



INFORMATIONAL MEMORANDUM

TO: **Public Safety Committee**

FROM: **Bruce Linton, Chief of Police**

BY: **Bill Devlin, Sergeant Traffic Division**

CC: **Mayor Ekberg**

DATE: **10/30/2018**

SUBJECT: **Automated Safety Camera Pilot Project Presentation**

ISSUE

Increase public safety on the city roadways through enforcement and education using automated red-light cameras.

BACKGROUND

The most prevalent complaint from our residents is speeding on our arterials and neighborhoods. Our traffic Division has a difficult time keeping up with the increased call for enforcement. In addition to leveraging this technology for increased efficiency, studies have shown that red light cameras will make the city streets safer by reducing red light running violations. They are currently used in King, Pierce, Snohomish, Spokane, and Chelan counties. Here in King County there are programs in Bellevue, Des Moines, Federal Way, Issaquah, Kent, Lake Forrest Park, Mercer Island, Renton, and Seattle.

ANALYSIS

Red light running nationally causes hundreds of deaths, tens of thousands of injuries and billions of dollars in property damage. A driver runs a red light about every 20 minutes and more frequently during peak times. Studies show that automated safety cameras have reduce red light running, which in turn reduces the potential serious injury right angle collisions. They educate the public and that education has a spillover effect to the non-camera intersections. They will assist with increased traffic flow and increase the safety of police officers. The camera systems will assist with better tracking of intersection statistics such as traffic flows, number of vehicles, peak hours of the days, number of collisions, and tickets issued in these intersections. They will provide more efficient service with no additional FTE's. The Police, Prosecutor, City Attorney, Public Works, and the Tukwila Municipal Court supports the program. Studies show that nationally a high percentage of the public is in favor of automated red-light cameras and the Tukwila Police Department has reached out at community meetings and through social media to verify support in our area.

PROPOSED INTERSECTIONS

The proposed intersections for the pilot project were analyzed using collision data, projected violations, layout and potential design difficulty for the cameras system placement. The following proposed intersections are as follows: Boeing Access at Martin Luther King Jr (Southbound and Eastbound - WSDOT), Southcenter Parkway at Strander Blvd (Northbound and Westbound), and Grady at Interurban Ave South (Eastbound and Westbound -WSDOT). Companies such as ATS has worked with WSDOT intersections. The Red-Light vendors will do the installations, that is the normal business model. Signage is required by the RCW and the City will install and maintain them at their expense (vendors will provide the technical assistance with the recommending placement). The cameras have a minimal power draw and will utilize

existing power. If power is not available, the vendor will bring power in and that power will then be available for other city users. These requirements are all part of the contractual agreement.

PUBLIC RECORDS REQUESTS AND RETENTION

Public records requests are forwarded to the city and the city can request needed information from the selected vendor. Images must be retained and accessible up through the exhaustion of the appeals process and then destroyed.

VENDOR SELECTION

The Police Department has drafted an RFP to select a suitable vendor. The review and selection process will incorporate criteria based on experience and a broad level of Service focused on past successes in other jurisdictions.

FINANCIAL IMPACT

Considering normal Red-light and School Zone Cameras Vendor business models, there is no upfront cost, and the per camera, per month charge quoted is estimated at \$4,500.00 to \$5,000.00. These programs are self-funding and vendors normally require a 3-5-year contract to actualize their return on investment.

RECOMMENDATION

Forward to the Council for consideration and approval of the proposal of the 3-year Pilot Program proposal along with the required ordinance at the Nov 5, 2018 Regular Meeting and subsequent November 5, 2018 Regular Meeting.

Further, recommend a phased process for the implementation which affords the Council an opportunity to off ramp at various junctures prior to an actual contract being signed. This affords the department to work through the multiple steps required to ensure a successful program.

SUPPLEMENTAL INFORMATION REQUESTED

At the end of the October 22, 2018 meeting, the council requested additional information /responses to several questions. Responses to the inquiries are outlined below:

1. The proposed Red-Light Safety Camera intersection collision statistics 2014-2016

- Boeing Access Road at MLK Jr Way S.
 - 21 collisions
 - 0 fatalities
 - 2 right-angle collisions with no injuries reported
 - 5 sideswipes
 - 13 rear-end collisions
 - 1 collision with a fixed object

- Southcenter Parkway at Strander Blvd
 - 34 collisions
 - 0 fatalities
 - 5 right-angle collisions with 2 injuries
 - 15 sideswipes
 - 9 rear-end collisions
 - 5 collisions with fixed objects

- Grady and Interurban Ave S.
 - 24 collisions
 - 1 fatality
 - 5 right-angle collisions with 5 injuries
 - 9 rear-end collisions
 - 10 collisions with fixed objects

2. Attached in the slide packet are the pictorial representations of the three intersections showing the approximate locations of the cameras.

3. Per the RCW, Cameras can only take a picture of the vehicle plate and not the driver or the interior of the violating vehicle.

4. Use of revenue after program costs for cameras and other equipment, can be used for traffic safety programs or initiatives

5. Photos and video is maintained in the vendor cloud and regulated by The Tukwila Police Department based on our requirements. This is no different from In-Car Camera or Body-Camera video. Images and video are available through the PDR process facilitated by the police department.

Retention policies associated with video and photo enforcement are regulated by the WA State Retention Schedule for Law Enforcement. See slide #8 of the attached powerpoint for the various categories.

I intend to set a minimum time of 90 days for general retention not associated with an appeals process or case investigations or proceedings. The latter will abide by the WA State retention policy.

6. Additional information requested regarding School Speed Zone Cameras show the following:

- They measure violators speed during school zone hours
- They are treated the same as Red-Light Cameras as far as retention and processing
- The Fines can be higher based on the violators speed measured over the posted limit
- We are recommending a pilot of two School Speed Zone cameras posted vicinity of Foster and Showalter. This location represents the highest volume of traffic mixed with children and the associated violations that occur. Slides # 13-14 show compelling data over a five- day period Eastbound and Westbound of the 4600 block of S. 144th.
- Additional cost for the installation of two School Speed Zone cameras will be less than \$125,000.

ATTACHMENTS

- Powerpoint with supplemental information to include data graphs and diagrams
- Draft automated safety camera city ordinance
- RCW for automated safety camera systems

Proposed Red Light Safety Camera Intersections Collision Stats 2014-2016

► **Boeing Access Road at MLK Jr Way S**

21 collisions:
0 Fatalities
2 right angle w/no injuries reported
5 sideswipes
13 rear-enders
1 fixed object

► **Southcenter Parkway at Strander Blvd**

34 collisions:
0 Fatalities
5 right angle w/2 injuries
15 sideswipe
9 rear-enders
5 fixed objects

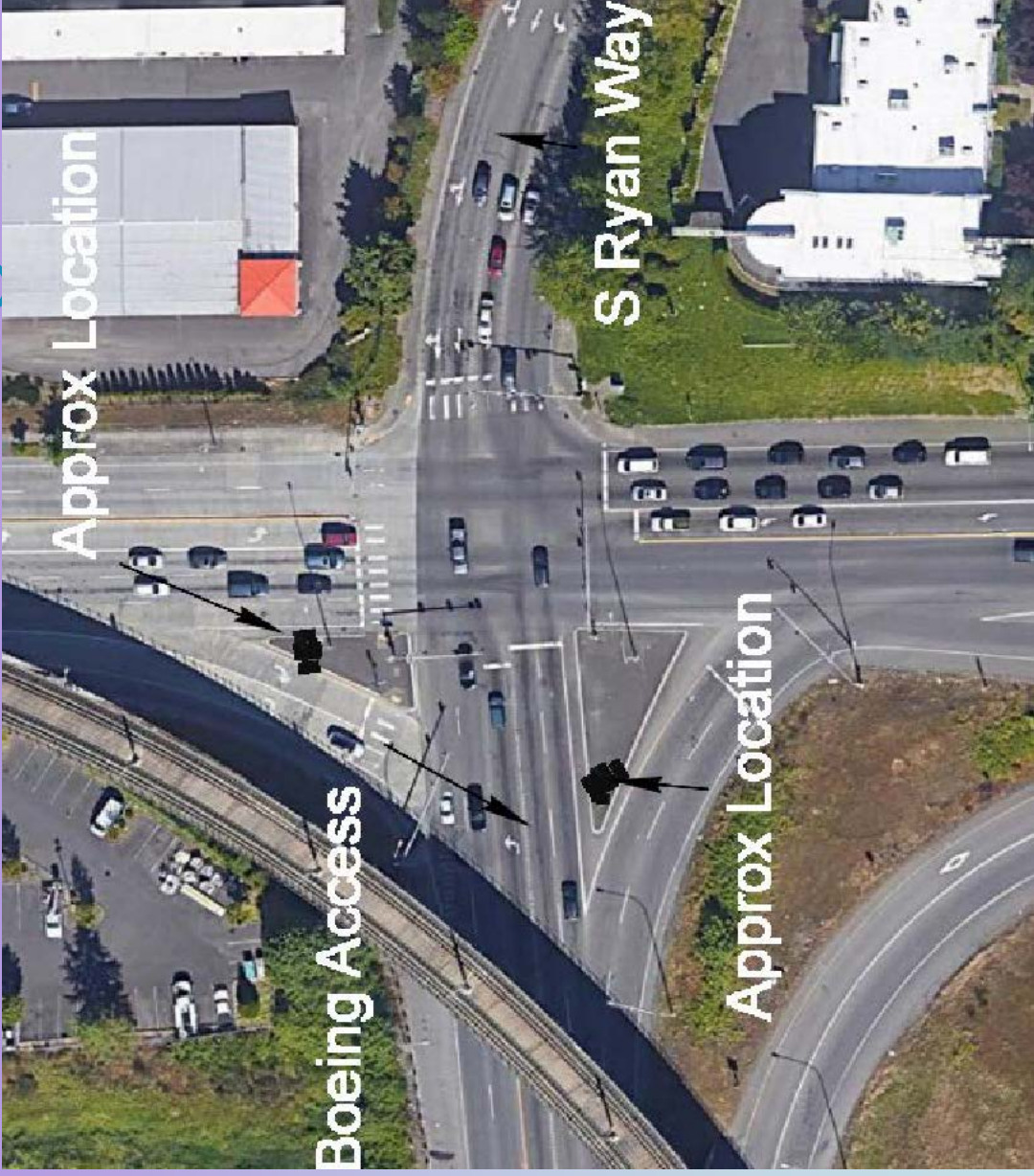
► **Grady and Interurban Ave S**

24 Collisions:
1 Fatality
5 Right angle w/5 injuries
9 Rear-enders
10 Fixed objects

Pilot Project Intersections

- ▶ After analysis of proposed intersections using collision stats and topography narrowed it down to three intersections, two directions each for the Pilot Project:
 - ▶ Boeing Access Rd @ Martin Luther King Jr Wy - SB and EB directions
 - ▶ Southcenter Parkway @ Strander Blvd – NB and WB directions
 - ▶ Grady Wy @ Interurban Ave S – EB and WB directions

Approximate Locations of Red-Light Cameras MLK At Boeing Access



Approximate Location of RLC's for Southcenter Parkway at Strander Blvd



Approximate Locations of RLC's Grady and Interurban Ave S



Per the RCW, Cameras Only Take a Picture of the Vehicle and Plate Only, not the Driver or Interior of the Violating Vehicle.

Where to use *any Revenue From Program*

- ▶ Recommend any revenues realized after the monthly cost of the camera program be slated for traffic safety programs since this is the best practice.

Retention for Violations and Traffic Enforcement

<i>The activity of enforcing laws and ordinances and citing violations (including traffic, non-traffic and vessel or vehicle-related violations).</i>			
DISPOSITION AUTHORITY NUMBER (DAN)	DESCRIPTION OF RECORDS	RETENTION AND DISPOSITION ACTION	DESIGNATION
LE2010-052 Rev. 0	Automated Traffic Safety Cameras – Citation or Notice of Infraction Issued Images captured by automated traffic safety cameras which have resulted in the issuance of a citation or notice of infraction.	Retain until exhaustion of appeals process then Destroy .	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-053 Rev. 0	Automated Traffic Safety Cameras – Citation or Notice of Infraction Not Issued Images captured by automated traffic safety cameras which have not resulted in the issuance of a citation or notice of infraction.	Retain until verification that no infraction has been captured then Destroy .	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-054 Rev. 0	Automatic License Plate Recognition Images – Case-Specific Images of vehicle license plates captured by automatic license plate imaging equipment and which do contain images significant to case investigations or court proceedings.	Retain until exhaustion of appeals process then Destroy .	NON-ARCHIVAL NON-ESSENTIAL OPR
LE2010-055 Rev. 0	Automatic License Plate Recognition Images – Not Case-Specific Images of vehicle license plates captured by automatic license plate imaging equipment and which do not contain images significant to case investigations or court proceedings.	Retain until verification that a significant image has not been captured then Destroy .	NON-ARCHIVAL NON-ESSENTIAL OPR

School Speed Zone Information

- ▶ Cameras are same price
- ▶ Measures violators speed during school zones hours, typically mornings and afternoons as children are walking to and from school.
- ▶ Treated the same as RLC's
- ▶ Processed the same
- ▶ Retention the same
- ▶ Fines are higher

Budget for Proposed School Zone Cameras

- ▶ No additional FTE's
- ▶ No Upfront cost – the equipment is owned and maintained by the contracted company
- ▶ 2 Cameras at \$5,000.00 per camera, per month - \$120,000.00 per year
- ▶ 2 Photo enforcement signs \$500.00 each - \$1,000.00
- ▶ 2 lighted School zone signs-currently shopping for vendors

Need for School Speed Zone Cameras

- ▶ The unfortunate reality is there are many ways that tragedy can strike when you combine vehicle traffic, particularly high-speed traffic, and high-volumes of young pedestrians.
- ▶ Speed limit signs by themselves tend to be relatively ineffective. During our analysis, we find that the 85th percentile speed (as depicted in the upcoming slides) is more than the speed limit.
- ▶ Flashing signage is recommended for indicating school speed zones during the active school hours.
- ▶ Other possible counter measures to speeding in school zones can include speed humps, raised pedestrian crossings, intersection or mid-block bump-outs, or using crossing guards.

School Zone Speed Information

- ▶ Reports show that crashes including pedestrians are eight times more likely to result in death than those not involving pedestrians.
- ▶ That likelihood is greatly impacted by the speed at which the car is traveling.
 - ▶ Someone under the age of 30 years old only has a 3% chance of being killed by a vehicle traveling 20 mph
 - ▶ It increases to 13% at 30 mph.
 - ▶ The risk increases rapidly from, reaching about 52% when the vehicle speed is 45 mph.
 - ▶ Slower vehicle speeds, mean a pedestrian has a greater chance of survival if hit, which is the benefit of the school speed zone.

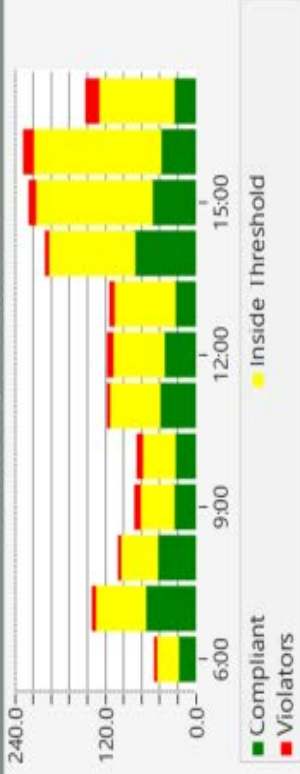
Speed summary Reports for Foster High and Showalter Middle School in the 4600 Block of S.144th Street West Bound

Overall Summary

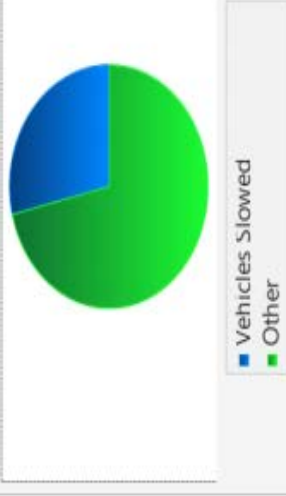
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 Average Speed: 22.28
 50th Percentile Speed: 21.93
 85th Percentile Speed: 26.23
 Pace Speed Range: 17 to 27

Minimum Speed: 5
 Maximum Speed: 40
 Display Status: Mixed Display
 Average Volume per Day: 318.0
 Total Volume: 1590

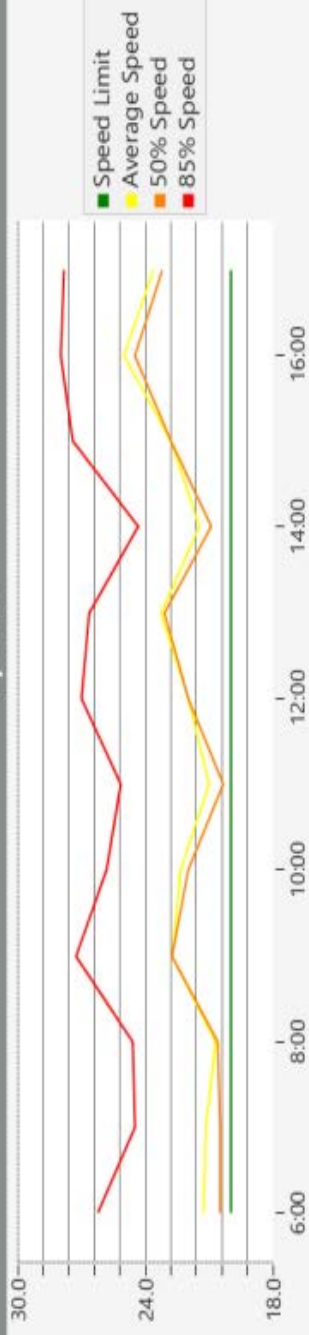
Volumes by Compliance



Sign Effectiveness



Speeds



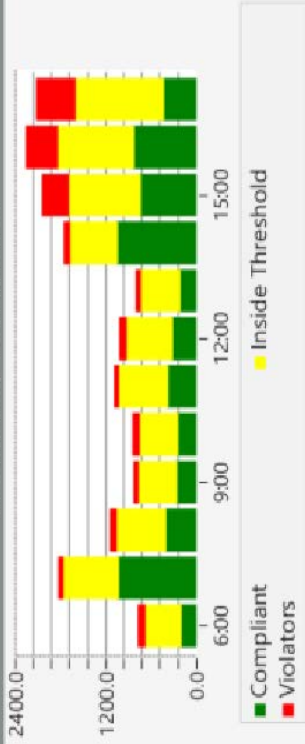
Speed summary Reports for Foster High and Showalter Middle School in the 4600 Block of S.144th Street East Bound

Overall Summary

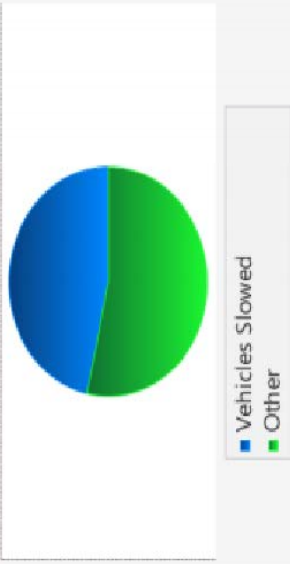
Total Days of Data: 6
 Speed Limit: 20
 Average Speed: 23.06
 50th Percentile Speed: 23.47
 85th Percentile Speed: 28.52
 Pace Speed Range: 19 to 29

Minimum Speed: 5
 Maximum Speed: 55
 Display Status: Mixed Display
 Average Volume per Day: 2722.7
 Total Volume: 16336

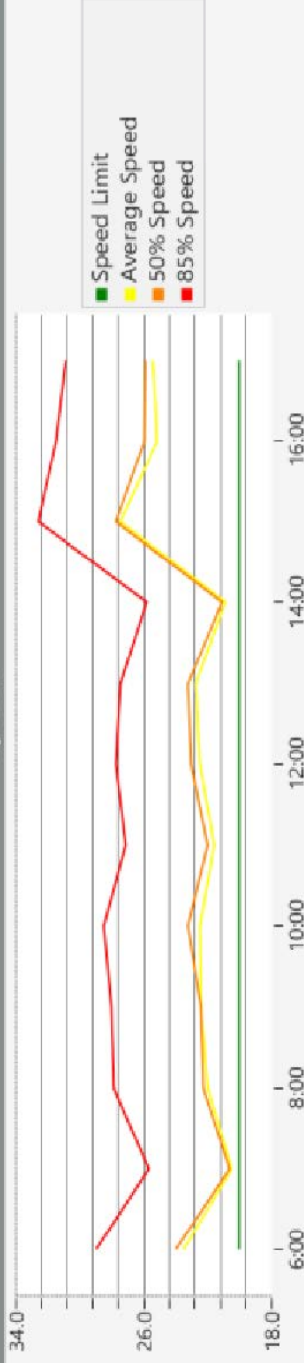
Volumes by Compliance



Sign Effectiveness



Speeds



Proposed School Zone Locations



DRAFT

NOTE: Strike-through/underline text shows changes made since the October 22, 2018 C.O.W. meeting.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, ADOPTING A NEW CHAPTER OF THE TUKWILA MUNICIPAL CODE AUTHORIZING THE USE OF AUTOMATED TRAFFIC SAFETY CAMERAS AND ADOPTING STANDARDS RELATED THERETO, TO BE CODIFIED AS TUKWILA MUNICIPAL CODE CHAPTER 9.22; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, very serious traffic accidents involving right-angle collisions at high rates of speed are often the result of drivers running red lights; and

WHEREAS, studies show that these accidents result in more serious injury and deaths than other accidents at signalized intersections; and

WHEREAS, locating automated traffic safety cameras at signalized intersections has been shown to reduce the frequency of traffic violations at these intersections and has resulted in a corresponding reduction in injuries and associated economic costs; and

WHEREAS, the City has arterial intersections that would benefit from the strategic placement of automated traffic safety cameras; and

WHEREAS, reduced speeds in school zones help decrease the likelihood of an accident in areas with an increase in school-related pedestrian and vehicular traffic; and

WHEREAS, the City of Tukwila desires to improve traffic safety and pedestrian safety throughout the City with emphasis on critical intersections and school speed zones; and

WHEREAS, the Washington State Legislature has adopted Chapter 46.63 RCW, which authorizes local jurisdictions to use automated traffic safety cameras at arterial intersections and school speed zones, subject to some limitations; and

WHEREAS, in accordance with RCW 46.63.170(1)(a), the City has prepared an analysis of the locations where automated traffic safety cameras are proposed to be located;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Chapter 9.22 of the Tukwila Municipal Code Established. A chapter of the Tukwila Municipal Code entitled “Automated Traffic Safety Cameras,” to be codified as Tukwila Municipal Code (TMC) Chapter 9.22, is hereby established to read as follows:

**CHAPTER 9.22
AUTOMATED TRAFFIC SAFETY CAMERAS**

Sections:

- 9.22.010 Automated traffic safety cameras – Detection of violations – Restrictions
- 9.22.020 Notice of infraction
- 9.22.030 Prima facie presumption
- 9.22.040 Infractions processed
- 9.22.050 Fine
- 9.22.060 Nonexclusive enforcement

Section 2. Regulations Established. TMC Section 9.22.010, “Automated traffic safety cameras – Detection of violations – Restrictions,” is hereby established to read as follows:

9.22.010 Automated traffic safety cameras – Detection of violations – Restrictions

A. City law enforcement officers and persons commissioned by the Tukwila Police Chief are authorized to use automated traffic safety cameras and related automated systems to detect and record the image of stoplight violations at the intersection of two arterials and school speed zone violations; provided, however, pictures of the vehicle and the vehicle license plate may be taken only while an infraction is occurring, and the picture shall not reveal the face of the driver or of any passengers in the vehicle.

B. Each location where an automated traffic safety camera is used shall be clearly marked by signs placed in locations that clearly indicate to a driver that the driver is entering a zone where traffic laws are enforced by an automated traffic safety camera.

C. “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 whenever at the time the a 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.

Section 3. Regulations Established. TMC Section 9.22.020, "Notice of infraction," is hereby established to read as follows:

9.22.020 Notice of infraction

A. Whenever any vehicle is photographed by an automated 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 a vehicle within 14 days of establishing the renter's name and address. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

B. If the registered owner of the vehicle is a rental car business, the 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 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 when the infraction occurred; 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 agency shall relieve the rental car business of any liability under this chapter for the infraction.

C. The law enforcement officer issuing a notice of infraction shall include with it a certificate or facsimile thereof, based upon the inspection of photographs, microphotographs or electronic images produced by an automated traffic safety camera, citing the infraction and stating the facts supporting the notice of infraction. This certificate or facsimile shall be prima facie evidence of the facts contained in it and shall be admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

D. The registered owner of a vehicle is responsible for an infraction detected through the use of an automated traffic safety camera unless the registered owner overcomes the presumption set forth in TMC Section 9.22.030, or, in the case of a rental car business, satisfies the conditions under TMC Section 9.22.020.B. If appropriate under the circumstances, a renter identified under TMC Section 9.22.020.B is responsible for an infraction.

E. All photographs, microphotographs or electronic images prepared under this chapter are for the exclusive use of law enforcement in the discharge of duties under this chapter and, as provided in RCW 46.63.170(1)(g), they are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, microphotograph or electronic image may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter.

Section 4. Regulations Established. TMC Section 9.22.030, “Prima facie presumption,” is hereby established to read as follows:

9.22.030 Prima facie presumption

A. In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera under this chapter, proof that the particular vehicle described in the notice of traffic infraction was involved in a stoplight violation or school speed zone violation, together with proof that the person named in the notice of infraction was at the time of the violation the registered owner of the vehicle, shall constitute 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.

B. This presumption may be overcome only if the registered owner, under oath, states 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.

Section 5. Regulations Established. TMC Section 9.22.040, “Infractions processed,” is hereby established to read as follows:

9.22.040 Infractions processed

Infractions detected through the use of automated traffic safety cameras shall be processed in the same manner as parking infractions.

Section 6. Regulations Established. TMC Section 9.22.050, “Fine,” is hereby established to read as follows:

9.22.050 Fine

The fine for an infraction detected under authority of this chapter shall be a base monetary penalty of \$136.00; and provided further, that whenever, in the future, the state of Washington increases the fine imposed under this chapter, by legislation or court rule, the City’s fine shall be increased to a like amount upon the effective date of such legislation or court rule.

Section 7. Regulations Established. TMC Section 9.22.060, “Nonexclusive enforcement,” is hereby established to read as follows:

9.22.060 Nonexclusive enforcement

Nothing in this chapter 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).

Section 8. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 9. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 10. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2018.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Published: _____

Effective Date: _____

Ordinance Number: _____

Rachel B. Turpin, City Attorney

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WHEREAS, very serious traffic accidents involving right-angle collisions at high rates of speed are often the result of drivers running red lights; and

WHEREAS, studies show that these accidents result in more serious injury and deaths than other accidents at signalized intersections; and

WHEREAS, locating automated traffic safety cameras at signalized intersections has been shown to reduce the frequency of traffic violations at these intersections and has resulted in a corresponding reduction in injuries and associated economic costs; and

WHEREAS, the City has arterial intersections that would benefit from the strategic placement of automated traffic safety cameras; and

WHEREAS, reduced speeds in school zones help decrease the likelihood of an accident in areas with an increase in school-related pedestrian and vehicular traffic; and

WHEREAS, the City of Tukwila desires to improve traffic safety and pedestrian safety throughout the City with emphasis on critical intersections and school speed zones; and

WHEREAS, the Washington State Legislature has adopted Chapter 46.63 RCW, which authorizes local jurisdictions to use automated traffic safety cameras at arterial intersections and school speed zones, subject to some limitations; and

RCW 46.63.170

Automated traffic safety cameras—Definition.

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must prepare an analysis of the locations within the jurisdiction where automated traffic safety cameras are proposed to be located: (i) Before enacting an ordinance allowing for the initial use of automated traffic safety cameras; and (ii) before adding additional cameras or relocating any existing camera to a new location within the jurisdiction. Automated traffic safety cameras may be used to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations; or speed violations subject to (c) of this subsection. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Beginning one year after June 7, 2012, cities and counties using automated traffic safety cameras must post an annual report of the number of traffic accidents that occurred at each location where an automated traffic safety camera is located as well as the number of notices of infraction issued for each camera and any other relevant information about the automated traffic safety cameras that the city or county deems appropriate on the city's or county's web site.

(b) Except as provided in (c) of this subsection, use of automated traffic safety cameras is restricted to the following locations only: (i) Intersections of two arterials with traffic control signals that have yellow change interval durations in accordance with RCW 47.36.022, which interval durations may not be reduced after placement of the camera; (ii) railroad crossings; and (iii) school speed zones.

(c) Any city west of the Cascade mountains with a population of more than one hundred ninety-five thousand located in a county with a population of fewer than one million five hundred thousand may operate an automated traffic safety camera to detect speed violations subject to the following limitations:

(i) A city may only operate one such automated traffic safety camera within its respective jurisdiction; and

(ii) The use and location of the automated traffic safety camera must have first been authorized by the Washington state legislature as a pilot project for at least one full year.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle. The primary purpose of camera placement is to take pictures of the vehicle and vehicle license plate when an infraction is occurring. Cities and counties shall consider installing cameras in a manner that minimizes the impact of camera flash on drivers.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. 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. This certificate or facsimile 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 the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked at least thirty days prior to activation of the camera by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs placed in automated traffic safety camera locations after June 7, 2012, must follow the specifications and guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the department of transportation under chapter 47.36 RCW.

(i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) 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 shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(2). The amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction. However, the amount of the fine issued for a traffic control signal

violation detected through the use of an automated traffic safety camera shall not exceed the monetary penalty for a violation of RCW 46.61.050 as provided under RCW 46.63.110, including all applicable statutory assessments.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, 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 eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) 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. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) 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.

(4) 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).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing 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 an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device.

(6) During the 2011-2013 and 2013-2015 fiscal biennia, this section does not apply to automated traffic safety cameras for the purposes of section 216(5), chapter 367, Laws of 2011 and section 216(6), chapter 306, Laws of 2013.

[2015 3rd sp.s. c 44 § 406; 2015 1st sp.s. c 10 § 702; 2013 c 306 § 711. Prior: 2012 c 85 § 3; 2012 c 83 § 7; 2011 c 367 § 704; 2010 c 161 § 1127; 2009 c 470 § 714; 2007 c 372 § 3; 2005 c 167 § 1.]