



INFORMATIONAL MEMORANDUM

TO: **Public Safety Committee**

FROM: **Eric Drever, Chief of Police**

CC: **Mayor Ekberg**

DATE: **November 28, 2022**

SUBJECT: **Automated Safety Camera in Park Zone Proposal**

ISSUE

Proposal to the City Administration and CSS regarding Automated Safety Cameras in Park Zones.

BACKGROUND

Speed Zone Cameras were installed in the school Zone in the 4440 block of S.144th Street. The cameras were effective in reducing the number of speeding violations in School Zones, and increased safety in the area.

New legislation: Effective July 1, 2022, **Sec. 423 of ESSB 5974** authorizes cities to use a limited number of automated traffic safety cameras to detect speed violations on any roadway identified in a school walk area, public park speed zone, or hospital speed zone.

DISCUSSION

As discussed with Council at the CSS on 9/12/2022, a three-day study was conducted by Novoa Global between hours 6AM - 8:30PM, which coincides with the dawn to dusk park usage. This would, of course, shorten over Winter months.

The study shows that there is a need for speed reduction in the areas of streets adjacent to public parks. (See attached). Five parks were selected for the study. These parks and the total violations of over 6 mph past the speed limit, over the three-day period are as follows:

Tukwila Community Center:4,421
Codiga Park: 7,758
Duwamish Gardens Park: 4,048
Macadam Winter Garden: 1762 (two-day study)
And Duwamish Park: 2,353 (two-day study)

(see attached study for breakdown of numbers between 6-10 MPH, and 11+MPH over the speed limit.)

Novoa Global reports that one-third to one half of the speed violations near Codiga Park are commercial semi-trucks. This fact poses a particular danger to the Allentown

community and has an impact on safety around the Tukwila Community Center because of its proximity to Codiga Park.

FINANCIAL IMPACT

Cost for PD Processing

Tukwila City Council has approved one full time traffic officer 2022 estimated salary and benefits of \$143,435.00 to manage processing of infractions. This position is currently not filled, as the Department is capable of absorbing the added workload using current staffing. If there is a need to add the position as the number of automated cameras increase in the city, the cost of the position will be covered by the revenue of the cameras.

Cost for processing for Courts

Staff are already in place to process school zone violations. Current staff would be sufficient to process the added park zone violations.

Fees from Novoa Global

Pricing for the Novoa Global School Speed Zone Camera System is as follows \$2,999.25 per camera system, per month. There would be a need for two camera systems per location for a monthly total of \$5,998.50 per month, for each location selected for camera installation.

Fees to Washinton State

50% of the noninterest fines (after deducting administrative costs) must be remitted to a state active transportation safety account. (This only applies to the new authorization and does not apply to red light cameras, railroad crossing cameras, or school speed zone cameras.)

Revenue

Net revenue to the city from the cameras at Codiga Park for violations over 11 mph, is estimated to be \$136,195.20 annually. The revenues generated from Automated Safety Cameras in School Zones currently cover the cost of the school zone camera system and the additional FTEs approved by council. Any additional net revenue would be in addition to revenues gained from school speed zone cameras. Revenues will be spent based on recommendations from Council.

RECOMMENDATION

PD staff recommends that the Tukwila City Council authorizes the installation of two cameras to cover the roadway adjacent to Codiga Park.

ATTACHMENTS

Statistics for Codiga Park

MSRC Automated Safety Cameras

City of Tukwila
Park Speed Studies
~ NovoaGlobal

Codiga Park

Jul 31 (Sunday)

Veh's 6+ MPH over the limit = 586

Veh's 11+ MPH over the limit = 1,548

Total = 2,134

Aug 1 (Monday)

Veh's 6+ MPH over the limit = 1,274

Veh's 11+ MPH over the limit = 1,747

Total = 3,021

Aug 2 (Tuesday)

Veh's 6+ MPH over the limit = 1,227

Veh's 11+ MPH over the limit = 1,962

Total = 3,189

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[Court Decisions](#)

[Examples of Local Traffic Safety Camera Programs](#)

[Recommended Resources](#)

Overview

[RCW 46.63.170](#) authorizes cities and counties in Washington State to use automated traffic safety cameras in limited situations. The cameras may only be used to detect stoplight violations (red light cameras), railroad crossing violations, and/or school zone speed violations.

The cameras may only be placed in the following locations:

- Intersections of two or more arterials with traffic control signals that have yellow change interval durations in accordance with [RCW 47.36.022](#), whose intervals may not be reduced after placement of the camera;
- Railroad crossings; and
- School speed zones.

(The legislature has also periodically authorized additional, and very limited, pilot projects in specific jurisdictions.)

The cameras may only take pictures of the vehicle and the vehicle's license plate and only while the infraction is occurring; the photos must not reveal the face of the driver or passengers, and cities and counties must consider installing the cameras in a manner that minimizes the impact of the camera flash on drivers.

Automated traffic infractions are processed in the same manner as parking infractions. The statute lays out additional procedural requirements, including signage, public records considerations, and notices of infractions.

The compensation paid to the camera vendor or manufacturer must be based on the value of the equipment and services provided or rendered in support of the system and may not be based on the fines, penalties, or revenues, generated by the equipment.

Analysis and Reporting Requirements

The local legislative body must prepare an analysis of the locations where the automated cameras are proposed prior to enacting the initial ordinance. Once the initial

[https://mrsc.org/...ement.aspx#:~:text=New%20legislation%3A%20Effective%20July%201,zone%2C%20or%20hospital%20speed%20zone.\[9/1/2022 11:32:32 AM\]](https://mrsc.org/...ement.aspx#:~:text=New%20legislation%3A%20Effective%20July%201,zone%2C%20or%20hospital%20speed%20zone.[9/1/2022 11:32:32 AM])

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cameras are installed, the jurisdiction must conduct an additional analysis before adding any new cameras or relocating existing cameras.

All camera locations must be clearly marked at least 30 days before the camera is activated. Some jurisdictions have also imposed temporary grace periods after the cameras are activated to educate drivers without ticketing them.

Cities and counties using automated cameras must post an annual report on their websites showing:

- The number of traffic accidents that occurred at each camera location;
- The number of notices of infraction issued for each camera; and
- Any other relevant information that the city or county deems appropriate.

Records Management

Photographs, electronic images, or any other personally identifying data from automated traffic safety cameras are for the exclusive use of law enforcement and are prohibited from release to the public under [RCW 46.63.170\(1\)\(g\)](#). For information on the retention of automated traffic safety camera footage, see our page [Retention Requirements for Law Enforcement Records](#).

Court Decisions

Below are selected court decisions pertaining to automated traffic safety cameras, and specifically whether or not the use or authorization of such cameras is subject to initiative or referendum.

- [City of Longview v. Wallin](#), 174 Wn. App. 763 (4/30/2013) – Longview adopted an ordinance providing for the placement of automated traffic safety cameras. An initiative was filed to reverse the action. Ultimately the initiative process was stopped after the Supreme Court concluded in [Mukilteo Citizens for Simple Government v. City of Mukilteo](#), 174 Wn.2d 41 (2012) that the decision to provide for such cameras was not subject to initiative. Wallin appealed, arguing a variety of issues, including challenges to the city's standing, ripeness, Freedom of Speech, etc. The court, on appeal, denied Wallin's efforts, affirming the lower court's decision.
- [Eyman v. McGehee](#), 173 Wn. App. 684 (2/19/2013) – After the City of Redmond provided for automatic traffic safety cameras, an initiative was filed with the city clerk seeking an initiative on such cameras. Since the supreme court had determined that initiatives on such issues was beyond the scope of the initiative power, the city clerk

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- **U.S. Federal Highway Administration: Signalized Intersection Safety** – Includes data and information regarding red-light running and cameras
- **Insurance Institute for Highway Safety: Red Light Running** – Information about red light cameras, including how to maintain public support
- **National Conference of State Legislatures: Automated Enforcement Overview** – Information about traffic safety trends and state legislation
- **Texas Transportation Institute: Speed Cameras: An Effectiveness and a Policy Review**, by David K. Willis (2006) – Concludes that speeding enhances crash risk and severity and that speed cameras reduce both speeding and crash severity. Implementation issues, however, are highly problematic, and a poorly implemented automated speed enforcement program can easily undermine public support.

Last Modified: June 09, 2022

Sample Documents

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zones

- [Moses Lake Municipal Code Ch. 10.48](#) – Red lights, railroad crossings, and school zones
- [Pierce County Code Ch. 10.42](#) – Red lights only
- [Spokane Municipal Code Ch. 16A.64](#) – Red lights and school zones. Includes sunset date; city has been using 5-year reauthorizations.
- [Tukwila Ordinance No. 2612 \(2019\)](#) – School zones only; includes analysis of proposed intersections, implementation timeline, FAQs, and information materials distributed to school district staff, students, and parents
- [Wenatchee Municipal Code Ch. 8.06](#) – Red lights and school zones

Websites/Annual Reports

- [Fife Safety Camera Enforcement](#) – Includes reasons for installation, annual reports, FAQs, and information on how revenues will be spent
- [Issaquah Camera/Photo Enforcement](#) – Annual report and information on how to respond to a citation
- [Lake Forest Park Photo Enforcement Program](#) – FAQs and annual reports
- [Kent Photo Enforcement Program](#)
- [Moses Lake Redflex Camera Tickets](#) – Includes FAQs and annual report
- [Renton Photo Enforcement FAQs](#)
- [Seattle:](#)
 - [Red Light Cameras](#)
 - [School Zone Speed Cameras](#)
- [Spokane Photo-Red & Photo-Speed Traffic Safety Programs](#) – Includes FAQs, annual reports, and videos
- [Wenatchee Automated Traffic Safety Program](#) – FAQs and annual report

Requests for Proposals

- [Fife School Zone Speed Cameras RFP \(2019\)](#)

Recommended Resources

Below are some useful resources that provide additional information about automated traffic cameras.

[https://mrsc.org/...ement.aspx#:~:text=New%20legislation%3A%20Eeffective%20July%201,zone%2C%20or%20hospital%20speed%20zone.\[9/1/2022 11:32:32 AM\]](https://mrsc.org/...ement.aspx#:~:text=New%20legislation%3A%20Eeffective%20July%201,zone%2C%20or%20hospital%20speed%20zone.[9/1/2022 11:32:32 AM])

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Automated traffic infractions are processed in the same manner as parking infractions. The statute lays out additional procedural requirements, including signage, public records considerations, and notices of infractions.

The compensation paid to the camera vendor or manufacturer must be based on the value of the equipment and services provided or rendered in support of the system and may not be based on the fines, penalties, or revenues, generated by the equipment.

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DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2612, AS CODIFIED AT TUKWILA MUNICIPAL CODE (TMC) CHAPTER 9.53, "AUTOMATED TRAFFIC SAFETY CAMERAS IN SCHOOL ZONES," TO RETITLE TMC CHAPTER 9.53 AS "AUTOMATED TRAFFIC SAFETY CAMERAS," AND ALLOW AUTOMATED TRAFFIC SAFETY CAMERAS IN OTHER GEOGRAPHIC LOCATIONS; UPDATING THE USE OF AUTOMATED TRAFFIC SAFETY CAMERA STANDARDS RELATED THERETO; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 2612, the City Council authorized the placement and use of automated traffic safety cameras to detect speeding in school zones and codified standards and regulations related thereto; and

WHEREAS, the Washington State Legislature recently adopted Engrossed Substitute Senate Bill 5974, which amends Chapter 46.63 RCW and authorizes cities to use automated traffic safety cameras to detect speed violations on any roadway identified in a school walk area, public park speed zone, or hospital speed zone, subject to some limitations; and

WHEREAS, the City of Tukwila desires to improve traffic safety and pedestrian safety throughout the City with emphasis on public parks as well as school speed zones; 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 in city park zones;

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

Section 1. Chapter Title. Ordinance No. 2612 §1, as codified at TMC Chapter 9.53, is hereby amended to read as follows:

CHAPTER 9.53
AUTOMATED TRAFFIC SAFETY CAMERAS ~~IN SCHOOL ZONES~~

Sections:

- 9.53.010 Automated traffic safety cameras – Detection of violations – Restrictions
- 9.53.020 Notice of infraction
- 9.53.030 Prima facie presumption
- 9.53.040 Infractions processed
- 9.53.050 Fine
- 9.53.060 Nonexclusive enforcement

Section 2. TMC Section 9.53.010 Amended. Ordinance No. 2612 §2, as codified at Tukwila Municipal Code Section 9.53.010, “Automated Traffic Safety Cameras – Detection of Violations – Restrictions,” is hereby amended to read as follows:

9.53.010 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 vehicles engaged in ~~school speed zone violations~~ violations in school speed zones and public park speed zones, as defined by RCW 46.63.170(B)(ii)(A); 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 at the time the vehicle exceeds a speed limit in a school zone or city public park zone as detected by a speed measuring device.

Section 3. TMC Section 9.53.030 Amended. Ordinance No. 2612 §4, as codified at Tukwila Municipal Code Section 9.53.030, “Prima Facie Presumption,” is hereby amended to read as follows:

9.53.030 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 school speed zone violation

or city public park zone speed 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 4. Corrections by City Clerk or Code Reviser Authorized. 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 5. 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 6. 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 Special Meeting thereof this _____ day of _____, 2022.

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: _____

Office of the City Attorney