

## Traffic Camera Use by Local Governments: Considerations, Limitations, and Pitfalls to Avoid

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Category: [Traffic Regulation and Enforcement](#)



This is the second of a two-part blog series on automated traffic safety cameras (traffic cameras) used by local governments to detect traffic violations. [Part 1](#) looked at state restrictions regarding camera use and the types of traffic violations a city or county can use traffic cameras to detect. This blog will look at what a locality needs to be aware of once it has decided to implement camera use.

### Camera Installation and Use

[RCW 46.63.220](#) requires cities or counties seeking to use traffic cameras to complete several advance steps before installing and using traffic cameras.

#### Step 1: Select a permissible camera location

Cities and counties can only locate traffic cameras in selected speed zones (See [Part 1](#) of this series for specifics), at stop light-controlled intersections of two or more arterials, or at railroad crossings. Importantly, these jurisdictions cannot place traffic cameras at limited access facility on-ramps (see [RCW 47.52.010](#)).

Also, since traffic cameras often use flash photography to document violations, they must be placed in locations that minimize the flash's impact on drivers. Cities choosing to install a traffic camera on a state highway that is also a designated city street must notify the Washington State Department of Transportation (DOT) about the installation.

### Step 2: Analyze the camera's potential impact on the chosen location

Before placing or moving a traffic camera, the city or county legislative authority must first analyze how the camera might impact the chosen location's livability, accessibility, economics, education, and environmental health. The analysis must also show that the chosen location has a demonstrated need for traffic cameras that is based on one or more of the following criteria:

- The location is traveled by vulnerable road users ("Vulnerable user" is defined in [RCW 46.61.5259\(4\)\(b\)](#));
- There is evidence of vehicle speeding or collisions (or near collisions) at the location; or
- Other measures to reduce traffic safety risks at the location are (or are anticipated to be) infeasible or ineffective.

### Step 3: Pass an ordinance

To use traffic cameras, cities or counties must first pass an ordinance that (at a minimum) adopts state law traffic camera restrictions and signage requirements, as these few examples demonstrate:

- [Lake Forest Park Ord. No. 1251](#) (2022)
- [Pasco Ord. No. 4392](#) (2018)
- [Seattle Ord. No. 126183](#) (2020)
- [Tukwila Ord. No. 2612](#) (2019)

### Step 4: Post restrictions and policies

Cities or counties using traffic cameras must post state law restrictions and any other policies they adopt about traffic camera use on their websites — see [RCW 46.63.220\(2\)](#). As an example, see Lake Forest Park's [Photo Enforcement Program](#) webpage.

### Step 5: Place signs

At least 30 days before using traffic cameras, jurisdictions must place signs stating that traffic cameras will be used to enforce traffic violations. State law doesn't specify precise sign locations and only requires that signs "clearly indicate" traffic camera use to drivers. Traffic camera signs placed after June 7, 2012, must also comply with the DOT's [traffic sign requirements](#).

## Processing Infractions

Traffic camera infractions are processed like parking tickets; in most cases, the law treats them as civil violations by the violating vehicle rather than by its driver. This raises several important considerations for local governments when processing traffic camera infractions.

First, traffic cameras can only record images of the vehicle and its license plate and only while the violation is occurring. Traffic camera images cannot show the face of a violating vehicle's driver or its passengers — see [RCW 46.63.220\(8\)](#).

Second, the violating vehicle's registered owner is presumed responsible for the violation. The jurisdiction must mail a notice of the violation to the owner within 14 days of the violation. The owner can overcome their presumed responsibility by stating under oath that the vehicle was either stolen or controlled by another person when the violation occurred.

Traffic camera infractions do not become a part of the vehicle owner's driving record.

### Infractions when the vehicle is a rental

While the prior paragraphs describe the process when the violating vehicle is registered to an individual, different procedures apply if the vehicle is registered to a rental car business.

Before issuing a traffic camera ticket, the jurisdiction must first notify the business in writing that it may be cited for the violation (as the vehicle's owner) unless it responds to the notice within 18 days with a sworn written statement that either:

1. Gives the name and last known mailing address of the person renting or driving the vehicle when the violation happened; or
2. States that the driver or renter cannot be identified because the vehicle was stolen when the infraction happened (this response requires the business to include a copy of any filed police report about the vehicle theft).

The jurisdiction then has 14 days to cite the vehicle's identified driver or renter. The jurisdiction can cite the business if it fails to respond to the notice as required.

### Infraction Fines and Revenue

State law caps traffic camera infraction fines at \$290 for school zone speeding violations and \$145 for all other violations. These maximum fine amounts will be reviewed for inflationary adjustments every five years starting in 2029.

Infraction fines for first violations (and for subsequent violations within 21 days of a first violation) must be reduced by 50% for certain public assistance recipients who request reduced fines — see [RCW 46.63.220](#)(15) and (16).

State law also restricts how cities and counties can use their traffic camera revenue. First, a jurisdiction's compensation to a traffic camera manufacturer or vendor must reflect the actual value of equipment or services the jurisdiction receives — it cannot just be measured by a portion of a camera's generated fines or revenue ([RCW 46.63.220](#)(12)). This restriction applies to all jurisdictions that use traffic cameras, regardless of when their traffic camera program is established.

Second, additional revenue use restrictions apply to jurisdictions that establish traffic camera programs on or after January 1, 2024:

- Traffic camera revenue can only be used to cover certain camera program costs and to pay for specified traffic safety activities (such as road design projects to reduce speed or projects to enhance transportation user safety).
- Jurisdictions with populations of 10,000 or more must direct a portion of their traffic camera revenue toward projects that “provide direct and meaningful traffic safety benefits” to: 1) areas with household incomes in the lowest quartile; and 2) areas with injury crash rates above the jurisdiction's average. The directed revenue portion must be at least proportional to the population within these areas.
- Jurisdictions with populations under 10,000 must use the Washington State Department of Health's [environmental health disparities map](#) to “inform” their traffic camera revenue spending.
- Jurisdictions that initially place and use a traffic camera after June 6, 2024, must deposit 25% of the camera's non-interest revenue (after deducting certain allowed camera and infraction processing costs) into the [Cooper Jones active transportation safety account](#). These deposits must start four years after the camera's placement.

Jurisdictions with traffic camera programs predating January 1, 2024, enjoy limited exemptions from the above additional revenue restrictions. In those jurisdictions, the above revenue restrictions do not apply to stoplight or school speed zone traffic cameras placed before that date, or to stoplight or school speed zone cameras placed after that date that increase the jurisdiction's overall traffic camera numbers by 10% or less. In addition, if these jurisdictions have 10 or fewer stoplight or school speed zone cameras in their pre-January 1, 2024 program, they can add one additional stoplight or school speed zone camera to the program that will be exempt from the above revenue restrictions.

## Reports and Records

[RCW 46.63.220](#)(6)(b)(i) requires cities and counties using traffic cameras to annually post a report on their website that lists the number of traffic crashes at their camera locations, as well as the number of infractions they issue through each camera. See Fife's [Safety Camera Enforcement](#) webpage as an example.

By January 1, 2026, these reports must also include the percentage of camera revenue used to pay for traffic camera program costs and how the jurisdiction used any camera revenue that exceeded these costs.

Localities using traffic cameras can only retain traffic camera photos, video, or other recorded personally identifying information for as long as needed to enforce violations (which could include the time needed to prosecute a traffic camera ticket, including any appeals). The jurisdiction should destroy this information once its violation enforcement efforts have concluded.

In addition, the photographs, videos, and other personally identifying data that a traffic camera creates are not subject to public disclosure, and localities cannot use any of this traffic camera data as evidence in any other legal proceeding. See [RCW 46.63.220](#)(11).

## Conclusion

In light of ongoing traffic safety concerns and increasing costs related to traffic enforcement, local government interest in traffic cameras is growing. Recognizing this reality, state law has expanded the ability of cities and counties to use traffic cameras to address traffic safety concerns. A better understanding of the legal requirements related to installing and using traffic cameras can help localities decide whether traffic cameras are right for their jurisdiction.

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### About Harry Boesche

Harry Boesche joined MRSC as a legal consultant in 2024. Prior to this, he was the Deputy City Attorney for the City of Auburn for 17 years.

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