, Madison
Sent: Monday, November 07, 2011 10:40 AM
To: Walker, Madison
Subject: NOTICE: SC Traffic Camera Enforcement Commission
Attachments: TCEC Meeting 11.10.11.pdf; TCEC Enabling Legislation.pdf

Good morning,

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Office of Governor Nikki R. Haley
803.734.2100

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Thank you,

Madison Walker
Office of Governor Nikki R. Haley
803.734.2100

Walker, Madison

From: Glenn McCall [mailto: [REDACTED]]
Sent: Thursday, November 03, 2011 3:14 PM
To: Walker, Madison
Subject: Re: RE: Dates available for Traffic Camera Enforcement Commission Mtg. next week

No... Whatever works best for the majority! Thanks

On Nov 3, 2011 1:13 PM, "Walker, Madison" <MadisonWalker@gov.sc.gov> wrote:

Do you have a preference of time for starting?

From: Glenn McCall [mailto: [REDACTED]]
Sent: Thursday, November 03, 2011 12:38 PM
To: Walker, Madison
Subject: Dates available for Traffic Camera Enforcement Commission Mtg. next week

Hello Madison,

I'm available for our initial TCE Commission meeting on Tuesday, Nov. 8th; Wednesday, Nov. 9th or Thursday, November 10th. Please set the time that will allow for a quorum at the meeting.

Thank you,

-Glenn

Walker, Madison

From: Walker, Madison
Sent: Thursday, November 03, 2011 1:11 PM
To: 'Glenn McCall'
Subject: RE: Dates available for Traffic Camera Enforcement Commission Mtg. next week

Do you have a preference of time for starting?

From: Glenn McCall [mailto:[\[REDACTED\]](#)]
Sent: Thursday, November 03, 2011 12:38 PM
To: Walker, Madison
Subject: Dates available for Traffic Camera Enforcement Commission Mtg. next week

Hello Madison,

I'm available for our initial TCE Commission meeting on Tuesday, Nov. 8th; Wednesday, Nov. 9th or Thursday, November 10th. Please set the time that will allow for a quorum at the meeting.

Thank you,
-Glenn

Walker, Madison

From: Glenn McCall [REDACTED]
Sent: Thursday, November 03, 2011 12:38 PM
To: Walker, Madison
Subject: Dates available for Traffic Camera Enforcement Commission Mtg. next week

Hello Madison,

I'm available for our initial TCE Commission meeting on Tuesday, Nov. 8th; Wednesday, Nov. 9th or Thursday, November 10th. Please set the time that will allow for a quorum at the meeting.

Thank you,
-Glenn

Walker, Madison

From: Walker, Madison
Sent: Wednesday, November 02, 2011 9:47 AM
To: 'Glenn McCall'
Subject: Traffic Commission
Attachments: traffic commission.docx

Mr. McCall,

Attached is the legislation that sets up the Traffic Camera Enforcement Commission. You can also find it here:

http://www.scstatehouse.gov/cgi-bin/query.exe?first=DOC&querytext=traffic%20camera%20enforcement&category=Legislation&session=119&conid=6779586&result_pos=0&keyval=1190336. The confirmation of your appointment has been sent out and should be arriving at your house soon. Please let me know if you need anything.

Thanks,

Madison Walker
Director of Boards and Commissions
Office of Governor Nikki R. Haley
O: 803.734.5086 | C: 803.429.4947

Walker, Madison

From: Godfrey, Rob
Sent: Tuesday, November 01, 2011 12:12 PM
To: Pitts, Ted; Walker, Madison; Pearson, Tim
Subject: FW: Traffic Camera Commission

Have we made the commission appointment?

-----Original Message-----

From: Patrick Donohue [mailto:pdonohue@beaufortgazette.com]
Sent: Tuesday, November 01, 2011 12:14 PM
To: Godfrey, Rob
Subject: Traffic Camera Commission

Hey Rob -- Just wondering what the status was with the Governor's appointees to the Traffic Camera Commission. This is a panel commissioned by state law with examining the legal, ethical and policy issues posed by the use of traffic cameras. It was supposed to report its findings to the General Assembly today, and I'm wondering what its findings were. If you could get back to me as soon as possible, I'd appreciate it.

Patrick

Patrick Donohue
The Beaufort Gazette
Military/Police Reporter
(843) 706-8152 - Work
(843) 321-9845 - Mobile

Walker, Madison

From: Tricia Miller [TriciaMiller@schouse.gov]
Sent: Friday, October 21, 2011 11:29 AM
To: Walker, Madison
Subject: FW: Traffic camera enforcement commission

Hey Madison,

Hope you are having a good week. We just received an email from Senator Davis concerning appointments to the SC Traffic Camera Enforcement Commission and wanted to know if any appointments have been made and who is staffing this commission. This appointment was just brought to our attention and hope to have our designee named by the 1st of next week. I have not seen any meeting notices, etc. and just thought I would check with you and see who was handling. Thank you for your help.

-----Original Message-----

From: Tom Davis <tdavis@harveyandbattey.com>
Date: Fri, 21 Oct 2011 14:50:38
To: <TedPitts@gov.sc.gov>; <KatherineVeldran@gov.sc.gov>; <RobGodfrey@gov.sc.gov>; <[REDACTED]>
Cc: <[REDACTED]>; <JohnHazzard@scsenate.gov>; <[REDACTED]>; <[REDACTED]>; <dparrish@scprt.com>; <jtoal@sccourts.org>; <sheriffsc@[REDACTED]>; <marvin.quattlebaum@nelsonmullins.com>; <sbauer@bauerlawfirm.com>; <fosterg@schouse.org>; <[REDACTED]>; <fosterg@scstatehouse.net>
Subject: Traffic camera enforcement commission

All,

Section 4 of Act 65, printed below, provides for the appointment of a 13-member traffic enforcement commission to study the pros and cons of traffic cameras. The commission is to conclude its business and issue its findings to the General Assembly by November 1, 2011.

If you could have the commission's report forwarded to me once it is has been completed I would appreciate it. I have copied the commission members (or their assistants) with this email. Thanks.

Tom Davis
State Senator for Beaufort County

SECTION 4. (A) There is established a commission to be known as the South Carolina Traffic Camera Enforcement Commission which must exercise the powers and fulfill the duties contained in this section. The commission is comprised of the following thirteen members:

- (1) the Governor, ex officio, or her designee;
- (2) the Chief Justice of the South Carolina Supreme Court, or her designee;
- (3) the Speaker of the House of Representatives, ex officio, or his designee;
- (4) the President Pro Tempore of the Senate, ex officio, or his designee;
- (5) the Attorney General of South Carolina, ex officio, or his designee;
- (6) the Director of the Department of Public Safety, ex officio, or his designee;
- (7) the Director of the Department of Parks, Recreation and Tourism, ex officio, or his designee;
- (8) the Chairman of the Senate Transportation Committee, ex officio, or his designee;
- (9) the Chairman of the House Education and Public Works Committee, ex officio, or his designee;

- (10) the President of South Carolina Law Enforcement Officers Association, or his designee;
- (11) the President of the South Carolina Sheriff's Association, or his designee;
- (12) the President of the South Carolina Bar Association, or his designee; and
- (13) the President of the South Carolina Association of Criminal Defense Lawyers, or his designee.
- (B) The Governor, or her designee, shall serve as chairman of the commission.
- (C) Designees serving on the commission must have substantial academic or professional experience or specialization in one or more areas of law enforcement, public safety, or civil or criminal justice. Designees serving on the commission must have been a resident of South Carolina since January 1, 2001.
- (D) The commission must meet as soon as practicable after appointment to organize itself and elect officers that it considers necessary. Thereafter, the commission must meet as necessary to exercise the powers and fulfill the duties required by this section at the call of the chairman or by a majority of the members. A quorum consists of six members.
- (E) The duties of the commission shall be to:
- (1) conduct a comprehensive study concerning the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;
- (2) develop criteria for assessing the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;
- (3) issue a report of its findings concerning utilizing traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws. The report must consider and address at least the following issues:
- (a) the positives and negatives of a private company's involvement in enforcing traffic laws;
- (b) assuming private companies are authorized to participate in enforcing traffic laws, the appropriate distribution of authority between law enforcement and a private company;
- (c) whether there is a conflict of interest when a private company is paid a commission based on the number of traffic tickets issued through the use of its traffic enforcement camera systems and, if so, how the conflict of interest may be resolved;
- (d) the public policy implications, if any, of a private company reimbursing a state or local government for the use of their law enforcement personnel in connection with the operation of the company's traffic enforcement camera system;
- (e) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether a statewide agency such as the Department of Public Safety should be solely authorized to operate the system, whether a statewide agency should operate the system in conjunction with local law enforcement authorities, or whether local law enforcement authorities be solely authorized to operate systems within their jurisdiction;
- (f) the accuracy of current traffic enforcement camera systems, specifically whether vehicles violating the speed limit or failing to obey traffic control signals or stop signs, other than the vehicle photographed, trigger the photograph being taken and, if so, whether the technology can be improved to prevent that from occurring;
- (g) whether it is important to have a law enforcement officer actually view the vehicle violating a speed limit in order to confirm, with his visual estimation of speed, what the radar indicates, whether an officer viewing a picture being taken of the vehicle is sufficient confirmation, or whether officer confirmation is necessary;
- (h) whether traffic enforcement camera systems present a possible visual disturbance for the driver resulting from a flash when the system takes a picture;
- (i) whether the use of traffic enforcement camera systems diminish the dangers to and increase the safety of law enforcement personnel;
- (j) whether the use of traffic enforcement camera systems decrease the number of speed limit violations and, thereby, increase public safety;
- (k) whether the use of traffic enforcement camera systems in connection with law enforcement raise any personal privacy issues;

- (l) identify the criminal laws, if any, that should not be enforced by cameras;
 - (m) whether the information contained in photographs taken by traffic enforcement camera systems should be limited to the enforcement of traffic laws, or whether the information, including, but not limited to, license plate numbers, should also be generally available for use by law enforcement for official law enforcement purposes;
 - (n) whether there is a difference between using a traffic enforcement camera system to enforce traffic laws related to speed limits and traffic laws requiring obedience to traffic control signals and stop signs;
 - (o) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether they should be used on all public roads, only on certain roads, or only in certain areas, including, but not limited to, school zones, temporary work zones, and construction zones;
 - (p) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether there is a way to ensure that traffic enforcement camera systems are being used to improve road safety, and assuming that their use improves road safety, rather than maximizing government revenues resulting from violations of uniform traffic laws;
 - (q) the constitutionality of utilizing traffic enforcement camera systems to enforce uniform traffic laws and mailing citations to alleged violators, and, if unconstitutional, the manner in which a system may be constitutionally operated;
 - (r) the public policy implications, if any, raised by citations for uniform traffic law violations being mailed to the alleged violator after the event as opposed to being personally delivered contemporaneous with or within one hour of the alleged violation;
 - (s) whether the state's criminal justice system currently has a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems; and
 - (t) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the manner in which the revenue raised should be allocated and the purposes for which it should be used;
- (4) make recommendations, if any, for changes to existing law concerning the use of traffic enforcement camera systems to detect and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs. Rather than making recommendations for changes to existing law, the commission may also recommend that no changes are necessary to the existing law that prohibits the use of traffic enforcement cameras to detect traffic regulation violations. Recommendations made pursuant to this item must be contained in the report issued pursuant to item (3).
- (F) On or before November 1, 2011, the commission must conclude its business and report its findings to the General Assembly, at which time the commission is dissolved. The General Assembly may extend the dates by which the commission shall submit reports required by this act.
- (G) The members of the commission shall serve without compensation and are ineligible for the usual mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

Walker, Madison

From: Walker, Madison
Sent: Tuesday, January 10, 2012 10:05 AM
To: 'Heath Taylor'
Subject: RE: Traffic Commission Report

Got it changed. Sorry about that thanks!

-----Original Message-----

From: Heath Taylor [mailto:heath@taylorlawsc.com]
Sent: Tuesday, January 10, 2012 9:59 AM
To: Walker, Madison
Subject: Re: Traffic Commission Report

Hi Madison:

I have no problems with the report as drafted. However, the "Composition" section does not list me as a member of the commission on behalf of the South Carolina Association of Criminal Defense Lawyers. If you could get that changed, that would be great.

Heath P. Taylor
Taylor Law Firm LLC
3618 Sunset Boulevard, Suite D
West Columbia, SC. 29169
Phone (803) 926-2205
Fax. (803) 926-4966

On Jan 10, 2012, at 9:35 AM, "Walker, Madison" <MadisonWalker@gov.sc.gov> wrote:

> Good morning,
>
> On behalf of Glenn McCall, Chair of the South Carolina Traffic Camera Enforcement
Commission, attached is the proposed Commission Report for your review. Please submit any
comments or recommendations to me by this Friday, January 13th as we would like to submit the
finalized report as soon as possible. Feel free to contact me with questions.
>
> Thank you,
> Madison Walker
> Director of Boards and Commissions
> Office of Governor Nikki R. Haley
> 803.734.2100
> <Traffic Commission Report.pdf>

Walker, Madison

From: Heath Taylor [heath@taylorlawsc.com]
Sent: Tuesday, January 10, 2012 9:59 AM
To: Walker, Madison
Subject: Re: Traffic Commission Report

Hi Madison:

I have no problems with the report as drafted. However, the "Composition" section does not list me as a member of the commission on behalf of the South Carolina Association of Criminal Defense Lawyers. If you could get that changed, that would be great.

Heath P. Taylor
Taylor Law Firm LLC
3618 Sunset Boulevard, Suite D
West Columbia, SC. 29169
Phone (803) 926-2205
Fax. (803) 926-4966

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> Thank you,
> Madison Walker
> Director of Boards and Commissions
> Office of Governor Nikki R. Haley
> 803.734.2100
> <Traffic Commission Report.pdf>

Walker, Madison

From: Walker, Madison
Sent: Tuesday, January 10, 2012 9:30 AM
To: Walker, Madison
Subject: Traffic Commission Report
Attachments: Traffic Commission Report.pdf

Good morning,

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Thank you,

Madison Walker
Director of Boards and Commissions
Office of Governor Nikki R. Haley
803.734.2100

Walker, Madison

From: [REDACTED]
Sent: Monday, January 09, 2012 2:55 PM
To: Walker, Madison
Subject: Re: resume

Maybe just after. In a meeting.

From: "Walker, Madison" <MadisonWalker@gov.sc.gov>
Date: Mon, 9 Jan 2012 14:46:29 -0500
To: Bryan Stirling <[REDACTED]>
Subject: RE: resume

k. almost ready for traffic camera discussion. 3:00 okay?

From: Bryan Stirling [mailto:[REDACTED]]
Sent: Monday, January 09, 2012 1:50 PM
To: Walker, Madison
Subject: Fwd: resume

Here you go. John De La Hoye school.

----- Forwarded message -----

From: <[REDACTED]>
Date: Mon, Jan 9, 2012 at 12:44 PM
Subject: resume
To: [REDACTED]

Hey man. Here it is. Hopefully it's enough info.

Walker, Madison

From: Walker, Madison
Sent: Thursday, January 05, 2012 8:40 AM
To: Veldran, Katherine
Subject: RE: [FWD: Re: Legislative priorities for 2012]

Yes, this is the traffic camera enforcement commission. The report will be released soon, it's in the final stages.

MW

From: Veldran, Katherine
Sent: Wednesday, January 04, 2012 5:24 PM
To: Walker, Madison
Subject: FW: [FWD: Re: Legislative priorities for 2012]

Madison,
Can you shed some light this situation?
Thanks, Veldran

From: Debbie Barthe [mailto:DebbieBarthe@scsenate.gov]
Sent: Wednesday, January 04, 2012 4:34 PM
To: Veldran, Katherine
Subject: FW: [FWD: Re: Legislative priorities for 2012]

Katherine,

Hoping you can help me find the correct contact to help us on this. Senator Davis received a follow up inquiry from Mr. Bill Lowrie, asking when the committee will be looking into the Ridgeland camera matter. I believe that Senator Davis offered up an amendment that formed the commission, and I remember that earlier this fall there was news that the report had not been submitted to the GA.

I have included an article that speaks about this issue. I think the commission was formed, but I can't find any information about it or what they have done.

Do you know any details about this commission and report that we can share with our constituent?

Thanks.

Debbie Barthe
For Senator Tom Davis

Traffic camera commission chairman says belated group will meet soon

By PATRICK DONOHUE
pdonohue@beaufortgazette.com
843-706-8152
By PATRICK DONOHUE The Island Packet
Published Wednesday, November 2, 2011

Updated Wednesday, November 2, 2011

Although the panel he leads has not yet met and has missed a Nov. 1 deadline to report to state lawmakers, Glenn McCall says the S.C. Traffic Enforcement Commission will not remain dormant for long.

McCall, chairman of the York County Republican Party, was appointed Friday by Gov. Nikki Haley to chair the 13-member commission, which was created by state lawmakers in June to examine the ethical, legal and policy issues posed by traffic cameras.

Several state officials have said the group never met, and that the panel failed to produce a report to the General Assembly by Nov. 1, as instructed by state law.

A Haley spokesman blamed the oversight on language in the bill that did not specify how the study group would be staffed.

McCall said he has spent much of the past week researching the use of cameras to enforce traffic laws and intends to convene the panel within two weeks.

"I'd love to meet next week, if possible," McCall said. "If we can't, we certainly will meet before the week of Thanksgiving so we can begin to divvy up the questions that we are required, by the law, to answer."

The study group must answer more than 20 questions related to the use of traffic cameras. Those questions include the constitutionality of mailing speeding tickets to alleged violators, whether the state has enough judges and magistrates to handle the increase in citations and whether the S.C. Department of Public Safety should be the only agency authorized to use the cameras.

McCall said the panel's work will go a long way toward determining the usefulness of traffic cameras, which were first used in the state last year by the town of Ridgeland. Officials there pulled the plug on the cameras after state lawmakers in June outlawed their use to enforce speeding laws and tickets based on photographic evidence.

"I was reading through some studies this weekend ... and it appears when you put those cameras up, folks do tend to slow down and they do reduce accidents," McCall said. "This is an important issue, and we need to have our findings to the legislature before it reconvenes."

State lawmakers are expected to reconvene Jan. 10, according to state records.

Follow reporter Patrick Donohue at twitter.com/ProtectServeBft.

Traffic camera commission never meets, fails to report findings

By PATRICK DONOHUE
pdonohue@beaufortgazette.com
843-706-8152

By PATRICK DONOHUE The Island Packet

Published Tuesday, November 1, 2011

Updated Tuesday, November 1, 2011

A 13-member commission created in June to examine any future use of traffic cameras in South Carolina missed its Nov. 1 deadline to report findings to state lawmakers.

In fact, the S.C. Traffic Enforcement Commission never met, according to several state officials.

The panel was created as part of a state law that banned the use of cameras to enforce speeding laws and tickets based upon photographic evidence.

The law required the commission to examine the ethical, legal and policy issues posed by traffic cameras. It was to include representatives from state government, the S.C. Sheriff's Association and other law enforcement groups, as well as the S.C. Bar and Criminal Defense Lawyers associations.

The group was instructed to begin meeting "as soon as practically possible" with Gov. Nikki Haley or her designee serving as the group's chairman, and report back to the General Assembly by Nov. 1.

A spokeswoman for the S.C. Bar Association and Beaufort County Sheriff P.J. Tanner, former president of the Sheriff's Association, said that never happened.

"We had decided that our executive director, Jeff Moore, was going to represent us on the committee," Tanner said. "No meeting was ever called. We were told that no one was given the task of calling a meeting."

A Haley spokesman blamed language in the new law for the oversight but provided a letter showing Haley did not appoint a chairman until Friday.

"These advisory committee bills typically specify who is staffing the commission," Haley spokesman Rob Godfrey said. "This bill left that detail out. Gov. Haley has appointed Glenn McCall to this legislatively constituted commission. Mr. McCall is ready to meet when the entity that is staffing this commission has been determined."

McCall is chairman of the York County Republican Party.

The study group was created by an amendment introduced by Sen. Tom Davis, R-Beaufort, to a bill sponsored by Sen. Larry Grooms, R-Bonneau, to outlaw the technology, which was pioneered in the state by the town of Ridgeland and its contractor, iTraffic.

Ridgeland became the first municipality in South Carolina to use traffic cameras when it deployed the technology in August 2010 to catch and ticket speeders on Interstate 95. The town pulled the plug on the controversial cameras following the bill's passage this summer.

As chairman of the Senate Transportation Committee, Grooms also was expected to serve on the study group and said it was the responsibility of Haley or her appointee to ensure the committee met on time.

"When these study groups are created, it is the responsibility of the chairman to call the first meeting," Grooms said. "It was the governor's responsibility to appoint someone to serve as chairman, but a chairman was never appointed, so we never met. I intend to serve on the committee whenever it meets."

Some state lawmakers who voted for Grooms' bill earlier this year voiced their disappointment Tuesday that the panel failed to meet.

"It's kind of disappointing," said Rep. Bill Herbkersman, R-Bluffton. "I probably still would have voted for the bill if that amendment hadn't been attached, but (the amendment) was an important part of it. We need to know the whole story, especially when it comes to something this controversial and something this important."

Davis urged the group to begin meeting as soon as possible.

"Having once been a governor's chief of staff, I know how hectic things can get and how deadlines can be missed," Davis said. "The important thing now is for the commission to be constituted quickly and for it to begin making the inquiries required by the law."

Follow reporter Patrick Donohue at twitter.com/ProtectServeBft.

Walker, Madison

From: Walker, Madison
Sent: Wednesday, November 30, 2011 4:18 PM
To: Bryan Stirling
Subject: RE: **report

okay thanks!

From: Bryan Stirling [bstirling@scag.gov]
Sent: Wednesday, November 30, 2011 4:17 PM
To: Walker, Madison
Subject: Re: **report

I am out of town until late tomorrow, I will review when I get back first thing on Friday.

Sent from my iPad

On Nov 30, 2011, at 3:12 PM, "Walker, Madison" <MadisonWalker@gov.sc.gov> wrote:

> Attached is a draft report for the traffic commission. We would LOVE to have it released tomorrow --- or Friday at the latest. Can you look over it, since you're on the executive committee and all??! The yellow highlighted parts are what I think we need to have sources for. Most of this is from David Owens -- and it still needs to be fixed for formatting stuff, but for the overall report part (findings and recommendations) that's what I need to have looked at. Also, do you think there should be a summary or conclusion somewhere?

>

> Let me know!

> Madison

>

> --- Scanned by M+ Guardian Messaging Firewall --- <traffic camera

> report.docx>

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State of South Carolina

Office of the Governor

NIKKI R. HALEY
GOVERNOR

1205 PENDLETON STREET
COLUMBIA 29201

October 28, 2011

The Honorable Mark Hammond
Secretary of State
Columbia, South Carolina 29201

Dear Secretary Hammond,

I, Nikki R. Haley, Governor of South Carolina have appointed Mr. Glenn McCall to the South Carolina Traffic Camera Enforcement Commission pursuant to Act 65 of 2011.

STATEWIDE APPOINTMENT

Term Commencing: 10/28/2011

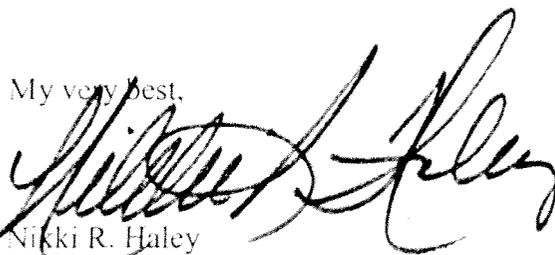
Term Expiring: At the pleasure of the Governor

Seat: Chair

Home Information

Mr. Glenn McCall
1520 Worthington Crossing
Rock Hill, South Carolina 29732
803-327-0560

My very best,


Nikki R. Haley

NRH/mw

**SOUTH CAROLINA TRAFFIC CAMERA ENFORCEMENT
STUDY COMMITTEE MEETING**

**THURSDAY, NOVEMBER 10, 2011
10:00 AM**

**GOVERNOR'S CONFERENCE ROOM OF THE WADE HAMPTON BUILDING
COLUMBIA, SOUTH CAROLINA 29201**

AGENDA:

1. CALL MEETING TO ORDER GLENN McCALL
2. WELCOME AND INTRODUCTION OF THE STUDY COMMITTEE MEMBERS
3. STUDY COMMITTEE SUPPORT STAFF..... MADISON WALKER
4. SUMMARY OF SENATE BILL: S336 SENATOR GROOMS
5. SUMMARY OF COMMITTEE DUTIES
6. COMMENTS AND DISCUSSION
7. HOUSEKEEPING NOTE
8. DATE OF NEXT MEETING
9. ADJOURNMENT

South Carolina Traffic Camera Enforcement Commission

NOTICE OF MEETING

The South Carolina Traffic Camera Enforcement Commission will meet **Thursday, November 10, 2011 at 10:00 AM** in the Governor's Conference Room of the Wade Hampton Office Building, Columbia, South Carolina 29201.

For further information or assistance, please contact madisonwalker@gov.sc.gov.

South Carolina Traffic Camera Enforcement Commission

SECTION 4. (A) There is established a commission to be known as the South Carolina Traffic Camera Enforcement Commission which must exercise the powers and fulfill the duties contained in this section. The commission is comprised of the following thirteen members:

- (1) the Governor, ex officio, or her designee;
- (2) the Chief Justice of the South Carolina Supreme Court, or her designee;
- (3) the Speaker of the House of Representatives, ex officio, or his designee;
- (4) the President Pro Tempore of the Senate, ex officio, or his designee;
- (5) the Attorney General of South Carolina, ex officio, or his designee;
- (6) the Director of the Department of Public Safety, ex officio, or his designee;
- (7) the Director of the Department of Parks, Recreation and Tourism, ex officio, or his designee;
- (8) the Chairman of the Senate Transportation Committee, ex officio, or his designee;
- (9) the Chairman of the House Education and Public Works Committee, ex officio, or his designee;
- (10) the President of South Carolina Law Enforcement Officers Association, or his designee;
- (11) the President of the South Carolina Sheriffs' Association, or his designee;
- (12) the President of the South Carolina Bar Association, or his designee; and
- (13) the President of the South Carolina Association of Criminal Defense Lawyers, or his designee.

(B) The Governor, or her designee, shall serve as chairman of the commission.

(C) Designees serving on the commission must have substantial academic or professional experience or specialization in one or more areas of law enforcement, public safety, or civil or criminal justice. Designees serving on the commission must have been a resident of South Carolina since January 1, 2001.

(D) The commission must meet as soon as practicable after appointment to organize itself and elect officers that it considers necessary. Thereafter, the commission must meet as necessary to

exercise the powers and fulfill the duties required by this section at the call of the chairman or by a majority of the members. A quorum consists of six members.

(E) The duties of the commission shall be to:

(1) conduct a comprehensive study concerning the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;

(2) develop criteria for assessing the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;

(3) issue a report of its findings concerning utilizing traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws. The report must consider and address at least the following issues:

(a) the positives and negatives of a private company's involvement in enforcing traffic laws;

(b) assuming private companies are authorized to participate in enforcing traffic laws, the appropriate distribution of authority between law enforcement and a private company;

(c) whether there is a conflict of interest when a private company is paid a commission based on the number of traffic tickets issued through the use of its traffic enforcement camera systems and, if so, how the conflict of interest may be resolved;

(d) the public policy implications, if any, of a private company reimbursing a state or local government for the use of their law enforcement personnel in connection with the operation of the company's traffic enforcement camera system;

(e) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether a statewide agency such as the Department of Public Safety should be solely authorized to operate the system, whether a statewide agency should operate the system in conjunction with local law enforcement authorities, or whether local law enforcement authorities be solely authorized to operate systems within their jurisdiction;

(f) the accuracy of current traffic enforcement camera systems, specifically whether vehicles violating the speed limit or failing to obey traffic control signals or stop signs, other than the vehicle photographed, trigger the photograph being taken and, if so, whether the technology can be improved to prevent that from occurring;

(g) whether it is important to have a law enforcement officer actually view the vehicle violating a speed limit in order to confirm, with his visual estimation of speed, what the radar

indicates, whether an officer viewing a picture being taken of the vehicle is sufficient confirmation, or whether officer confirmation is necessary;

(h) whether traffic enforcement camera systems present a possible visual disturbance for the driver resulting from a flash when the system takes a picture;

(i) whether the use of traffic enforcement camera systems diminish the dangers to and increase the safety of law enforcement personnel;

(j) whether the use of traffic enforcement camera systems decrease the number of speed limit violations and, thereby, increase public safety;

(k) whether the use of traffic enforcement camera systems in connection with law enforcement raise any personal privacy issues;

(l) identify the criminal laws, if any, that should not be enforced by cameras;

(m) whether the information contained in photographs taken by traffic enforcement camera systems should be limited to the enforcement of traffic laws, or whether the information, including, but not limited to, license plate numbers, should also be generally available for use by law enforcement for official law enforcement purposes;

(n) whether there is a difference between using a traffic enforcement camera system to enforce traffic laws related to speed limits and traffic laws requiring obedience to traffic control signals and stop signs;

(o) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether they should be used on all public roads, only on certain roads, or only in certain areas, including, but not limited to, school zones, temporary work zones, and construction zones;

(p) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether there is a way to ensure that traffic enforcement camera systems are being used to improve road safety, and assuming that their use improves road safety, rather than maximizing government revenues resulting from violations of uniform traffic laws;

(q) the constitutionality of utilizing traffic enforcement camera systems to enforce uniform traffic laws and mailing citations to alleged violators, and, if unconstitutional, the manner in which a system may be constitutionally operated;

(r) the public policy implications, if any, raised by citations for uniform traffic law violations being mailed to the alleged violator after the event as opposed to being personally delivered contemporaneous with, or within one hour of, the alleged violation;

(s) whether the state's criminal justice system currently has a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems; and

(t) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the manner in which the revenue raised should be allocated and the purposes for which it should be used;

(4) make recommendations, if any, for changes to existing law concerning the use of traffic enforcement camera systems to detect and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs. Rather than making recommendations for changes to existing law, the commission also may recommend that no changes are necessary to the existing law that prohibits the use of traffic enforcement cameras to detect traffic regulation violations. Recommendations made pursuant to this item must be contained in the report issued pursuant to item (3).

(F) On or before November 1, 2011, the commission must conclude its business and report its findings to the General Assembly, at which time the commission is dissolved. The General Assembly may extend the dates by which the commission shall submit reports required by this act.

(G) The members of the commission shall serve without compensation and are ineligible for the usual mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

South Carolina General Assembly
119th Session, 2011-2012

A65, R97, S336

STATUS INFORMATION

General Bill

Sponsors: Senator Grooms

Document Path: I:\s-res\lkg\012ridg.kmm.lkg.docx

Introduced in the Senate on January 11, 2011

Introduced in the House on March 31, 2011

Last Amended on June 1, 2011

Passed by the General Assembly on June 14, 2011

Governor's Action: June 17, 2011, Signed

Summary: Traffic enforcement with cameras

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
1/11/2011	Senate	Introduced and read first time (Senate Journal-page 149)
1/11/2011	Senate	Referred to Committee on Transportation (Senate Journal-page 149)
2/3/2011	Senate	Committee report: Favorable with amendment Transportation (Senate Journal-page 11)
3/3/2011	Senate	Committee Amendment Adopted (Senate Journal-page 21)
3/3/2011	Senate	Amended (Senate Journal-page 21)
3/3/2011	Senate	Read second time (Senate Journal-page 21)
3/3/2011	Senate	Roll call Ayes-40 Nays-0 (Senate Journal-page 21)
3/4/2011		Scrivener's error corrected
3/30/2011	Senate	Read third time and sent to House (Senate Journal-page 34)
3/31/2011	House	Introduced and read first time (House Journal-page 15)
3/31/2011	House	Referred to Committee on Judiciary (House Journal-page 15)
5/18/2011	House	Committee report: Favorable with amendment Judiciary (House Journal-page 60)
5/24/2011	House	Debate adjourned (House Journal-page 66)
5/24/2011	House	Debate adjourned until Wednesday, May 25, 2011 (House Journal-page 107)
5/25/2011	House	Debate adjourned until Thursday, May 26, 2011 (House Journal-page 24)
5/26/2011	House	Requests for debate-Rep(s). Crawford, Chumley, Lowe, Viers, Crosby, Bannister, Brantley, Hosey, Hayes, and Anthony (House Journal-page 15)
5/26/2011	House	Amended (House Journal-page 36)
5/26/2011	House	Read second time (House Journal-page 36)
5/26/2011	House	Roll call Yeas-99 Nays-1 (House Journal-page 36)
5/27/2011		Scrivener's error corrected
6/1/2011	House	Amended (House Journal-page 41)
6/1/2011	House	Read third time and returned to Senate with amendments (House Journal-page 41)
6/1/2011	House	Roll call Yeas-92 Nays-0 (House Journal-page 41)
6/14/2011	Senate	Concurred in House amendment and enrolled (Senate Journal-page 105)
6/16/2011		Ratified R 97
6/17/2011		Signed By Governor
6/22/2011		Effective date 06/17/11
6/27/2011		Act No. 65

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VERSIONS OF THIS BILL

[1/11/2011](#)

[2/3/2011](#)

[3/3/2011](#)

[3/4/2011](#)

[5/18/2011](#)

[5/26/2011](#)

[5/27/2011](#)

[6/1/2011](#)

(A65, R97, S336)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-7-35 SO AS TO PROVIDE THAT A LAW ENFORCEMENT OFFICER WHO ISSUES A UNIFORM TRAFFIC TICKET FOR A VIOLATION OF A LOCAL ORDINANCE OR TRAFFIC LAWS RELATING TO SPEEDING OR DISREGARDING A TRAFFIC CONTROL DEVICE MUST ISSUE IT INCIDENT TO AND CONTEMPORANEOUS WITH A TRAFFIC STOP, TO PROVIDE THAT A CITATION ISSUED PURSUANT TO A LOCAL ORDINANCE OR TRAFFIC LAW MAY NOT BE BASED UPON PHOTOGRAPHIC EVIDENCE, HOWEVER, THIS EVIDENCE MAY BE USED TO CORROBORATE THE TESTIMONY OF A LAW ENFORCEMENT OFFICER WHO OBSERVED THE OFFENSE, AND TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO TOLL COLLECTION; TO AMEND SECTION 56-5-710, RELATING TO A LOCAL AUTHORITY'S RIGHT TO REGULATE ITS STREETS AND HIGHWAYS AND TRAFFIC ALONG ITS STREETS AND HIGHWAYS, SO AS TO PROVIDE THAT A LOCAL AUTHORITY MAY NOT ISSUE A UNIFORM TRAFFIC CITATION FOR VIOLATING A LOCAL ORDINANCE OR THE TRAFFIC LAWS RELATING TO SPEEDING OR DISREGARDING TRAFFIC CONTROL DEVICES BASED UPON PHOTOGRAPHIC EVIDENCE; TO AMEND SECTION 56-5-70, AS AMENDED, RELATING TO THE SUSPENSION OF REQUIREMENTS RELATING TO THE REGISTRATION, PERMITTING, LENGTH, WIDTH, WEIGHT, LOAD, AND TIME OF SERVICE FOR CERTAIN VEHICLES DURING A STATE OF EMERGENCY, SO AS TO REVISE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF CITATIONS FOR VIOLATING CERTAIN TRAFFIC LAWS BASED ON PHOTOGRAPHIC EVIDENCE BY PROVIDING THAT IT ALSO APPLIES TO VIOLATIONS OF LOCAL ORDINANCES, VIOLATIONS BASED IN WHOLE OR IN PART ON PHOTOGRAPHIC EVIDENCE, WHETHER GATHERED IN CONJUNCTION WITH RADAR SPEED DETECTION DEVICES AND WHETHER THE CAMERA OR OTHER ELECTRONIC DEVICE CAPTURING THE EVIDENCE WAS ATTENDED OR UNATTENDED AT THE TIME IT CAPTURED THIS PHOTOGRAPHIC EVIDENCE, AND TO PROVIDE THE CIRCUMSTANCE WHEN A PERSON WHO RECEIVED A

CITATION BASED ON PHOTOGRAPHIC EVIDENCE MAY BE SERVED NOTICE OF THE VIOLATION AFTER ONE HOUR OF THE OCCURRENCE OF THE VIOLATION; AND TO PROVIDE FOR THE ESTABLISHMENT OF THE SOUTH CAROLINA TRAFFIC ENFORCEMENT COMMISSION, AND ITS MEMBERSHIP, POWERS, AND DUTIES.

Be it enacted by the General Assembly of the State of South Carolina:

Uniform traffic ticket

SECTION 1. Chapter 7, Title 56 of the 1976 Code is amended by adding:

“Section 56-7-35. (A)(1) A law enforcement officer who issues a uniform traffic ticket for a violation of a local ordinance or traffic laws relating to speeding must do so incident to and contemporaneous with a traffic stop.

(2) A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense.

(3) A law enforcement agency may not utilize the United States mail, a parcel delivery service, electronic means, or otherwise to send to the operator or owner of a motor vehicle or motorcycle, as defined in Section 56-3-20, a uniform traffic citation alleging a violation of a local ordinance or the traffic laws relating to speeding. This subsection does not prohibit the law enforcement agency from sending the operator or owner an additional copy of a uniform citation that was issued to the operator or owner during the traffic stop for the offense upon request of the operator or owner.

(4) A uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to speeding may not be issued based in whole or in part upon photographic evidence, whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This section does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense.

(B)(1) A law enforcement officer who issues a uniform traffic ticket for a violation of a local ordinance or the traffic laws relating to

disregarding a traffic control device must do so incident to and contemporaneous with a traffic stop.

(2) A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense.

(3) A law enforcement agency may not utilize the United States mail, a parcel delivery service, electronic means, or otherwise to send to the operator or owner of a motor vehicle or motorcycle, as defined in Section 56-3-20, a uniform traffic citation alleging a violation of a local ordinance or the traffic laws relating to disregarding traffic control devices. This subsection does not prohibit the law enforcement agency from sending the operator or owner an additional copy of a uniform citation that was issued to the operator or owner during the traffic stop for the offense upon request of the operator or owner.

(4) A uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to disregarding traffic control devices may not be issued based in whole upon photographic evidence, whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This section does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense.

(C) The provisions of this section do not apply to toll collection.”

Uniform traffic ticket

SECTION 2. Section 56-5-710 of the 1976 Code is amended to read:

“Section 56-5-710. (A) Subject to the limitations prescribed in Section 56-5-930, the provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

- (1) regulating the standing or parking of vehicles;
- (2) regulating traffic by means of police officers or traffic control signals;
- (3) regulating or prohibiting processions or assemblages on the highways;
- (4) designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
- (5) regulating the speed of vehicles in public parks;

(6) designating any highway as a through highway and requiring that all vehicles stop before entering or crossing it or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances at such intersection;

(7) restricting the use of highways as authorized in Sections 56-5-4210 and 56-5-4220;

(8) regulating the operation of bicycles and requiring the registration and licensing of them, including the requirement of a registration fee;

(9) regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

(10) altering the prima facie speed limits as authorized herein; or

(11) adopting such other traffic regulations as are specifically authorized by this chapter.

(B) Nothing in subsection (A) may be construed to permit a local authority to issue a uniform traffic citation for violating a local ordinance or the traffic laws relating to speeding or disregarding traffic control devices based in whole or in part upon photographic evidence whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence.”

Citations for violating local traffic laws

SECTION 3. Section 56-5-70(E) of the 1976 Code, as last amended by Act 250 of 2010, is further amended to read:

“(E) Citations for violating a local ordinance or the traffic laws relating to speeding or disregarding traffic control devices based in whole or in part on photographic evidence, whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence, only may be issued for violations that occur while relief from regulations pursuant to 49 C.F.R. 390.23 has been granted due to an emergency. A person who receives a citation for violating traffic laws relating to speeding or disregarding traffic control devices based in whole or in part on photographic evidence must be served in person with notice of the violation within one hour of the occurrence of the violation unless a collision occurred and fault cannot be determined immediately or the party who caused the collision is not immediately

accessible due to medical treatment. The provisions of this subsection do not apply to toll collection enforcement.”

South Carolina Traffic Camera Enforcement Commission

SECTION 4. (A) There is established a commission to be known as the South Carolina Traffic Camera Enforcement Commission which must exercise the powers and fulfill the duties contained in this section. The commission is comprised of the following thirteen members:

- (1) the Governor, ex officio, or her designee;
- (2) the Chief Justice of the South Carolina Supreme Court, or her designee;
- (3) the Speaker of the House of Representatives, ex officio, or his designee;
- (4) the President Pro Tempore of the Senate, ex officio, or his designee;
- (5) the Attorney General of South Carolina, ex officio, or his designee;
- (6) the Director of the Department of Public Safety, ex officio, or his designee;
- (7) the Director of the Department of Parks, Recreation and Tourism, ex officio, or his designee;
- (8) the Chairman of the Senate Transportation Committee, ex officio, or his designee;
- (9) the Chairman of the House Education and Public Works Committee, ex officio, or his designee;
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(D) The commission must meet as soon as practicable after appointment to organize itself and elect officers that it considers

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(E) The duties of the commission shall be to:

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(2) develop criteria for assessing the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;

(3) issue a report of its findings concerning utilizing traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws. The report must consider and address at least the following issues:

(a) the positives and negatives of a private company's involvement in enforcing traffic laws;

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(c) whether there is a conflict of interest when a private company is paid a commission based on the number of traffic tickets issued through the use of its traffic enforcement camera systems and, if so, how the conflict of interest may be resolved;

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(f) the accuracy of current traffic enforcement camera systems, specifically whether vehicles violating the speed limit or failing to obey traffic control signals or stop signs, other than the vehicle photographed, trigger the photograph being taken and, if so,

whether the technology can be improved to prevent that from occurring;

(g) whether it is important to have a law enforcement officer actually view the vehicle violating a speed limit in order to confirm, with his visual estimation of speed, what the radar indicates, whether an officer viewing a picture being taken of the vehicle is sufficient confirmation, or whether officer confirmation is necessary;

(h) whether traffic enforcement camera systems present a possible visual disturbance for the driver resulting from a flash when the system takes a picture;

(i) whether the use of traffic enforcement camera systems diminish the dangers to and increase the safety of law enforcement personnel;

(j) whether the use of traffic enforcement camera systems decrease the number of speed limit violations and, thereby, increase public safety;

(k) whether the use of traffic enforcement camera systems in connection with law enforcement raise any personal privacy issues;

(l) identify the criminal laws, if any, that should not be enforced by cameras;

(m) whether the information contained in photographs taken by traffic enforcement camera systems should be limited to the enforcement of traffic laws, or whether the information, including, but not limited to, license plate numbers, should also be generally available for use by law enforcement for official law enforcement purposes;

(n) whether there is a difference between using a traffic enforcement camera system to enforce traffic laws related to speed limits and traffic laws requiring obedience to traffic control signals and stop signs;

(o) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether they should be used on all public roads, only on certain roads, or only in certain areas, including, but not limited to, school zones, temporary work zones, and construction zones;

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(q) the constitutionality of utilizing traffic enforcement camera systems to enforce uniform traffic laws and mailing citations to alleged

violators, and, if unconstitutional, the manner in which a system may be constitutionally operated;

(r) the public policy implications, if any, raised by citations for uniform traffic law violations being mailed to the alleged violator after the event as opposed to being personally delivered contemporaneous with, or within one hour of, the alleged violation;

(s) whether the state's criminal justice system currently has a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems; and

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(F) On or before November 1, 2011, the commission must conclude its business and report its findings to the General Assembly, at which time the commission is dissolved. The General Assembly may extend the dates by which the commission shall submit reports required by this act.

(G) The members of the commission shall serve without compensation and are ineligible for the usual mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

Time effective

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 16th day of June, 2011.

Approved the 17th day of June, 2011.

South Carolina
Traffic Camera Enforcement Commission

DRAFT

Report and Findings
December 8, 2011

Executive Committee:

Glenn McCall

The Honorable Larry K. Grooms

Bryan P. Stirling

Committee Composition:

Glenn McCall, Chair – Governor’s Designee

The Honorable Jean Hoefler Toal – Chief Justice of the South Carolina Supreme Court

The Honorable Robert W. Harrell, Jr. – Speaker of the South Carolina House of Representatives

The Honorable Glenn F. McConnell – President Pro Tempore of the South Carolina State Senate

Bryan P. Stirling – Designee, South Carolina Attorney General

Major Leroy Smith – Director of the South Carolina Department of Public Safety

**Marion Edmonds – Designee for the Director of the South Carolina Department of Parks,
Recreation and Tourism**

The Honorable Larry K. Grooms – Chairman of the Senate Transportation Committee

The Honorable Phillip Owens – Chairman of the House Education and Public Works Committee

**Captain Harry Stubblefield – President of the South Carolina Law Enforcement Officers
Association**

Sheriff Herman Young – President of the South Carolina Sheriffs’ Association

Frank Eppes – Designee for the President of the South Carolina Bar Association

South Carolina Traffic Camera Enforcement Commission

DRAFT Report

12.8.11

At the heart of the Commission's determination is the belief that traffic enforcement cameras are not in the best interest of South Carolinians. As required by Act 65 of 2011, which established the South Carolina Traffic Camera Enforcement Commission, the Commission submits this report to fulfill its duties and responsibilities. Those duties and responsibilities were to:

- (1) conduct a comprehensive study concerning the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;
- (2) develop criteria for assessing the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;
- (3) issue a report of its findings concerning utilizing traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws. The report must consider and address at least the following issues:
 - (a) the positives and negatives of a private company's involvement in enforcing traffic laws;

Assuming that a private company is involved in enforcing traffic laws, a positive factor to consider is that a private vendor naturally would be most familiar with the traffic camera technology it provided to law enforcement personnel. On the other hand, private companies may provide lawmakers with financial incentives -- in the form of campaign contributions for example -- to protect controversial traffic camera provisions. Because camera vendors provide law enforcement software, vendors may also develop the criteria to determine what constitutes a violation. Further, there is a potential for uneven enforcement, with possible civil rights implications.

- (b) assuming private companies are authorized to participate in enforcing traffic laws, the appropriate distribution of authority between law enforcement and a private company;

Assuming that private companies are authorized to participate in enforcing traffic laws, the Commission believes that law only enforcement personnel should issue traffic citations. The private company's role should be limited to providing technical assistance.

- (c) whether there is a conflict of interest when a private company is paid a commission based on the number of traffic tickets issued through the use of its traffic enforcement camera systems and, if so, how the conflict of interest may be resolved;

When a private company is paid a commission based on the number of traffic tickets issued, there is a clear inducement to issue as many tickets as possible. Therefore, conflicts of interest seem likely.

To resolve conflicts, a flat fee for service -- rather than a commission -- could be used. Alternately, a commission based on some other factor, such as a reduction in the number of vehicle accidents, could be considered.

There also should be full disclosure of traffic citation statistics, including, but not limited to the number of citations issued, fees and fines collected, and relevant safety statistics. The data should then be compared with data from similar roadways that have camera systems, and similar roadways that do not. Finally, the camera programs should regularly be reviewed by the appropriate governing body, and the public should be given regular opportunities to comment on the efficacy of the systems.

(d) the public policy implications, if any, of a private company reimbursing a state or local government for the use of their law enforcement personnel in connection with the operation of the company's traffic enforcement camera system;

The Commission has concerns about the public policy implications of a private company reimbursing state or local government for the use of their law enforcement personnel. Among the most serious concerns is the potential for financial improprieties. Traffic enforcement could become driven by the desire to fill government coffers -- and those of the private vendor -- rather than driven by public safety.

(e) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether a statewide agency such as the Department of Public Safety should be solely authorized to operate the system, whether a statewide agency should operate the system in conjunction with local law enforcement authorities, or whether local law enforcement authorities be solely authorized to operate systems within their jurisdiction;

Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes that, ideally, a statewide agency such as the Department of Public Safety should be solely authorized to operate the system. At a minimum, DPS should set system guidelines and monitor camera programs, and should be authorized to take over or shut down programs when improprieties are found.

(f) the accuracy of current traffic enforcement camera systems, specifically whether vehicles violating the speed limit or failing to obey traffic control signals or stop signs, other than the vehicle photographed, trigger the photograph being taken and, if so, whether the technology can be improved to prevent that from occurring;

The Commission concedes that, properly calibrated and properly operated, photo radar systems may be accurate. However, photo radar, like any radar, can generate false readings, and similar cases are contested and litigated all the time. While technological improvements are likely, the system will never be completely without flaws.

(g) whether it is important to have a law enforcement officer actually view the vehicle violating a speed limit in order to confirm, with his visual estimation of speed, what the radar indicates, whether an officer viewing a picture being taken of the vehicle is sufficient confirmation, or whether officer confirmation is necessary;

If traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes it is crucial to have a law enforcement officer actually view the driver violating a speed limit in order to confirm, with a visual estimation of speed, what the radar indicates. The visual estimation should be contemporaneous with the radar reading and photo record.

The Commission notes that contemporaneous visual estimation and driver identification are additional issues that may open governing bodies to litigation.

(h) whether traffic enforcement camera systems present a possible visual disturbance for the driver resulting from a flash when the system takes a picture;

The Commission has reason to believe that traffic enforcement camera systems do present a visual disturbance for the driver resulting from a flash when the system takes a picture. For example, witnesses submitted to the Senate Transportation Committee the following accounts concerning one South Carolina municipality's speed camera system: "This town police (vehicle) is flashing photographs with a strobe light which is not only disruptive but dangerous to traffic." Another stated that "I was blinded by an intense flash as I passed by." Another stated "I was the unfortunate recipient of one of these blinding flashes..." At least two drivers also reported nearly having accidents as a result of these flashes.

(i) whether the use of traffic enforcement camera systems diminish the dangers to and increase the safety of law enforcement personnel;

Ticket cameras have not been shown definitively to improve safety. While some evidence shows that safety is improved, there is other evidence that suggests cameras result in "bunching", whereby drivers brake when they see a speed camera, thus disrupting the flow of traffic. The cameras may also present the danger noted in item (h). For these reasons, the Commission is wary of the possibility that speed cameras could cause vehicular speed differentials and result in traffic congestion. Safety studies indicate that there is a direct correlation between traffic flow (congestion) and accidents.

(j) whether the use of traffic enforcement camera systems decrease the number of speed limit violations and, thereby, increase public safety;

See (i) above.

(k) whether the use of traffic enforcement camera systems in connection with law enforcement raise any personal privacy issues;

The Commission believes the use of traffic enforcement camera systems in connection with law enforcement does raise personal privacy issues. The Commission notes that Article I, Section 10 of the South Carolina Constitution contains an express provision protecting the right of the people from invasions of privacy.

(l) identify the criminal laws, if any, that should not be enforced by cameras;

The Commission finds this question to be outside its scope of expertise. The matter may need to be studied in a broader context.

(m) whether the information contained in photographs taken by traffic enforcement camera systems should be limited to the enforcement of traffic laws, or whether the information, including, but not limited to, license plate numbers, should also be generally available for use by law enforcement for official law enforcement purposes;

If traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes that the information contained in photographs should be limited to the enforcement of traffic laws.

(n) whether there is a difference between using a traffic enforcement camera system to enforce traffic laws related to speed limits and traffic laws requiring obedience to traffic control signals and stop signs;

The Commission concedes that there may be differences between using a camera system to enforce traffic laws related to speed limits and traffic laws regarding obedience to traffic control signals and stop signs. For example, it may be more readily apparent when a motorist disregards a stop sign or stop light.

(o) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether they should be used on all public roads, only on certain roads, or only in certain areas, including, but not limited to, school zones, temporary work zones, and construction zones;

Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes that the use of camera systems should be limited to certain areas, possibly including school zones, temporary work zones, and construction zones. The use of camera systems on all public roads would not be in the best interest of the people of South Carolina.

(p) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether there is a way to ensure that traffic enforcement camera systems are being used to improve road safety, and assuming that their use improves road safety, rather than maximizing government revenues resulting from violations of uniform traffic laws;

Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes that determining a direct correlation between the use of camera system and improvements in road safety could be difficult. The Commission notes that there are many factors that contribute to road safety, such as traffic volume, vehicle speed differentials, pavement quality, road width, and signage.

(q) the constitutionality of utilizing traffic enforcement camera systems to enforce uniform traffic laws and mailing citations to alleged violators, and, if unconstitutional, the manner in which a system may be constitutionally operated;

The South Carolina Attorney General's office noted on October 31, 2001 that:

The general case law and other authority reviewed herein supports the conclusion that a properly drafted statute authorizing use of photo-radar or similar forms of automated traffic enforcement would pass constitutional muster. These authorities have reviewed automated traffic enforcement from a variety of constitutional perspectives including the Due Process and Equal Protection Clauses, the Fourth Amendment's protection against unreasonable searches and seizures, the Sixth Amendment's right to present an adequate defense as well as the federal and state constitution's right to privacy. The general consensus is that automated traffic enforcement is constitutional.

Of course, constitutionality of any statute authorizing automated traffic enforcement would depend, in part, upon a well drafted statute. ...this form of traffic enforcement is already extant in a number of jurisdictions so that one or more of these statutes might be used as a guide or model. I would also caution that the South Carolina Constitution contains an express provision protecting privacy in Art. I, §10, and any statute authorizing photo-radar or a similar form of enforcement would have to be drafted with this provision in mind. That having been said, it is clear that some form of statutory enactment, as opposed to constitutional amendment, would suffice.

(r) the public policy implications, if any, raised by citations for uniform traffic law violations being mailed to the alleged violator after the event as opposed to being personally delivered contemporaneous with, or within one hour of, the alleged violation;

The Commission believes that a number of serious public policy implications may be raised by mailing traffic citations. South Carolina law specifically prohibits the delivery of citations by mail. Delivery by mail does not ensure that the accused will receive the citation. However, because there is an assumption on the part of the court that a citation has been received, if a ticket is left unpaid, the court presumes the driver purposefully refused to pay. A warrant then may be issued for the accused person's arrest. Because an accused driver may

not receive the citation until days or weeks after the alleged violation, the driver may have difficulty filing an appeal and preparing a defense in a timely manner.

There are cases where local courts have dismissed challenged tickets after an accused driver questioned the legality or definitude of an automatically-generated camera citation. Because local governments seem to be uncertain of their legal footing, local courts have dismissed these contested cases, and, therefore, the question is never fully adjudicated. The Senate Transportation Committee has been advised of such cases by several accused drivers.

The Commission also notes that, regarding speed camera violations in particular, the accused party likely has precious little evidence with which to present a defense to a camera citation. Given the sheer number of citations generated by automated photo radar, even with an officer overseeing the camera operation it is unlikely that the officer will later remember the circumstances surrounding a specific driver on a particular day. The driver is also disadvantaged because the driver's recall of events naturally diminishes over time. Because the officer has not stopped a driver and has not personally delivered a citation contemporaneous with the alleged violation, the driver is likely unaware that he has been automatically ticketed. Therefore the driver would have no reason to remember, much less preserve, evidence at the time of the alleged violation.

(s) whether the state's criminal justice system currently has a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems; and

The Commission has reason to believe that the state's criminal justice system currently does not have a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems. Already backlogged courts likely would become even more burdened due to the high volume of automatically-generated speed camera citations. Local governments may have to spend additional tax dollars to expand traffic court systems, and the state may have similar needs at the circuit level due to appeals.

(t) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the manner in which the revenue raised should be allocated and the purposes for which it should be used;

Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the revenue raised should be allocated using the same formula as is used to distribute revenue from traditional traffic citations.

(4) make recommendations, if any, for changes to existing law concerning the use of traffic enforcement camera systems to detect and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs. Rather than making recommendations for changes to existing law, the commission also may recommend that no changes are necessary to the existing law that prohibits the use of traffic enforcement cameras to detect traffic regulation violations. Recommendations made pursuant to this item must be contained in the report issued pursuant to item (3).

The Commission recommends no changes to the existing law concerning the use of traffic enforcement camera systems.

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South Carolina
Traffic Camera Enforcement Commission

Report and Findings
January 10, 2012

Executive Committee

Mr. Glenn McCall

The Honorable Larry K. Grooms

Mr. Bryan P. Stirling

Committee Composition

Mr. Glenn McCall, *Chair*
Governor's Designee

The Honorable Jean Hoeffler Toal
Chief Justice of the South Carolina Supreme Court

The Honorable Robert W. Harrell, Jr.
Speaker of the South Carolina House of Representatives

The Honorable Glenn F. McConnell
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Mr. Bryan P. Stirling
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Major Leroy Smith
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Mr. Marion Edmonds
Designee for the Director of the South Carolina Department of Parks, Recreation and Tourism

The Honorable Larry K. Grooms
Chairman of the Senate Transportation Committee

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South Carolina Traffic Camera Enforcement Commission

At the heart of the Commission's determination is the belief that traffic enforcement cameras are not in the best interest of South Carolinians. As required by Act 65 of 2011, which established the South Carolina Traffic Camera Enforcement Commission, the Commission submits this report to fulfill its duties and responsibilities. Those duties and responsibilities were to:

- (1) conduct a comprehensive study concerning the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;
- (2) develop criteria for assessing the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;
- (3) issue a report of its findings concerning utilizing traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws. The report must consider and address at least the following issues:
 - (a) the positives and negatives of a private company's involvement in enforcing traffic laws;
 - (b) assuming private companies are authorized to participate in enforcing traffic laws, the appropriate distribution of authority between law enforcement and a private company;
 - (c) whether there is a conflict of interest when a private company is paid a commission based on the number of traffic tickets issued through the use of its traffic enforcement camera systems and, if so, how the conflict of interest may be resolved;
 - (d) the public policy implications, if any, of a private company reimbursing a state or local government for the use of their law enforcement personnel in connection with the operation of the company's traffic enforcement camera system;
 - (e) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether a statewide agency such as the Department of Public Safety should be solely authorized to operate the system, whether a statewide agency should operate the system in conjunction with local law enforcement authorities, or whether local law enforcement authorities be solely authorized to operate systems within their jurisdiction;
 - (f) the accuracy of current traffic enforcement camera systems, specifically whether vehicles violating the speed limit or failing to obey traffic control signals or stop signs, other than the vehicle photographed, trigger the photograph being taken and, if so, whether the technology can be improved to prevent that from occurring;
 - (g) whether it is important to have a law enforcement officer actually view the vehicle violating a speed limit in order to confirm, with his visual estimation of speed, what the radar indicates, whether an officer viewing a picture being taken of the vehicle is sufficient confirmation, or whether officer confirmation is necessary;

- (h) whether traffic enforcement camera systems present a possible visual disturbance for the driver resulting from a flash when the system takes a picture;
- (i) whether the use of traffic enforcement camera systems diminish the dangers to and increase the safety of law enforcement personnel;
- (j) whether the use of traffic enforcement camera systems decrease the number of speed limit violations and, thereby, increase public safety;
- (k) whether the use of traffic enforcement camera systems in connection with law enforcement raise any personal privacy issues;
- (l) identify the criminal laws, if any, that should not be enforced by cameras;
- (m) whether the information contained in photographs taken by traffic enforcement camera systems should be limited to the enforcement of traffic laws, or whether the information, including, but not limited to, license plate numbers, should also be generally available for use by law enforcement for official law enforcement purposes;
- (n) whether there is a difference between using a traffic enforcement camera system to enforce traffic laws related to speed limits and traffic laws requiring obedience to traffic control signals and stop signs;
- (o) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether they should be used on all public roads, only on certain roads, or only in certain areas, including, but not limited to, school zones, temporary work zones, and construction zones;
- (p) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether there is a way to ensure that traffic enforcement camera systems are being used to improve road safety, and assuming that their use improves road safety, rather than maximizing government revenues resulting from violations of uniform traffic laws;
- (q) the constitutionality of utilizing traffic enforcement camera systems to enforce uniform traffic laws and mailing citations to alleged violators, and, if unconstitutional, the manner in which a system may be constitutionally operated;
- (r) the public policy implications, if any, raised by citations for uniform traffic law violations being mailed to the alleged violator after the event as opposed to being personally delivered contemporaneous with, or within one hour of, the alleged violation;
- (s) whether the state's criminal justice system currently has a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems; and
- (t) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the manner in which the revenue raised should be allocated and the purposes for which it should be used;
- (4) make recommendations, if any, for changes to existing law concerning the use of traffic enforcement camera systems to detect and enforce the state's uniform traffic laws, including, but not

limited to, violating speed limits and the failure to obey traffic control signals and stop signs. Rather than making recommendations for changes to existing law, the commission also may recommend that no changes are necessary to the existing law that prohibits the use of traffic enforcement cameras to detect traffic regulation violations. Recommendations made pursuant to this item must be contained in the report issued pursuant to item (3).

The Commission submits the following in response to the issues concerning the use of traffic enforcement cameras to detect traffic regulation violations pursuant to item (3):

(A) The positives and negatives of a private company's involvement in enforcing traffic laws

Assuming that a private company is involved in enforcing traffic laws, a positive factor to consider is that a private vendor naturally would be most familiar with the traffic camera technology it provided to law enforcement personnel.

On the other hand, private companies because of financial incentives may be overly aggressive in enforcing these laws.

(B) Assuming private companies are authorized to participate in enforcing traffic laws, what would be the appropriate distribution of authority between law enforcement and a private company?

Assuming that private companies are authorized to participate in enforcing traffic laws, the Commission believes that only law enforcement personnel should issue traffic citations. The private company's role should be limited to providing technical assistance.

(C) Is there a conflict of interest when a private company is paid a commission based on the number of traffic tickets issued through the use of its traffic enforcement camera systems? If so, how could the conflict of interest be resolved?

When a private company is paid a commission based on the number of traffic tickets issued, there is a clear inducement to issue as many tickets as possible. Therefore, conflicts of interest seem likely.

To resolve conflicts, a flat fee for service -- rather than a commission -- could be used. Alternately, a commission based on some other factor, such as a reduction in the number of vehicle accidents, could be considered.

There also should be full disclosure of traffic citation statistics, including, but not limited to the number of citations issued, fees and fines collected, and relevant safety statistics. The data should then be compared with data from similar roadways that have camera systems, and similar roadways that do not. Finally, the camera programs should regularly be reviewed by the appropriate governing body, and the public should be given regular opportunities to comment on the efficacy of the systems.

(D) What are the public policy implications, if any, of a private company reimbursing a state or local government for the use of their law enforcement personnel in connection with the operation of the company's traffic enforcement camera system?

The Commission has concerns about the public policy implications of a private company reimbursing state or local government for the use of their law enforcement personnel. Among the most serious concerns is the potential for financial improprieties. Traffic enforcement could become driven by the desire to fill government coffers -- and those of the private vendor -- rather than driven by public safety.

- (E) Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, determine whether a statewide agency such as the Department of Public Safety should be solely authorized to operate the system, whether a statewide agency should operate the system in conjunction with local law enforcement authorities, or whether local law enforcement authorities be solely authorized to operate systems within their jurisdiction.**

Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes that, ideally, a statewide agency such as the Department of Public Safety should be solely authorized to operate the system. At a minimum, DPS should set system guidelines and monitor camera programs, and should be authorized to take over or shut down programs when improprieties are found.

- (F) What is the accuracy of current traffic enforcement camera systems, specifically whether vehicles violating the speed limit or failing to obey traffic control signals or stop signs, other than the vehicle photographed, trigger the photograph being taken and, if so, whether the technology can be improved to prevent that from occurring?**

The Commission concedes that, properly calibrated and properly operated, photo radar systems may be accurate. However, photo radar, like any radar, can generate false readings, and similar cases are contested and litigated all the time. While technological improvements are likely, the system will never be completely without flaws.

- (G) Determine whether it is important to have a law enforcement officer actually view the vehicle violating a speed limit in order to confirm, with his visual estimation of speed, what the radar indicates, whether an officer viewing a picture being taken of the vehicle is sufficient confirmation, or whether officer confirmation is necessary.**

If traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes it is crucial to have a law enforcement officer actually view the driver violating a speed limit in order to confirm, with a visual estimation of speed, what the radar indicates. The visual estimation should be contemporaneous with the radar reading and photo record.

The Commission notes that contemporaneous visual estimation and driver identification are additional issues that may open governing bodies to litigation. No matter who was driving the car at the time, the owner of the car is assumed to be guilty. This violates a major tenet of our legal system: *innocent until proven guilty*.

Additionally, there is no certifiable witness to the alleged violation. There is no ability to preserve evidence such as a GPS record of your speed at the time because the driver is unaware he or she has been ticketed. Furthermore, the Sixth Amendment ensures the right to face your accuser. With a camera violation, there is no accuser to confront or question. Even if there is an officer overseeing the operation, it is unlikely he or she will remember the events of that particular day and even less likely that he or she will remember a specific, alleged violation. The driver is similarly disadvantaged, particularly when significant time has passed since the alleged violation.

(H) Do traffic enforcement camera systems present a possible visual disturbance for the driver resulting from a flash when the system takes a picture?

The Commission has reason to believe that traffic enforcement camera systems do present a visual disturbance for the driver resulting from a flash when the system takes a picture. For example, witnesses submitted to the Senate Transportation Committee the following accounts concerning one South Carolina municipality's speed camera system: "This town police (vehicle) is flashing photographs with a strobe light which is not only disruptive but dangerous to traffic." Another stated that "I was blinded by an intense flash as I passed by." Another stated "I was the unfortunate recipient of one of these blinding flashes..." At least two drivers also reported nearly having accidents as a result of these flashes.

(I) Does the use of traffic enforcement camera systems diminish the dangers to and increase the safety of law enforcement personnel?

Ticket cameras have not been shown definitively to improve safety. While some evidence shows that safety is improved, there is other evidence that suggests cameras result in "bunching", whereby drivers brake when they see a speed camera, thus disrupting the flow of traffic. The cameras may also present the danger noted in item (h). For these reasons, the Commission is wary of the possibility that speed cameras could cause vehicular speed differentials and result in traffic congestion. Safety studies indicate that there is a direct correlation between traffic flow (congestion) and accidents.

(J) Does the use of traffic enforcement camera systems decrease the number of speed limit violations and, thereby, increase public safety?

See (i) above.

(K) Does the use of traffic enforcement camera systems in connection with law enforcement raise any personal privacy issues?

If a ticket is mailed to a home occupying more than one licensed driver, there is no guarantee that the ticket will be received by the intended individual, thus violating their right to privacy. There is no right to privacy on public roads.

(L) Identify the criminal laws, if any, that should not be enforced by cameras.

The Commission finds this question to be outside its scope of expertise. The matter may need to be studied in a broader context.

(M) Determine the information contained in photographs taken by traffic enforcement camera systems should be limited to the enforcement of traffic laws, or whether the information, including, but not limited to, license plate numbers, should also be generally available for use by law enforcement for official law enforcement purposes.

If traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes that the information contained in photographs should be limited to the enforcement of traffic laws.

(N) Is there a difference between using a traffic enforcement camera system to enforce traffic laws related to speed limits and traffic laws requiring obedience to traffic control signals and stop signs?

The Commission concedes that there may be differences between using a camera system to enforce traffic laws related to speed limits and traffic laws regarding obedience to traffic control signals and stop signs. For example, it may be more readily apparent when a motorist disregards a stop sign or stop light.

(O) Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, should they be used on all public roads, only on certain roads, or only in certain areas, including, but not limited to, school zones, temporary work zones, and construction zones?

Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes that the use of camera systems should be limited to certain areas, possibly including school zones, temporary work zones, and construction zones. The use of camera systems on all public roads would not be in the best interest of the people of South Carolina.

(P) Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, is there a way to ensure that traffic enforcement camera systems are being used to improve road safety, and assuming that their use improves road safety, rather than maximizing government revenues resulting from violations of uniform traffic laws?

Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes that determining a direct correlation between the use of camera system and improvements in road safety could be difficult. The Commission notes that there are many factors that contribute to road safety, such as traffic volume, vehicle speed differentials, pavement quality, road width, and signage.

(Q) What is the constitutionality of utilizing traffic enforcement camera systems to enforce uniform traffic laws and mailing citations to alleged violators? If unconstitutional, what is the manner in which a system may be constitutionally operated?

The South Carolina Attorney General's office noted on October 31, 2001 that:

The general case law and other authority reviewed herein supports the conclusion that a properly drafted statute authorizing use of photo-radar or similar forms of automated traffic enforcement would pass constitutional muster. These authorities have reviewed automated traffic enforcement from a variety of constitutional perspectives including the Due Process and Equal Protection Clauses, the Fourth Amendment's protection against unreasonable searches and seizures, the Sixth Amendment's right to present an adequate

defense as well as the federal and state constitution's right to privacy. The general consensus is that automated traffic enforcement is constitutional.

Of course, constitutionality of any statute authorizing automated traffic enforcement would depend, in part, upon a well drafted statute. ...this form of traffic enforcement is already extant in a number of jurisdictions so that one or more of these statutes might be used as a guide or model. I would also caution that the South Carolina Constitution contains an express provision protecting privacy in Art. I, §10, and any statute authorizing photo-radar or a similar form of enforcement would have to be drafted with this provision in mind. That having been said, it is clear that some form of statutory enactment, as opposed to constitutional amendment, would suffice.

(R) What are the public policy implications, if any, raised by citations for uniform traffic law violations being mailed to the alleged violator after the event as opposed to being personally delivered contemporaneous with, or within one hour of, the alleged violation?

The Commission believes that a number of serious public policy implications may be raised by mailing traffic citations. South Carolina law specifically prohibits the delivery of citations by mail. Delivery by mail does not ensure that the accused will receive the citation. However, because there is an assumption on the part of the court that a citation has been received, if a ticket is left unpaid, the court presumes the driver purposefully refused to pay. A warrant then may be issued for the accused person's arrest. Because an accused driver may not receive the citation until days or weeks after the alleged violation, the driver may have difficulty filing an appeal and preparing a defense in a timely manner.

There are cases where local courts have dismissed challenged tickets after an accused driver questioned the legality or definitude of an automatically-generated camera citation. Because local governments seem to be uncertain of their legal footing, local courts have dismissed these contested cases, and, therefore, the question is never fully adjudicated. The Senate Transportation Committee has been advised of such cases by several accused drivers.

The Commission also notes that, regarding speed camera violations in particular, the accused party likely has precious little evidence with which to present a defense to a camera citation. Given the sheer number of citations generated by automated photo radar, even with an officer overseeing the camera operation it is unlikely that the officer will later remember the circumstances surrounding a specific driver on a particular day. The driver is also disadvantaged because the driver's recall of events naturally diminishes over time. Because the officer has not stopped a driver and has not personally delivered a citation contemporaneous with the alleged violation, the driver is likely unaware that he has been automatically ticketed. Therefore the driver would have no reason to remember, much less preserve, evidence at the time of the alleged violation.

(S) Does state's criminal justice system currently have a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems?

The Commission has reason to believe that the state's criminal justice system currently does not have a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems. Already backlogged courts likely would become even more burdened due to the high volume of automatically-generated speed camera citations. Local governments may have to spend additional tax dollars to expand traffic court systems, and the state may have similar needs at the circuit level due to appeals.

(T) Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, what is the manner in which the revenue raised should be allocated and the purposes for which it should be used?

Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the revenue raised should be allocated using the same formula as is used to distribute revenue from traditional traffic citations.

Pursuant to item (4) Commission recommends no changes to the existing law concerning the use of traffic enforcement camera systems.

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South Carolina
Traffic Camera Enforcement Commission

Report and Findings
January 10, 2012

Executive Committee

Mr. Glenn McCall

The Honorable Larry K. Grooms

Mr. Bryan P. Stirling

Committee Composition

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Governor's Designee

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Chairman of the Senate Transportation Committee

The Honorable Phillip Owens
Chairman of the House Education and Public Works Committee

Captain Harry Stubblefield
President of the South Carolina Law Enforcement Officers Association

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President of the South Carolina Sheriffs' Association

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Designee for the President of the South Carolina Bar Association

South Carolina Traffic Camera Enforcement Commission

At the heart of the Commission's determination is the belief that traffic enforcement cameras are not in the best interest of South Carolinians. As required by Act 65 of 2011, which established the South Carolina Traffic Camera Enforcement Commission, the Commission submits this report to fulfill its duties and responsibilities. Those duties and responsibilities were to:

- (1) conduct a comprehensive study concerning the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;
- (2) develop criteria for assessing the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;
- (3) issue a report of its findings concerning utilizing traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws. The report must consider and address at least the following issues:
 - (a) the positives and negatives of a private company's involvement in enforcing traffic laws;
 - (b) assuming private companies are authorized to participate in enforcing traffic laws, the appropriate distribution of authority between law enforcement and a private company;
 - (c) whether there is a conflict of interest when a private company is paid a commission based on the number of traffic tickets issued through the use of its traffic enforcement camera systems and, if so, how the conflict of interest may be resolved;
 - (d) the public policy implications, if any, of a private company reimbursing a state or local government for the use of their law enforcement personnel in connection with the operation of the company's traffic enforcement camera system;
 - (e) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether a statewide agency such as the Department of Public Safety should be solely authorized to operate the system, whether a statewide agency should operate the system in conjunction with local law enforcement authorities, or whether local law enforcement authorities be solely authorized to operate systems within their jurisdiction;
 - (f) the accuracy of current traffic enforcement camera systems, specifically whether vehicles violating the speed limit or failing to obey traffic control signals or stop signs, other than the vehicle photographed, trigger the photograph being taken and, if so, whether the technology can be improved to prevent that from occurring;
 - (g) whether it is important to have a law enforcement officer actually view the vehicle violating a speed limit in order to confirm, with his visual estimation of speed, what the radar indicates, whether an officer viewing a picture being taken of the vehicle is sufficient confirmation, or whether officer confirmation is necessary;

- (h) whether traffic enforcement camera systems present a possible visual disturbance for the driver resulting from a flash when the system takes a picture;
- (i) whether the use of traffic enforcement camera systems diminish the dangers to and increase the safety of law enforcement personnel;
- (j) whether the use of traffic enforcement camera systems decrease the number of speed limit violations and, thereby, increase public safety;
- (k) whether the use of traffic enforcement camera systems in connection with law enforcement raise any personal privacy issues;
- (l) identify the criminal laws, if any, that should not be enforced by cameras;
- (m) whether the information contained in photographs taken by traffic enforcement camera systems should be limited to the enforcement of traffic laws, or whether the information, including, but not limited to, license plate numbers, should also be generally available for use by law enforcement for official law enforcement purposes;
- (n) whether there is a difference between using a traffic enforcement camera system to enforce traffic laws related to speed limits and traffic laws requiring obedience to traffic control signals and stop signs;
- (o) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether they should be used on all public roads, only on certain roads, or only in certain areas, including, but not limited to, school zones, temporary work zones, and construction zones;
- (p) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether there is a way to ensure that traffic enforcement camera systems are being used to improve road safety, and assuming that their use improves road safety, rather than maximizing government revenues resulting from violations of uniform traffic laws;
- (q) the constitutionality of utilizing traffic enforcement camera systems to enforce uniform traffic laws and mailing citations to alleged violators, and, if unconstitutional, the manner in which a system may be constitutionally operated;
- (r) the public policy implications, if any, raised by citations for uniform traffic law violations being mailed to the alleged violator after the event as opposed to being personally delivered contemporaneous with, or within one hour of, the alleged violation;
- (s) whether the state's criminal justice system currently has a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems; and
- (t) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the manner in which the revenue raised should be allocated and the purposes for which it should be used;
- (4) make recommendations, if any, for changes to existing law concerning the use of traffic enforcement camera systems to detect and enforce the state's uniform traffic laws, including, but not

limited to, violating speed limits and the failure to obey traffic control signals and stop signs. Rather than making recommendations for changes to existing law, the commission also may recommend that no changes are necessary to the existing law that prohibits the use of traffic enforcement cameras to detect traffic regulation violations. Recommendations made pursuant to this item must be contained in the report issued pursuant to item (3).

The Commission submits the following in response to the issues concerning the use of traffic enforcement cameras to detect traffic regulation violations pursuant to item (3):

(A) The positives and negatives of a private company's involvement in enforcing traffic laws

Assuming that a private company is involved in enforcing traffic laws, a positive factor to consider is that a private vendor naturally would be most familiar with the traffic camera technology it provided to law enforcement personnel.

On the other hand, private companies because of financial incentives may be overly aggressive in enforcing these laws.

(B) Assuming private companies are authorized to participate in enforcing traffic laws, what would be the appropriate distribution of authority between law enforcement and a private company?

Assuming that private companies are authorized to participate in enforcing traffic laws, the Commission believes that only law enforcement personnel should issue traffic citations. The private company's role should be limited to providing technical assistance.

(C) Is there a conflict of interest when a private company is paid a commission based on the number of traffic tickets issued through the use of its traffic enforcement camera systems? If so, how could the conflict of interest be resolved?

When a private company is paid a commission based on the number of traffic tickets issued, there is a clear inducement to issue as many tickets as possible. Therefore, conflicts of interest seem likely.

To resolve conflicts, a flat fee for service -- rather than a commission -- could be used. Alternately, a commission based on some other factor, such as a reduction in the number of vehicle accidents, could be considered.

There also should be full disclosure of traffic citation statistics, including, but not limited to the number of citations issued, fees and fines collected, and relevant safety statistics. The data should then be compared with data from similar roadways that have camera systems, and similar roadways that do not. Finally, the camera programs should regularly be reviewed by the appropriate governing body, and the public should be given regular opportunities to comment on the efficacy of the systems.

(D) What are the public policy implications, if any, of a private company reimbursing a state or local government for the use of their law enforcement personnel in connection with the operation of the company's traffic enforcement camera system?

The Commission has concerns about the public policy implications of a private company reimbursing state or local government for the use of their law enforcement personnel. Among the most serious concerns is the potential for financial improprieties. Traffic enforcement could become driven by the desire to fill government coffers -- and those of the private vendor -- rather than driven by public safety.

- (E) Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, determine whether a statewide agency such as the Department of Public Safety should be solely authorized to operate the system, whether a statewide agency should operate the system in conjunction with local law enforcement authorities, or whether local law enforcement authorities be solely authorized to operate systems within their jurisdiction.**

Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes that, ideally, a statewide agency such as the Department of Public Safety should be solely authorized to operate the system. At a minimum, DPS should set system guidelines and monitor camera programs, and should be authorized to take over or shut down programs when improprieties are found.

- (F) What is the accuracy of current traffic enforcement camera systems, specifically whether vehicles violating the speed limit or failing to obey traffic control signals or stop signs, other than the vehicle photographed, trigger the photograph being taken and, if so, whether the technology can be improved to prevent that from occurring?**

The Commission concedes that, properly calibrated and properly operated, photo radar systems may be accurate. However, photo radar, like any radar, can generate false readings, and similar cases are contested and litigated all the time. While technological improvements are likely, the system will never be completely without flaws.

- (G) Determine whether it is important to have a law enforcement officer actually view the vehicle violating a speed limit in order to confirm, with his visual estimation of speed, what the radar indicates, whether an officer viewing a picture being taken of the vehicle is sufficient confirmation, or whether officer confirmation is necessary.**

If traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes it is crucial to have a law enforcement officer actually view the driver violating a speed limit in order to confirm, with a visual estimation of speed, what the radar indicates. The visual estimation should be contemporaneous with the radar reading and photo record.

The Commission notes that contemporaneous visual estimation and driver identification are additional issues that may open governing bodies to litigation. No matter who was driving the car at the time, the owner of the car is assumed to be guilty. This violates a major tenet of our legal system: *innocent until proven guilty*.

Additionally, there is no certifiable witness to the alleged violation. There is no ability to preserve evidence such as a GPS record of your speed at the time because the driver is unaware he or she has been ticketed. Furthermore, the Sixth Amendment ensures the right to face your accuser. With a camera violation, there is no accuser to confront or question. Even if there is an officer overseeing the operation, it is unlikely he or she will remember the events of that particular day and even less likely that he or she will remember a specific, alleged violation. The driver is similarly disadvantaged, particularly when significant time has passed since the alleged violation.

(H) Do traffic enforcement camera systems present a possible visual disturbance for the driver resulting from a flash when the system takes a picture?

The Commission has reason to believe that traffic enforcement camera systems do present a visual disturbance for the driver resulting from a flash when the system takes a picture. For example, witnesses submitted to the Senate Transportation Committee the following accounts concerning one South Carolina municipality's speed camera system: "This town police (vehicle) is flashing photographs with a strobe light which is not only disruptive but dangerous to traffic." Another stated that "I was blinded by an intense flash as I passed by." Another stated "I was the unfortunate recipient of one of these blinding flashes..." At least two drivers also reported nearly having accidents as a result of these flashes.

(I) Does the use of traffic enforcement camera systems diminish the dangers to and increase the safety of law enforcement personnel?

Ticket cameras have not been shown definitively to improve safety. While some evidence shows that safety is improved, there is other evidence that suggests cameras result in "bunching", whereby drivers brake when they see a speed camera, thus disrupting the flow of traffic. The cameras may also present the danger noted in item (h). For these reasons, the Commission is wary of the possibility that speed cameras could cause vehicular speed differentials and result in traffic congestion. Safety studies indicate that there is a direct correlation between traffic flow (congestion) and accidents.

(J) Does the use of traffic enforcement camera systems decrease the number of speed limit violations and, thereby, increase public safety?

See (i) above.

(K) Does the use of traffic enforcement camera systems in connection with law enforcement raise any personal privacy issues?

If a ticket is mailed to a home occupying more than one licensed driver, there is no guarantee that the ticket will be received by the intended individual, thus violating their right to privacy. There is no right to privacy on public roads.

(L) Identify the criminal laws, if any, that should not be enforced by cameras.

The Commission finds this question to be outside its scope of expertise. The matter may need to be studied in a broader context.

(M) Determine the information contained in photographs taken by traffic enforcement camera systems should be limited to the enforcement of traffic laws, or whether the information, including, but not limited to, license plate numbers, should also be generally available for use by law enforcement for official law enforcement purposes.

If traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes that the information contained in photographs should be limited to the enforcement of traffic laws.

(N) Is there a difference between using a traffic enforcement camera system to enforce traffic laws related to speed limits and traffic laws requiring obedience to traffic control signals and stop signs?

The Commission concedes that there may be differences between using a camera system to enforce traffic laws related to speed limits and traffic laws regarding obedience to traffic control signals and stop signs. For example, it may be more readily apparent when a motorist disregards a stop sign or stop light.

(O) Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, should they be used on all public roads, only on certain roads, or only in certain areas, including, but not limited to, school zones, temporary work zones, and construction zones?

Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes that the use of camera systems should be limited to certain areas, possibly including school zones, temporary work zones, and construction zones. The use of camera systems on all public roads would not be in the best interest of the people of South Carolina.

(P) Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, is there a way to ensure that traffic enforcement camera systems are being used to improve road safety, and assuming that their use improves road safety, rather than maximizing government revenues resulting from violations of uniform traffic laws?

Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the Commission believes that determining a direct correlation between the use of camera system and improvements in road safety could be difficult. The Commission notes that there are many factors that contribute to road safety, such as traffic volume, vehicle speed differentials, pavement quality, road width, and signage.

(Q) What is the constitutionality of utilizing traffic enforcement camera systems to enforce uniform traffic laws and mailing citations to alleged violators? If unconstitutional, what is the manner in which a system may be constitutionally operated?

The South Carolina Attorney General's office noted on October 31, 2001 that:

The general case law and other authority reviewed herein supports the conclusion that a properly drafted statute authorizing use of photo-radar or similar forms of automated traffic enforcement would pass constitutional muster. These authorities have reviewed automated traffic enforcement from a variety of constitutional perspectives including the Due Process and Equal Protection Clauses, the Fourth Amendment's protection against unreasonable searches and seizures, the Sixth Amendment's right to present an adequate

defense as well as the federal and state constitution's right to privacy. The general consensus is that automated traffic enforcement is constitutional.

Of course, constitutionality of any statute authorizing automated traffic enforcement would depend, in part, upon a well drafted statute. ...this form of traffic enforcement is already extant in a number of jurisdictions so that one or more of these statutes might be used as a guide or model. I would also caution that the South Carolina Constitution contains an express provision protecting privacy in Art. I, §10, and any statute authorizing photo-radar or a similar form of enforcement would have to be drafted with this provision in mind. That having been said, it is clear that some form of statutory enactment, as opposed to constitutional amendment, would suffice.

(R) What are the public policy implications, if any, raised by citations for uniform traffic law violations being mailed to the alleged violator after the event as opposed to being personally delivered contemporaneous with, or within one hour of, the alleged violation?

The Commission believes that a number of serious public policy implications may be raised by mailing traffic citations. South Carolina law specifically prohibits the delivery of citations by mail. Delivery by mail does not ensure that the accused will receive the citation. However, because there is an assumption on the part of the court that a citation has been received, if a ticket is left unpaid, the court presumes the driver purposefully refused to pay. A warrant then may be issued for the accused person's arrest. Because an accused driver may not receive the citation until days or weeks after the alleged violation, the driver may have difficulty filing an appeal and preparing a defense in a timely manner.

There are cases where local courts have dismissed challenged tickets after an accused driver questioned the legality or definitude of an automatically-generated camera citation. Because local governments seem to be uncertain of their legal footing, local courts have dismissed these contested cases, and, therefore, the question is never fully adjudicated. The Senate Transportation Committee has been advised of such cases by several accused drivers.

The Commission also notes that, regarding speed camera violations in particular, the accused party likely has precious little evidence with which to present a defense to a camera citation. Given the sheer number of citations generated by automated photo radar, even with an officer overseeing the camera operation it is unlikely that the officer will later remember the circumstances surrounding a specific driver on a particular day. The driver is also disadvantaged because the driver's recall of events naturally diminishes over time. Because the officer has not stopped a driver and has not personally delivered a citation contemporaneous with the alleged violation, the driver is likely unaware that he has been automatically ticketed. Therefore the driver would have no reason to remember, much less preserve, evidence at the time of the alleged violation.

(S) Does state's criminal justice system currently have a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems?

The Commission has reason to believe that the state's criminal justice system currently does not have a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems. Already backlogged courts likely would become even more burdened due to the high volume of automatically-generated speed camera citations. Local governments may have to spend additional tax dollars to expand traffic court systems, and the state may have similar needs at the circuit level due to appeals.

(T) Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, what is the manner in which the revenue raised should be allocated and the purposes for which it should be used?

Assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the revenue raised should be allocated using the same formula as is used to distribute revenue from traditional traffic citations.

Pursuant to item (4) Commission recommends no changes to the existing law concerning the use of traffic enforcement camera systems.

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