



2022 Report on Photo Radar in Highway Work Zones

February 2023

1. Background

ORS 810.441 allows the Oregon Department of Transportation (ODOT) to ask the Oregon State Police or other law enforcement jurisdictions authorized under ORS 810.438, to operate photo radar system in state highway work zones. ORS 810.438 covers *mobile* photo radar, which is operated from a marked police vehicle by a uniformed police officer. ORS 810.439 covers citations issued based on photo radar systems described in ORS 810.438.

Criteria surrounding the use of a state highway work zone photo radar system is identified in ORS 810.441. These criteria include the requirement to deploy photo radar within 100 yards of workers or within 100 yards of a highway configuration change. Signs announcing the use of photo radar must also be posted. The actual speed of the vehicle must be displayed within 150 feet of the photo radar unit. A uniformed law enforcement officer in a marked vehicle must be present in order for a traffic citation to be issued.

Photo radar is an enhanced method of enforcing the speed law and is used nationally and by authorized Oregon jurisdictions to control speeding behavior. Mobile photo radar is operated from a marked police van with a trained officer at the controls. Motorists see a sign in advance of the operation and a reader board displaying the speed of each vehicle.

When a speeding vehicle is detected, the device takes two photos: one as the car approaches and a second as it drives away to record the license plate. Following the photo capture and confirmation from a law enforcement officer, a citation is mailed to the registered owner of the vehicle.

ORS 810.441 requires ODOT to deliver a Process and Outcome Evaluation to the Legislative Assembly by March 1 of each odd-numbered year. The report contains the following:

1. The effect of the use of photo radar on traffic safety,
2. The degree of public acceptance of the use of photo radar,
3. The process of administration of the use of photo radar, and
4. Oregon fatal and serious injuries in work zones.

2. The effect of the use of photo radar on traffic safety

ODOT has not used mobile photo radar in a work zone since 2018. ODOT continues to consider mobile photo radar in a work zone for projects when the opportunity presents itself and work

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with cities authorized to provide photo radar enforcement to use mobile photo radar on state construction projects within their city limits.

In 2018, ODOT asked the City Medford Police Department to provide mobile work zone photo radar on the “I-5: Medford Viaduct & Barnett Road Overpass Project”. ODOT worked with the project contractor, Medford Police Department, and the City of Medford Municipal Court to deploy mobile photo radar on this Interstate 5 project. The City of Medford Municipal Court was contacted in advance of the project to discuss application of the law and ensure the work zone photo radar process was conducted to the Court’s expectations.

ODOT, Medford Police Department and the project contractor met before the project began and coordinated issues throughout the project so that mobile work zone photo radar was utilized appropriately to meet project goals of reduced speeding and a safer work zone. Coordination went smoothly and all parties were willing to make needed adjustments to optimize work zone photo radar enforcement efficiency and effectiveness. There was a portion of the project which did not use the mobile photo radar van due lack of safe refuge for the van leading north bound to the viaduct.

Medford Police Department deployed the mobile photo radar for work zone for a total of 15 days on the project. Each deployment lasted for 4 hours.

The number of violations captured and the number of citations issued were tracked. For this project a total of 1,058 work zone photo radar violations were captured. These violations were processed and some were rejected due to: driver obstruction; license plate obstruction; driver gender didn’t match registered owner; poor photographs; or other miscellaneous conditions that made the violations unsuitable to move to citation status.

Out of the 1,058 violations captured a total of 686 speeding citations were issued. This means that an average of 11.5 citations were issued per hour for the time the Medford Police Department was deployed in the work zone and engaging in photo radar activities. The legal speed through the work zone was 40 MPH. Speeds recorded for the violations captured averaged 56 MPH with a high speed of 91 MPH.

It was noted by ODOT observers and the contractor that when work zone photo radar equipment was in place traffic speeds were slower, for both directions of travel, than when this equipment was absent. Medford Police recommended that a formal speed survey be completed to document the differences in speeds with and without work zone photo radar equipment present.

3. The degree of public acceptance of the use of photo radar

ODOT annually contracts with a private research firm to learn about Oregonians' driving habits and attitudes. The information provided can help ODOT develop traffic safety programs and campaigns to increase public awareness of Oregon roadway laws and encourage safe behaviors. Oregonians polled supported the use of photo radar for work zone traffic enforcement.

Historically, Oregonian's support for use of work zone photo radar enforcement is in the mid-60 percentile range.

Also worthy of note is that since the year 2015, Oregon motorists who had work zone safety concerns, identified excessive vehicle speed as their top work zone concern. In the 2022 survey, 53% had seen or experienced speeding in a work zone. Few respondents (10%) thought officials were very strict with drivers who failed to follow the rules of the road. Nearly half of those surveyed (46%) that enforcement could be significantly improved. Nearly one-fifth (16%) felt there was no enforcement at all while an additional third (30%) thought the rules were only somewhat enforced.

4. The process of administration of the use of photo radar

It is currently difficult to administer mobile photo radar in a work zone on ODOT projects. ODOT is authorized to use mobile photo radar enforcement in work zones on all State Highways, however the criteria to use photo radar in a work zone, as discussed in ORS 810.441, is restrictive in regard to the location of the photo radar unit in relation to the work zone. The photo radar unit is required to be located within 100 yards of a roadway configuration change i.e., beginning of lane closures, etc. Work zones limited available space many times does not accommodate the language in ORS 810.441. The purpose of law enforcement is for both traffic safety and worker safety. Having enforcement where the work is being accomplished is often preferable to having enforcement located at the beginning of the roadway configuration change, which may be located very far from the workers. Currently ORS 810.441 does not accommodate differing locations of the photo radar unit in the work zone. Locations of signs warning of the photo radar (100 – 400 yards) in ORS 810.411 also does not lineup with the standard sign spacing used for ODOT work zones (100 – 1000 feet, depending on posted speed in work zone).

With lack of statewide law enforcement resources, many police agencies do not have the equipment or resources to perform mobile photo radar enforcement in a work zone. Law enforcement agencies that do have the equipment and resources are located in only a few cities

around the state. The lack of resources effectively limits ODOT from considering photo radar enforcement on most projects. Enforcement using mobile photo radar in a work zone is generally considered for larger projects located within the boundaries of the cities that have the equipment and resources.

The use of mobile photo radar enforcement has not been conducted since 2018. ODOT continues to consider mobile photo radar as a tool for work zone enforcement.

5. Oregon fatal and serious injuries in work zones

Between 2011 and 2020, 58 people lost their lives in a work zone and 202 were seriously injured. Four of the 58 people who lost their lives and one of the 202 people who were seriously injured were work zone workers.

In January 2023, the ODOT Work Zone Safety Task Force was formed. With safety as a core value at ODOT, every effort must be made to ensure the safety of workers in work zones. Working in roadway work zone poses elevated risk for injuries due to exposure to moving vehicular traffic and other hazards. In 2022, ODOT employees identified safety in work zone as a primary concern that needs to be improved. The Work Zone Safety Task Force was created by ODOT to mitigate risks and identify opportunities to protect workers and improve safety. The task force is composed of personnel from employee safety, regional public information officers, highway safety, highway maintenance & operations, and others from affected business lines.

The ODOT Office of Employee Safety (OES) is piloting work zone near miss data collection from ODOT employees working in work zones. The purpose of near miss data collection is to gather and review relevant data, promote data-driven decisions, assist in identifying problems, better understand the risks and identify potential actions items such as public awareness campaigns and legislative changes. From August 2022 to January 2023, 139 near miss incidents have been reported. Far too many near miss incidents occur in every work zone and ODOT hopes to find new tools, or expand the use of existing tools, such as mobile photo radar, to keep work zone workers and the traveling public safe.