

Ordinance No. 123170

Council Bill No. 116701

AN ORDINANCE relating to traffic infractions; and amending Seattle Municipal Code Sections 11.31.020 and 11.31.090 and Seattle Municipal Code subsection 11.31.120.C to provide that Seattle Municipal Code Section 11.52.040 may be enforced through the use of evidence detected by an automated traffic safety camera and provide for penalties for such camera-detected violations.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Jean Johnson
Councilmember

Committee Action:

11-10-09 Pass JG, SC, RC, BH, NL, RM, TR

11-23-09 Passed 9-0

CF No. _____

Date Introduced:	<u>10-19-09</u>	
Date 1st Referred:	To: (committee) <u>Budget</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor:	Date Approved: <u>12-1-09</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 123170

1
2 AN ORDINANCE relating to traffic infractions; and amending Seattle Municipal Code Sections
3 11.31.020 and 11.31.090 and Seattle Municipal Code subsection 11.31.120.C to
4 provide that Seattle Municipal Code Section 11.52.040 may be enforced through the
5 use of evidence detected by an automated traffic safety camera and provide for
6 penalties for such camera-detected violations.

7 WHEREAS, excessive vehicle speed is one of the principal factors implicated in pedestrian
8 injuries and fatalities, both locally and nationally; and

9 WHEREAS, a recent amendment to RCW 46.63.170 provides that, during the State's 2009-2011
10 fiscal biennium, the City of Seattle is authorized to use automated traffic safety
11 cameras to enforce speed laws if the local legislative authority first enacts an ordinance
12 authorizing such use; and

13 WHEREAS, the Washington State Traffic Commission will assist with the evaluation of the
14 results of a two-year pilot study of the use of automated traffic safety cameras to
15 enforce speed laws in the city; and

16 WHEREAS, the City Council has previously authorized the use of automated traffic safety
17 cameras to enforce red light and school zone speed laws; and

18 WHEREAS, use of automated traffic safety cameras will enhance enforcement of speed laws and
19 promote public safety, NOW, THEREFORE,

20 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

21 Section 1. Effective January 1, 2010, Seattle Municipal Code Section 11.31.020, last
22 amended by Ordinance 121944, is amended as follows:

23 **SMC 11.31.020 Notice of traffic infraction --Issuance.**

24 A. A peace officer has the authority to issue a notice of traffic infraction:

- 25 1. when the infraction is committed in the officer's presence;
- 26 2. if an officer investigating at the scene of a motor vehicle accident has
27 reasonable cause to believe that the driver of a motor vehicle involved in the accident has
28 committed a traffic infraction; or



1 3. when ~~((the infraction is))~~ a violation of SMC 11.50.140, SMC 11.50.150,
2 SMC 11.52.040 or SMC 11.52.100 is detected through the use of an automated traffic safety
3 camera ~~((under Washington Laws of 2005, chapter 167, section 1))~~ as authorized pursuant to
4 RCW 43.63.170.

5 B. A court may issue a notice of traffic infraction upon receipt of a written statement of
6 the officer that there is reasonable cause to believe that an infraction was committed. (RCW
7 46.63.030)

8 Section 2. Effective January 1, 2010, Seattle Municipal Code Section 11.31.090, last
9 amended by Ordinance 122725, is amended as follows:

10 **SMC 11.31.090 Traffic infractions detected through the use of an automated**
11 **traffic safety camera.**

12 A. A notice of infraction based on evidence detected through the use of an automated
13 traffic safety camera must be mailed to the registered owner of the vehicle within ~~((fourteen~~
14 ~~))14(())~~ days of the violation, or to the renter of a vehicle within ~~((fourteen-))14(())~~ days of
15 establishing the renter's name and address under subsection C1 of this section, SMC 11.31.090.
16 The peace officer issuing the notice of infraction shall include with it a certificate or facsimile
17 thereof, based upon inspection of photographs, microphotographs, or electronic images produced
18 by an automated traffic safety camera, stating the facts supporting the notice of infraction. This
19 certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a
20 proceeding charging a violation of Section 11.50.140, Section 11.50.150, Section 11.52.040, or
21 Section 11.52.100. The photographs, microphotographs, or electronic images evidencing the
22
23
24
25
26
27
28



1 D. ~~((For the purposes of this section))~~ The term "automated traffic safety camera"
2 means a device that uses a vehicle sensor installed to work in conjunction with an intersection
3 traffic control system and a camera synchronized to automatically record one ~~((1))~~ or more
4 sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at
5 the time the vehicle fails to stop when facing a steady red traffic control signal.

6 E. In a traffic infraction case involving an infraction detected through the use of an
7 automated traffic safety camera, proof that the particular vehicle described in the notice of traffic
8 infraction was in violation of Section 11.50.140, Section 11.50.150, Section 11.52.040, or SMC
9 11.52.100, together with proof that the person named in the notice of traffic infraction was at the
10 time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie
11 presumption that the registered owner of the vehicle was the person in control of the vehicle at
12 the point where, and for the time during which, the violation occurred. This presumption may be
13 overcome only if the registered owner states, under oath, in a written statement to the court or in
14 testimony before the court that the vehicle involved was, at the time, stolen or in the care,
15 custody, or control of some person other than the registered owner.

16 Section 3. The authority to use automated traffic safety cameras to enforce SMC
17 11.52.040 shall expire as of June 30, 2011 unless the state legislature further authorizes such
18 enforcement.
19

20 Section 4. Effective January 1, 2010, Seattle Municipal Code subsection 11.31.120.C,
21 last amended by Ordinance 122725, is amended as follows:

22 **SMC 11.31.120 Monetary penalties.**

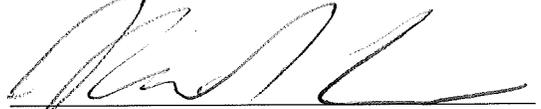
23 ***



1 C. A traffic infraction for violation of Section 11.50.140, Section 11.50.150, Section
2 11.52.040, or Section 11.52.100 detected through the use of an automated traffic safety camera
3 shall be processed in the same manner as a parking infraction, with a monetary penalty equal to
4 the total penalty, including the base penalty plus any statutory assessments authorized under state
5 law, for violations of such Sections otherwise detected by a police officer.

6 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after
7 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
8 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

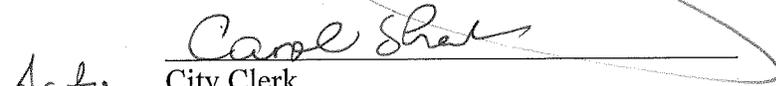
9 Passed by the City Council the 23rd day of November, 2009, and signed by me in open
10 session in authentication of its passage this 23rd day of November, 2009

11
12
13 
14 President _____ of the City Council

15 Approved by me this 1st day of December, 2009.

16
17 
18 Gregory J. Nickels, Mayor

19 Filed by me this 3rd day of December, 2009.

20
21 
22 Acty City Clerk

23 (Seal)

2010-2011 BUDGET LEGISLATION FISCAL NOTE

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Police Department	Mike Quinn, 615-1230	Jennifer Albright, 684-5211

Legislation Title:...

AN ORDINANCE relating to traffic infractions; and amending Seattle Municipal Code Sections 11.31.020 and 11.31.090 and Seattle Municipal Code subsection 11.31.120.C to provide that Seattle Municipal Code Section 11.52.040 may be enforced through the use of evidence detected by an automated traffic safety camera and provide for penalties for such camera-detected violations.

Summary of the Legislation: This legislation authorizes the use of evidence detected by automated traffic safety cameras for enforcement of speed violation laws under Seattle Municipal Code Section 11.52.040 and provides penalties for such violations.

Background: (Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

In 2009, the state legislature passed transportation budget legislation authorizing Seattle and Tacoma to conduct a two-year pilot project under the supervision of the Washington Traffic Safety Commission to test the feasibility of using automated traffic safety cameras for enforcement of speed laws. While RCW 46.63.170 already allowed use of this technology in school zones, this new pilot project will allow the use of these cameras outside of school zones.

In September 2005, the Seattle City Council passed Ordinance 121944, authorizing the use of traffic safety cameras for enforcement of red light law violations at two-arterial intersections. Ordinance 122554, passed in November 2007, authorized the citation of camera-detected red arrow law violations as well as circular red light law violations, and set the monetary penalty for camera-detected violations to equal the penalty for officer-detected violations. Ordinance 122725, passed in June 2008, extended the use of traffic safety cameras for enforcement of speed law violations in school zones. The proposed legislation, which would authorize an extension of automated enforcement of speed laws to the entire city, is intended to enhance public safety by reducing arterial speeding and speed-related vehicle crashes. The success or failure of the pilot will be measured using this standard. The authority to continue this pilot project will expire automatically on June 30, 2011 unless extended by future City ordinance or made permanent by the state legislature during the 2011 session.

X This legislation has financial implications.



Summary of Changes to Revenue Generated Specifically From This Legislation: *For budget legislation that changes revenue (e.g., fees, taxes, etc.), please provide detail on each revenue-producing item that is being changed, when it was last changed, and how the item's new overall cost compares with similar costs charged elsewhere in the region.*

	Revenue Source	2010 Proposed
Total Fees and Charges Resulting From Passage of This Ordinance	Fines paid from infractions detected by newly-authorized traffic safety cameras.	\$50,300.

Anticipated Total Revenue from Entire Program, Including Changes Resulting From This Legislation:

Fund Name and Number	Revenue Source	Total 2010 Revenue
General Subfund (00100)	Fines paid from speeding infractions	\$2,970,000
TOTAL		\$2,970,000

What is the financial cost of not implementing this legislation? The financial cost of not implementing this legislation is the loss of revenue from speeding vehicles not detected by the newly-authorized traffic safety cameras. More importantly, it is hoped this legislation may help reduce some costs associated with emergency personnel responding to accident scenes by reducing the number of speed-related accidents.

- Does this legislation affect any departments besides the originating department? This could minimally affect the Law Department, the Municipal Court, and the Fire Department.
- What are the possible alternatives to the legislation that could achieve the same or similar objectives? There are no alternatives that could achieve the same or similar objectives.
- Is the legislation subject to public hearing requirements? No





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

September 25, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill for consideration with the 2010 Proposed Budget. This legislation authorizes a two-year pilot project to test the feasibility of using traffic safety cameras for speed enforcement throughout the city. This project, which was recently authorized by a change in state law, will expire automatically on June 30, 2011 unless the program is extended by future City ordinance or the authority for such enforcement is made permanent by the state. The pilot is expected to enhance public safety by reducing excessive speeds and speed-related crashes, as statistics have shown that one-third of all traffic fatalities involve excessive speed.

The proposed legislation builds upon the Council's 2008 initiative to use traffic safety cameras for speed enforcement in school zones. That earlier program has just concluded and its results are being evaluated. Preliminary findings are positive, with significant reductions in the number of vehicles cited for excessive speed in school zones that are equipped with traffic safety cameras. The pilot proposed by this Bill will allow us to study the effectiveness of traffic safety cameras in reducing speeding violations on arterial streets and other roads where excessive speed and speed-related accidents have occurred in recent years.

Seattle has been a leader in Washington State in pioneering the use of traffic safety cameras for enforcement of laws against red light running and speeding in school zones. I am confident that the proposed project will enhance roadway safety and keep us at the forefront of new developments in automated traffic enforcement. Thank you for your consideration of this legislation. Should you have questions, please contact Seattle Police Department Traffic Captain Mike Fann at 684-8840.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a large, stylized flourish that extends across the page.

GREG NICKELS
Mayor of Seattle

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E-mail: mayors.office@seattle.gov

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

