

SULTAN CITY COUNCIL AGENDA ITEM COVER SHEET

ITEM NO. Consent C 4

DATE: March 8, 2007

SUBJECT: REDFLEX Photo Enforcement Systems

CONTACT Person: Chief Fred Walser

SUMMARY:

The staff recommends the council authorize the Mayor to negotiate an agreement with the REDFLEX Corp. to provide photo enforcement services to the City of Sultan. Additionally authorize the Mayor to negotiate an agreement on behalf of the city with the Washington State Department of Transportation (W.S.D.O.T.) to allow installation of the photo enforcement systems at traffic signal locations within the city limits.

The city received a presentation on February 22, 2007, regarding installation of enforcement cameras at intersections and the impact this system has on red light violations and collision reduction. The city pays no costs for implementation of the system and the company does all violation screening and issuing of notice of infraction to the violator. A police officer only determines if an actual violation occurred and authorizes the company to proceed. The violation is processed the same as a standard parking violation by state statute. All Notice of Infraction and billing is done by REDFLEX Corp. directly to the violator. Failure to pay the violation would result in a notice of non-renewal of the violator's vehicle license by the state according to R.C.W.

FISCAL IMPACT: None

All costs associated with the project are borne by the company and are recovered through the violators penalties paid to REDFLEX. A reserve account is established and the city would receive an amount in excess of an agreed figure.

The flat fee mentioned at the presentation is \$5,000 per month per system. Any surplus revenues received over this amount are calculated in accordance with the negotiated contract. The fees collected are credited against the flat fee.

Staff will need to provide an enabling ordinance to allow for photo enforcement and establish a penalty amount for violations under this category.

MOTION:

Move to authorize the Mayor to negotiate an agreement with the REDFLEX Corp. to provide photo enforcement services to the City of Sultan. Additionally authorize the Mayor to negotiate an agreement on behalf of the city with the Washington State Department of Transportation (W.S.D.O.T.) to allow installation of the photo enforcement systems at traffic signal locations within the city limits.

Attachments: RCW 46.63.160

RCW 46.63.160**Electronic toll collection, photo enforcement.**

(1) This section applies only to traffic infractions issued under RCW 46.61.690 for toll collection evasion.

(2) 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).

(3) Toll collection systems include manual cash collection, electronic toll collection, and photo enforcement systems.

(4) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account.

(5) "Photo enforcement system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle operated in violation of an infraction under this chapter.

(6) The use of a toll collection system is subject to the following requirements:

(a) The department of transportation shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.

(b) The department of transportation may not sell, distribute, or make available in any way, the names and addresses of electronic toll collection system account holders.

(7) The use of a photo enforcement system for issuance of notices of infraction is subject to the following requirements:

(a) Photo enforcement systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) A notice of infraction must be mailed to the registered owner of the vehicle or to the renter of a vehicle within sixty days of the violation. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a photo enforcement system, 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, digital photographs, microphotographs, videotape, or other recorded images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, or other recorded images prepared under this chapter are for the exclusive use of the tolling agency and 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 chapter. No photograph, digital photograph, microphotograph, videotape, or other recorded image may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter or verify that tolls are paid.

(d) All locations where a photo enforcement system is used must be clearly marked 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 a photo enforcement system.

(8) Infractions detected through the use of photo enforcement systems are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120.

(9) If the registered owner of the vehicle is a rental car business the department of transportation or a 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 the mailing of 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; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.

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.

[2004 c 231 § 6.]