

Chapter 11.49

AUTOMATED TRAFFIC SAFETY CAMERAS

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11.49.001 Purpose

This chapter establishes an automated traffic safety camera program to further the City's goal of creating safer streets.

11.49.005 Issuing other infractions

Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1)(a), (b), or (c).

11.49.010 Authorized use of automated traffic safety cameras.

A. The City is authorized to use automated traffic safety cameras, as defined by RCW 46.63.210, as adopted or hereafter amended, to detect traffic violations in one or more of the following locations:

1. stoplight violations at intersections of two or more arterials, subject to RCW 46.63.230, as adopted or hereafter amended;
2. speed violations within hospital speed zones;
3. speed violations within public park speed zones;
4. speed violations within school speed zones;
5. speed violations within school walk zones;
6. speed violations within roadway work zones, except that a notice of infraction may only be issued if an automated traffic safety camera captures a speed violation when workers are present;
7. railroad grade crossing violations, subject to RCW 46.63.240, as adopted or hereafter amended;
8. State highways within city limits that are classified as city streets under chapter 47.24 RCW, provided the City notifies the Washington Department of Transportation when it installs an automated traffic safety camera;
9. In addition to the automated traffic safety cameras that may be authorized for specified zones or roads in subsection (A)(1) through (8) of this section, the City is authorized to use one additional automated traffic safety camera per 10,000 population to detect speed violations in locations deemed to experience higher crash risks due to excessive vehicle speeds based on an analysis performed by the City Transportation Department using a multifactor safety analysis.

B. Law enforcement officers of the City of Bellevue, trained and authorized City of Bellevue civilian employees of the Police Department, and City of Bellevue employees of the Transportation Department performing under the supervision of a qualified traffic engineer each have the authority to review infractions detected using automated traffic safety cameras authorized by this chapter and to issue notices of infraction consistent with this chapter. ~~—and persons commissioned by the Bellevue police department are authorized to use automated traffic cameras and related automated systems to detect one or more of the following: (1) stoplight violations; and (2) school speed zone violations.~~

C. Before adding or relocating automated traffic safety cameras to a new location, the City shall prepare an analysis of the locations where automated traffic safety cameras are proposed to be located. At a minimum, the analysis shall include the following:

1. Equity considerations including the impact of the camera placement on livability, accessibility, economics, education, and environmental health; and

2. Demonstrated need for traffic cameras based on one or more of the following in the vicinity of the proposed camera location: travel by vulnerable road users, evidence of vehicles speeding, rates of collision, reports showing near collisions, and anticipated or actual ineffectiveness or infeasibility of other mitigation measures.

~~B. The use of automated traffic safety cameras is subject to the following restrictions:~~

~~1. Use of traffic safety cameras is restricted to arterial intersections and school speed zones only; and~~

11.49.011 Restrictions on use of automated traffic safety cameras.

A. Notices of infraction for automated traffic safety camera-detected speed violations may not be issued to the registered vehicle owner of:

1. A marked fire engine equipped with emergency lights and siren; or

2. An ambulance licensed by the department of health and equipped with emergency lights and siren.

B. Automated traffic safety cameras may not be used on an on-ramp to a limited access facility as defined in RCW 47.52.010.

C. Automated traffic safety cameras may only ~~take pictures~~ record images of the vehicle and vehicle license plate and only while an infraction is occurring. ~~Pictures taken by automated traffic safety cameras may~~ The image must not reveal the face of the driver or the faces of the passengers in the vehicle. The primary purpose of camera placement is to record images of the vehicle and vehicle license plate when an infraction is occurring. The City shall consider installing automated traffic safety cameras in a manner that minimizes the impact of camera flash on drivers.

D. All photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this chapter are for the exclusive use of authorized city employees in the discharge of duties under this chapter and the use and retention of such shall be in a manner consistent with the provisions of RCW 46.63.220, as adopted or hereafter amended.

11.49.015 Signage, public notice, and reporting.

2.A. The City shall clearly mark all locations where automated traffic safety cameras are in use by placing signs at least 30 days prior to activation of the camera in locations that clearly indicate to the driver that: he or she (a) the driver is within an area where automated traffic safety cameras are authorized or (b) the driver is entering an area where violations –zone- where traffic laws are enforced by an automated traffic safety camera. The signs must be readily visible to a driver approaching an automated traffic safety camera. Signs posted after June 7, 2012, shall be posted in accordance with the specifications and guidelines under the Manual on Uniform Traffic Control Devices for Streets and Highways as adopted under RCW 47.36.

B. The City shall post restrictions and other automated traffic safety camera policies on its website. The City shall post an annual report on its website which shall include, at a minimum:

1. The number of traffic crashes that occurred at each location where an automated traffic safety camera is located;
2. The number of notices of infraction issued for each camera;
3. The percentage of revenues received from fines issued from automated traffic safety camera infractions that were used to pay for the costs of the automated traffic safety camera program; and
4. A description of the uses of revenues that exceeded the costs of operation and administration of the automated traffic safety camera program by the City.

C. If the City is using automated traffic safety cameras, it shall provide the Washington Traffic Safety Commission with data the commission requests consistent with reporting requirements under RCW 46.63.220(8), as adopted or hereafter amended.

D. Installation of photo enforcement signing prior to traffic safety camera activation and information related to the City's automated traffic safety camera program posted on the City's website constitute the minimum public notice for automated traffic safety camera locations, though additional forms of public notice may also be given.

11.49.020 Notice of infraction detected through automated traffic safety camera.

A. Whenever any vehicle is photographed by an automatic traffic safety camera, a notice of infraction shall be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of the vehicle within 14 days of establishing the renter's name and address under subsection (B) of this section.

B. If the registered owner of the vehicle is a rental car business, the ~~issuing law enforcement~~ agency shall, before a notice of infraction is issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within 18 days of receiving the written notice, provide to the issuing agency by return mail:

1. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or
2. A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. The statement must be accompanied by a copy of a filed police report regarding the vehicle theft; or
3. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. Timely mailing of this statement to the issuing ~~law enforcement~~ agency relieves a rental car business ~~of~~ any liability under this chapter for the notice of infraction.

C. The ~~law enforcement officer issuing the~~ notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction.

11.49.030 Request for hearing.

A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail or as otherwise indicated on the infraction.

11.49.040 Presumption of committed infraction – Presumption overcome.

A. Theis certificate or facsimile provided in the notice of infraction is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing a violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

B. In a traffic infraction case involving an infraction detected though the use of an automated traffic safety camera photo-enforcement system under RCW ~~46.63.170~~ 46.63.220 through 46.63.260, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such provision of RCW ~~46.63.170~~ 46.63.220 through 46.63.260

, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

C.B. This presumption may be overcome only if:

1. €The registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner; or,

2. In the case of a rental car business, satisfies the conditions under Bellevue City Code section 11.49.020.B. If appropriate under the circumstances, a renter identified under section 11.49.020 of this chapter is responsible for an infraction.

11.49.050 Infractions processed.

Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW [46.52.101](#) and [46.52.120](#). Additionally, infractions generated by the use of automated traffic safety cameras under this ~~section~~ chapter shall be

processed in the same manner as parking infractions including for the purposes of RCW ~~3.46.120, 3.50.100, 35.20.220, 46.16A.120, 46.16.216~~ and ~~46.20.270(23)~~.

11.49.060 Issuing infractions. *(Moved to 11.49.005)*

~~Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1)(a), (b), or (c).~~

11.49.070 ~~Definition of automated traffic safety camera.~~ *(Incorporated by reference to RCW in 11.49.010)*

~~For the purposes of this ordinance, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or exceeds a speed limit in a school zone as detected by a speed measuring device.~~

11.49.080 Penalties.

A. ~~The amount of the fine issued for any infraction generated through the use of an automated traffic safety camera may be adjusted for inflation every five years, beginning January 1, 2029, based on changes in the consumer price index during that time period.~~

B. ~~The penalty fine for a red stoplight violation infraction issued under this chapter shall be \$124.00.~~

~~C.B.~~ The ~~penalty fine~~ for a school zone speed ~~infraction issued under this chapter~~ violation shall be ~~\$248~~ \$124.00.

~~D.C.~~ The fines for all other speed infractions issued under this chapter shall be \$124.00.

E. Fees and penalties for failure to respond shall follow the standard court schedule for infractions.

F. Except as provided in this subsection, registered owners of vehicles who receive notices of infraction for automated traffic safety camera-enforced infractions and are recipients of public assistance under Title 74 RCW or participants in the Washington women, infants, and children program, and who request reduced penalties for infractions detected through the use of automated traffic safety camera violations, shall be granted reduced penalty amounts of 50 percent of what would otherwise be assessed for a first automated traffic safety camera violation and for subsequent automated traffic safety camera violations issued within 21 days of issuance of the first automated traffic safety camera violation. Eligibility for Medicaid under RCW 74.09.510 is not a qualifying criterion under this subsection. Registered owners of vehicles who receive notices of infraction shall be provided with information on their eligibility and the opportunity to apply for a reduction in penalty amounts through the mail or internet.

11.49.090 Manufacturer or vendor contract requirements.

A. The compensation paid to the manufacturer or vendor of the equipment used for the automated traffic safety cameras program shall be based only on the value of the equipment and services provided or rendered in support of the system and shall not be based on a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

B. If the contract between the City and manufacturer or vendor of the equipment does not provide for performance or quality control measures regarding camera images, the City shall perform a performance audit of the manufacturer or vendor of the equipment every three years to review and ensure that images produced from automated traffic safety cameras are sufficient for evidentiary purposes as described in this chapter.

11.49.095 Use of revenue.

A. Consistent with RCW 46.63.220(13), the City may continue to allocate revenue generated by stoplight light and school speed zone automated traffic safety cameras located and activated

prior to January 1, 2024, as it determines. For program expansion by one additional traffic safety camera to detect stoplight violations and one additional traffic safety camera to detect school speed zone violations, the City may allocate revenue as it determines.

B. Except as provided in subsection A of this section, the City shall only use revenue generated by an automated traffic safety camera program as authorized under this chapter for:

1. The cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions; and
2. Traffic safety activities related to construction and preservation projects and maintenance and operations purposes.

C. Except as provided in subsection A of this section, beginning four years after an automated traffic safety camera authorized under this chapter is initially placed and in use, 25 percent of the noninterest money received for infractions issued by such cameras in excess of the cost to administer, install, operate, process infractions, and maintain the cameras, must be deposited into the Cooper Jones active transportation safety account created in RCW 46.68.480.

11.49.100 Authorization for use of electronic signatures.

In connection with the traffic safety program, the police chief and transportation director, or ~~his or her~~their designees, ~~are~~is authorized to utilize electronic signatures in accordance with the provisions of Chapter ~~1.8019.34~~ RCW.

11.49.110 Severability

If any one or more sections, subsections or sentences of this chapter are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this chapter and the same shall remain in full force and effect.