



Texas Department of Transportation

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December 20, 2005

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DEC 27 2005

OPINION COMMITTEE

RQ-0427-GA

The Honorable Greg Abbott
Attorney General
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

FILE # ML-44533-05

I.D. # 44533

Re: Whether the Department of Transportation Has the Authority to Place Cameras on State Highway Rights of Way to Enforce Traffic Signal Compliance

Dear General Abbott:

I am writing to request your opinion as to whether the Texas Department of Transportation (the department) has the authority to place a camera on state highway rights of way to enforce compliance with traffic signals. In addition, we request your opinion as to whether the department can permit local authorities to install camera equipment on state highway rights of way for this purpose.

There are no specific statutes on the use of cameras for traffic signal enforcement. The issue was debated before the legislature during each of the past three regular sessions; however, no legislation was passed. Some local entities believe that the definition of "(r)egulating" in Transportation Code §542.202 authorizes them to utilize camera enforcement.

The department routinely receives requests by local entities to allow the placement of camera equipment on state highway rights of way, and we are seeking your guidance in order to respond. We also inquire as to our own authority in order to address potential partnerships with local entities.

If you have any questions or if you need further information, please contact our General Counsel, Richard Monroe, at (512) 463-8630. Your assistance in this matter is appreciated.

Sincerely,

Michael W. Behrens, P.E.
Executive Director