Introduction and first reading:	6/12/07
Public hearing:	6/16/07
Second reading and enactment:	6/16/07

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 10-3-833.01 (PHOTO-MONITORING OF TRAFFIC LIGHT SIGNALS) of Chapter 3 (OPERATION OF VEHICLES), Title 10 (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance amends the city code section that had governed the city's photo-monitoring system for enforcement of traffic light signal violations. After the passage of several years in which such photo-monitoring was prohibited, the 2007 General Assembly enacted legislation to once again allow localities to use photo-monitoring systems to enforce traffic light signals.

Many provisions of the original photo-monitoring statute were retained. However, the General Assembly has added some new requirements. The city may install up to 13 photo-monitoring cameras (one intersection for every ten thousand residents). Violation notices may be issued only by law enforcement officers, and not by technicians as was previously allowed. The summons for a violation must be issued within ten business days of the violation, or else the data must be purged from the system. The violator must be given sixty days, between the mailing of the summons and the court hearing, within which the violator can review the data collected in connection with the violation. Information collected by the photo-monitoring purpose cannot be used for any purpose other than traffic signal enforcement. Disclosure of personal information in violation of this restriction can result in the imposition of a $1,000 fine.

A contract with a private company for installation of photo-monitoring equipment cannot calculate the contractor's compensation on the basis of the number of violations or amount of monetary penalties generated by the equipment. Prior to installation of photo-monitoring equipment at an intersection, city staff must consider several factors set out in the statute, and must conduct an engineering safety analysis of the intersection. Once in operation, the photo-monitoring system must be evaluated monthly by city staff to ensure proper functioning.

Sponsor

Staff

Bernard Caton, Legislative Director
George McAndrews, Assistant City Attorney

Authority

§ 15.2-968.1, Code of Virginia (1950), as amended

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

1   ORDINANCE NO. _____

2

3   AN ORDINANCE to amend and reordain Section 10-3-833.01 (PHOTO-MONITORING OF

4   TRAFFIC LIGHT SIGNALS) of Chapter 3 (OPERATION OF VEHICLES), Title 10

5   (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia,

6   1981, as amended.

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8

9   THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

10

11   Section 1. That Section 10-3-833.01 of The Code of the City of Alexandria,

12   Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as

13   follows:

14

15   Sec. 10-3-833.01 Photo-monitoring of traffic light signals.

16

17   (a)   It shall be unlawful for the operator of a motor vehicle to fail to stop or remain

18   stopped when directed to do so by a steady red traffic light signal.

19

20   (b)   For the purposes of this section, the following words shall have the meanings set out

21   below:

22

23   (1)   "System" means a traffic light signal violation-monitoring System that

24   operates by means of a vehicle sensor installed to work in conjunction with a traffic light that

25   automatically produces two or more photographs, two or more microphotographs, a videotape or

26   other recorded images of a vehicle at the time that the operator of the vehicle fails to stop or

27   remain stopped at a steady red traffic light signal in violation of this section. For each such

28   vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the

29   intersection, and at least one recorded image shall be of the same vehicle after it has illegally

30   entered the intersection.

31

32   (2)   "Owner" means the registered owner of a vehicle on record with the

33   Department of Motor Vehicles.

34

35   (c)   The city manager or the manager's designee may install and operate a System at no

36   more than ~~three intersections in~~one intersection for every ten thousand (10,000) residents within

37   the city, for the purpose of imposing monetary liability on the operator of a motor vehicle for

38   failure to stop or remain stopped at a steady red traffic light signal.

39

40   (d)   Proof of violation; presumption.

41

42   (1)   Proof of a violation of this section shall be evidenced by information

43   obtained from the System. A certificate, or a facsimile thereof, sworn to or affirmed by a

44   ~~technician~~law-enforcement officer employed by the city, based upon inspection of photographs,

45   microphotographs, videotape or other recorded images produced by the System, shall be prima

46   facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or

1 other recorded images evidencing such a violation shall be available for inspection in any
2 proceeding to adjudicate liability for a violation of this section.
3
4   (2)   Prima facie evidence that the vehicle described in the summons issued
5 pursuant to subsection (f) was operated in violation of this section, together with proof that the
6 defendant was at the time of such violation the owner, lessee or renter of the vehicle, shall
7 constitute in evidence a rebuttable presumption that the defendant was the person who committed
8 the violation. This presumption shall be rebutted (i) if the owner, lessee or renter of the vehicle
9 either files an affidavit by regular mail with the ~~city manager or the manager's designee, or,~~
10 ~~following service of a summons under section 19.2-76.3 of the Virginia Code, with the~~ clerk of
11 the general district court, stating that he was not the operator of the vehicle at the time of the
12 alleged violation, or testifies in open court under oath that he was not the operator of the vehicle
13 at the time of alleged violation, or (ii) if a certified copy of a police report, showing that the
14 vehicle had been reported to the police as stolen prior to the time of the alleged violation, is filed
15 with the ~~city manager or the manager's designee, or, following service of a summons under~~
16 ~~section 19.2-76.3 of the Virginia Code, with the~~ clerk of general district court prior to the return
17 date established on ~~said~~ the summons issued pursuant to subsection (f).
18
19   (e)   The operator of a vehicle shall be liable for a monetary penalty of up to $50 if the
20 operator is found, as evidenced by information obtained from the System, to have failed to
21 comply with a steady red traffic light signal. No monetary penalty imposed under this section
22 shall include court costs. Imposition of a penalty under this section shall not be deemed a
23 conviction as an operator, and shall not be made part of the operating record of the person upon
24 whom such liability is imposed; nor shall it be used for insurance purposes in the provision of
25 motor vehicle insurance coverage.
26
27   (f)   A summons for a violation of this section may be executed pursuant to section 19.2-
28 76.2 of the Code of Virginia (1950), as amended. Notwithstanding the provisions of section
29 19.2-76 of the Virginia Code, a summons for a violation of this section may be executed by
30 mailing by first-class mail a copy of the summons to the address of the owner, lessee or renter of
31 the vehicle as shown, in the case of vehicle owners, in the records of the Department of Motor
32 Vehicles or, in the case of vehicle lessees or renters, in the records of the vehicle lessor or rentor.
33 Every such mailing shall include, in addition to the summons, a notice of:
34
35   (i)   the summoned person's ability to rebut the presumption that he was the
36   operator of the vehicle at the time of the alleged violation through the filing
37   of an affidavit as provided in subsection (d)(2), above; and
38
39   (ii)   instructions for filing such an affidavit, including the address to which the
40   affidavit is to be sent.
41
42 If the summoned person fails to appear on the date of return set out in the mailed summons, the
43 summons shall be executed in the manner set out in section 19.2-76.3 of the Virginia Code. No
44 proceedings for the contempt or arrest of a person summoned by mailing shall be instituted for
45 failure to appear on the return date of the summons. Any summons executed for a violation of

1   this section shall provide to the person summoned at least sixty (60) business days from the
2   mailing of the summons to inspect information collected by the System in connection with the
3   violation.
4

5   (g)   Information collected by the System shall be limited exclusively to information that
6   is necessary for the enforcement of traffic light violations. No private entity may obtain from the
7   city or its System records regarding the registered owners of vehicles that fail to comply with
8   traffic light signals. Notwithstanding any other provision of law, all photographs,
9   microphotographs, electronic images or other personal information collected by the System shall
10   be used exclusively for enforcing traffic light violations, and shall not:
11

12   (i)   be open to the public;
13

14   (ii)   be sold or used for sales, solicitation or marketing purposes;
15

16   (iii)   be disclosed to any other entity except as may be necessary for the
17   enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to
18   the violation; or
19

20   (iv)   be used in a court in a pending action or proceeding unless the action or
21   proceeding relates to a violation of section 46.2-833, section 46.2-835 or section 46.2-836 of the
22   Virginia Code.
23

24   (h)   Information collected by the System with regard to a specific violation shall be
25   purged and not retained later than sixty (60) days after the collection of any civil penalties. If the
26   city does not execute a summons for a violation of this section within ten (10) business days of
27   the occurrence of the violation, all information collected that pertains to said suspected violation
28   shall be purged within twelve (12) business days of the of the suspected violation.
29

30   (i)   The city manager, or the city manager's designee, shall annually certify compliance
31   with section 15.2-968.1 of the Virginia Code, and shall make all records pertaining to the System
32   available for inspection and audit by the Commonwealth Transportation Commissioner or the
33   Commissioner of the Department of Motor Vehicles or his designee.
34

35   (j)   Any person who discloses personal information in volation of the provisions of
36   subsections (h) or (i) shall be subject to a civil penalty of $1,000.
37

38   (k)   A private entity may enter into an agreement with the city to be compensated for
39   providing the System or equipment, and all related support services, to include consulting,
40   operations and administration. The city shall not enter into any such agreement in which
41   compensation of the private entity is based upon the number of violations or monetary penalties
42   imposed.
43

44   (l)   When selecting potential intersections for installation of System equipment, the
45   following factors shall be considered:

5

(i)   the accident rate for the intersection;

(ii)   the rate of red light violations occurring at the intersection, as measured by the number of violations per number of vehicles using the intersection;

(iii)   the difficulty experienced by law-enforcement officers in patrol cars or on foot in apprehending violators;

(iv)   the ability of law-enforcement officers to apprehend violators safely within a reasonable distrance from the violations; and

(v)   if applicable, the risk to pedestrians.

A list of intersections to be included in the System shall be submitted to the Virginia Department of Transportation for final approval.

(m)   Before the implementation of a System at an intersection, the city shall complete an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based upon the recommended methodology of the Institute of Transportation Engineers. The System shall provide a minimum 0.5-second grace period between the time that the signal turns red and the time that the first violation is recorded. If recommended by the engineering safety analysis, the city shall make reasonable location-specific safety improvements, including signs and pavement markings.

(n)   The city shall evaluate the System on a monthly basis, to ensure that all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

(o)   Conspicuous signs shall be placed within five hundred (500) feet of the intersection approach of any intersection at which the System is used. There shall be a rebuttable presumption that such signes were in place at the time of the commission of the traffic light signal violation.

(p)   Prior to, or coincident with, the implementation or expansion of the System, the city shall conduct a public awareness program, advising the public that the System is being implemented or expanded.

Section 2. That this ordinance shall become effective on July 1, 2007.

WILLIAM D. EUILLE
Mayor

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1	Introduction:	6/12/07
2	First Reading:	6/12/07
3	Publication:	
4	Public Hearing:	
5	Second Reading:	
6	Final Passage:	
7		

8   N.B.   Underlining is not part of the ordinance but denotes material that is new or amended.
9   Strike-outs or dashes are not part of the ordinance but denote material that is being
10   deleted.

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