

CITY OF SEATTLE
ORDINANCE 126183
COUNCIL BILL 119897

AN ORDINANCE establishing additional uses for automated traffic safety cameras to reduce traffic congestion and increase safety; amending Sections 11.31.090 and 11.50.570 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

WHEREAS, it is often not safe, practical, or desirable to utilize police officers to enforce traffic laws such as prohibitions against blocking the box or driving a private vehicle in a designated transit lane; and

WHEREAS, vehicles that “block the box” within busy intersections can interfere with safe passage across intersections by pedestrians, including people with disabilities, often forcing them into traffic, or leaving them abandoned in an intersection because a vehicle remains in the intersection blocking a curb ramp or adding to the time it takes a pedestrian to clear the intersection before the “WALK” phase ends; and

WHEREAS, drivers of unpermitted vehicles utilizing the Lower West Seattle Swing Bridge during restricted hours are interfering with transit, emergency and permitted vehicles the City has prioritized for access while the West Seattle High Bridge is closed to traffic; and

WHEREAS, by passing Engrossed Substitute House Bill (ESHB) 1793 as Chapter 224, Laws of 2020, the state has authorized the City to expand use of automated enforcement tools against stopping in a crosswalk or when traffic is obstructed, or for use of a transit-only or other restricted lane through a pilot period lasting through June 30, 2023; and

WHEREAS, ESHB 1793 establishes several conditions for the pilot authorization, such as limiting citation amounts to \$75 after a mandatory warning for a first violation, requiring net citation proceeds to be split between the State’s Cooper Jones Active Transportation

Safety Account and the City improvements that support equitable access and mobility for people with disabilities, and issuance of a final report with specified requirements, including an equity analysis, to the state legislature by January 1, 2023; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.31.090 of the Seattle Municipal Code, last amended by Ordinance 124686, is amended as follows:

11.31.090 Traffic infractions detected through the use of an automated traffic safety camera

A. A notice of infraction based on evidence detected through the use of an automated traffic safety camera must 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 under subsection C1 of this section, SMC 11.31.090. The peace 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 of Section 11.50.070, Section 11.50.140, Section 11.50.150, Section 11.52.040, ~~((or))~~ Section 11.52.100, Section 11.53.190, Section 11.53.230, Section 11.72.040, Section 11.72.080, or Section 11.72.210. 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.

1 B. A person receiving such a notice of infraction may respond to the notice by mail. The
2 registered owner of a vehicle is responsible for such an infraction unless the registered owner
3 overcomes the presumption in SMC subsection 11.31.090.E, or, in the case of a rental car
4 business, satisfies the conditions under SMC subsection 11.31.090.C. If appropriate under the
5 circumstances, a renter identified under SMC subsection 11.31.090.C1 is responsible for such an
6 infraction.

7 C. If the registered owner of the vehicle is a rental car business, the peace officer shall,
8 before such a notice of infraction is issued, provide a written notice to the rental car business that
9 a notice of infraction may be issued to the rental car business if the rental car business does not,
10 within 18 days of receiving the written notice, provide to the peace officer by return mail:

11 1. A statement under oath stating the name and known mailing address of the
12 individual driving or renting the vehicle when the infraction occurred; or

13 2. A statement under oath that the business is unable to determine who was
14 driving or renting the vehicle at the time the infraction occurred; or

15 3. In lieu of identifying the vehicle operator, the rental car business may pay the
16 applicable penalty.

17 Timely mailing of this statement to the peace officer relieves a rental car business of any
18 liability under Chapter 11.31 for the notice of infraction.

19 D.

20 1. ((The)) In this Section 11.31.090 and in Section 11.50.570, the term
21 "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in
22 conjunction with an intersection traffic control system, a railroad grade crossing system or speed
23 measuring device, and a camera synchronized to automatically record one or more sequenced

1 photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time
2 the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad
3 grade crossing control signal or exceeds a speed limit in a school speed zone as detected by a
4 speed measuring device. An automated traffic safety camera includes a camera used to detect
5 violations other than stoplight, railroad crossing and school speed zone violations as authorized
6 by and subject to the restrictions imposed by the Washington Legislature.

7 2. For the purposes of the pilot program authorized under subsection 11.50.570.H,
8 “automated traffic safety camera” also includes a device used to detect the following types of
9 violations: stopping at intersections or crosswalks; stopping when traffic obstructed; public
10 transportation-only lanes; and stopping or traveling in restricted lanes. The device, including all
11 technology defined under “automated traffic safety camera,” shall not reveal the face of the
12 driver or the passengers in vehicles, and shall not use any facial recognition technology in real
13 time or after capturing any information. If the face of any individual in a crosswalk or otherwise
14 within the frame is incidentally captured, it may not be made available to the public nor used for
15 any purpose including, but not limited to, any law enforcement action, except in a pending action
16 or proceeding related to a violation under this Section 11.31.090.

17 E. In a traffic infraction case involving an infraction detected through the use of an
18 automated traffic safety camera, proof that the particular vehicle described in the notice of traffic
19 infraction was in violation of Section 11.50.070, Section 11.50.140, Section 11.50.150,
20 11.52.040, ~~((or))~~ Section 11.52.100, Section 11.53.190, Section 11.53.230, Section 11.72.040,
21 Section 11.72.080, or Section 11.72.210, together with proof that the person named in the notice
22 of traffic infraction was at the time of the violation the registered owner of the vehicle,
23 constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the

1 person in control of the vehicle at the point where, and for the time during which, the violation
2 occurred. This presumption may be overcome only if the registered owner states, under oath, in a
3 written statement to the court or in testimony before the court that the vehicle involved was, at
4 the time, stolen or in the care, custody, or control of some person other than the registered owner

5 Section 2. Section 11.50.570 of the Seattle Municipal Code, last amended by Ordinance
6 125253, is amended as follows:

7 **11.50.570 Automated traffic safety cameras**

8 A. Automated traffic safety cameras may be used to detect one (1) or more of the
9 following: stoplight, railroad crossing or school speed zone violations, or violations included in
10 subsection 11.50.570.H for the duration of the pilot program authorized under subsection
11 11.50.570.H. ((Use)) Except as provided in subsection 11.50.570.H, use of automated traffic
12 safety cameras is restricted to the following locations only:

13 1. Intersections of two (2) or more arterials with traffic control signals that have
14 yellow change interval durations in accordance with Section 11.50.130, which interval may not
15 be reduced after placement of the cameras;

16 2. Railroad crossings; and

17 3. School speed zones.

18 B. Automated traffic safety cameras may be used to detect other violations as authorized
19 by and subject to the restrictions imposed by the Washington State Legislature.

20 C. Before adding additional automated traffic safety cameras or relocating any existing
21 camera, the City Council must prepare an analysis of the locations within the City where
22 automated traffic safety cameras are proposed to be located. Beginning June 7, 2013, an annual
23 report must be posted on the City's website of the number of traffic accidents that occurred at

1 each location where an automated traffic safety camera is located as well as the number of
2 notices of infraction issued for each camera and any other relevant information deemed
3 appropriate.

4 D. Automated traffic safety cameras may only take pictures of the vehicle and vehicle
5 license plate and only while an infraction is occurring. The picture must not reveal the face of the
6 driver or of passengers in the vehicle. The primary purpose of camera placement is to take
7 pictures of the vehicle and vehicle license plate when an infraction is occurring. Cameras should
8 be installed in a manner that minimizes the impact of camera flash on drivers.

9 E. Notwithstanding any other provision of law, all photographs, microphotographs, or
10 electronic images, or any other personally identifying data prepared under this section are for the
11 exclusive use of law enforcement in the discharge of duties under this section and are not open to
12 the public and may not be used in a court in a pending action or proceeding unless the action or
13 proceeding relates to a violation under this section. No photograph, microphotograph, or
14 electronic image, or any other personally identifying data may be used for any purpose other than
15 enforcement of violations under this section nor retained longer than necessary to enforce this
16 section.

17 F. All locations where an automated traffic safety camera is used must be clearly marked
18 at least thirty (30) days prior to activation of the camera by placing signs in locations that clearly
19 indicate to a driver that he or she is entering a zone where traffic laws are enforced by an
20 automated traffic safety camera. Signs placed in automated traffic safety camera locations after
21 June 7, 2012 must follow the specifications and guidelines under the manual of uniform traffic
22 control devices for streets and highways as adopted by the Washington Department of
23 Transportation under RCW Chapter 47.36.

1 G. The compensation paid to the manufacturer or vendor of automated traffic safety
2 camera equipment used must be based only upon the value of the equipment and services
3 provided or rendered in support of the system, and may not be based upon a portion of the fine or
4 civil penalty imposed or the revenue generated by the equipment.

5 H.

6 1. The Seattle Department of Transportation is authorized to create a pilot
7 program authorizing automated traffic safety cameras to be used to detect a violation of one or
8 more of Sections 11.50.070, 11.53.190, 11.53.230, 11.72.040, 11.72.080, or 11.72.210. Under
9 the pilot program, violations relating to stopping at intersections or crosswalks may only be
10 enforced at the 20 intersections where the Seattle Department of Transportation would most like
11 to address safety concerns related to stopping at intersections or crosswalks.

12 2. Except where specifically exempted, all of the rules and restrictions applicable
13 to the use of automated traffic safety cameras in this Section 11.50.570 and Section 11.31.090
14 apply to the use of automated traffic safety cameras in the pilot program established in this
15 subsection 11.50.570.H.

16 3. As used in this subsection 11.50.570.H, “public transportation vehicle” means
17 any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or
18 vehicle that is owned or operated by a transit authority or an entity providing service on behalf of
19 a transit authority that is used for the purpose of carrying passengers and that operates on
20 established routes. “Transit authority” has the meaning provided in RCW 9.91.025.

21 4. Use of automated traffic safety cameras as authorized in this subsection
22 11.50.570.H is restricted to the following locations only: locations authorized in subsection

1 11.50.570.A; and midblock on arterials. Additionally, the use of automated traffic safety cameras
2 as authorized in this subsection 11.50.570.H is further limited to the following:

3 a. The portion of state local roadways in downtown areas of Seattle used
4 for office and commercial activities, as well as retail shopping and support services, and that may
5 include mixed residential uses;

6 b. The portion of state and local roadways in areas in Seattle within one-
7 half mile north of the boundary of the area described in subsection 11.50.570.H.4.a;

8 c. Portions of roadway systems in Seattle that travel into and out of the
9 portion in subsection 11.50.570.H.4.b that are designated by the Washington State Department of
10 Transportation as noninterstate freeways for up to 4 miles; and

11 d. Portions of roadway systems in Seattle connected to the portions of the
12 noninterstate freeways identified in subsection 11.50.570.H.4.c that are designated by the
13 Washington State Department of Transportation as arterial roadways for up to one mile from the
14 intersection of the arterial roadway and the noninterstate freeway.

15 5. Automated traffic safety cameras may not be used on an on-ramp to an
16 interstate.

17 6. From the effective date of this ordinance through December 31, 2020, a
18 warning notice with no penalty shall be issued to the registered owner of the vehicle for a
19 violation generated through the use of an automated traffic safety camera authorized in this
20 subsection 11.50.570.H. Beginning January 1, 2021, for an infraction generated through the use
21 of an automated traffic safety camera authorized in this subsection 11.50.570.H, if the registered
22 owner of the vehicle has:

1 a. No prior infractions generated under this subsection 11.50.570.H, a
2 warning notice with no penalty shall be issued to the registered owner of the vehicle for a
3 violation.

4 b. One or more prior infractions generated under this subsection
5 11.50.570.H, a notice of infraction shall be issued, in a manner consistent with Section
6 11.31.090, to the registered owner of the vehicle for a violation. The penalty for the violation
7 may not exceed \$75.

8 7. For infractions issued as authorized in this subsection 11.50.570.H, The City of
9 Seattle shall remit monthly to the state of Washington 50 percent of the noninterest money
10 received under this subsection 11.50.570.H in excess of the cost to install, operate, and maintain
11 the automated traffic safety cameras for use in the pilot program. Money remitted under this
12 subsection 11.50.570.H.7 to the State Treasurer shall be deposited in the Cooper Jones Active
13 Transportation Safety Account. The remaining 50 percent retained by The City of Seattle shall
14 be used only for improvements to transportation that support equitable access and mobility for
15 persons with disabilities.

16 8. A transit authority may not take disciplinary action, regarding a warning or
17 infraction issued pursuant to this subsection 11.50.570.H, against an employee who was
18 operating a public transportation vehicle at the time the violation that was the basis of the
19 warning or infraction was detected.

20 9. The Seattle Department of Transportation shall provide a preliminary report to the
21 transportation committees of the state Legislature by June 30, 2022, and a final report by January
22 1, 2023, on the pilot program that includes the locations chosen for the automated traffic safety
23 cameras used in the pilot program, the number of traffic infractions issued with respect to

1 vehicles registered outside King County, the infrastructure improvements made using the penalty
2 moneys as required under subsection 11.50.570.H.7, an equity analysis that includes any
3 disproportionate impacts, safety, and on-time performance statistics related to the impact on
4 driver behavior of the use of automated traffic safety cameras in the pilot program, and any
5 recommendations on the use of automated traffic safety cameras to enforce the violations that the
6 cameras were authorized to detect under the pilot program.

- 1 Section 3. Sections 1 and 2 of this ordinance shall expire on June 30, 2023.
- 2 Section 4. Any action consistent with the authority of this ordinance taken after its
- 3 passage and prior to its effective date is ratified and confirmed.

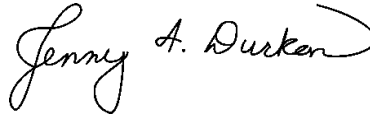
Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 29th day of September, 2020,
and signed by me in open session in authentication of its passage this 29th day of
September, 2020.



President _____ of the City Council

Approve by me this 2nd day of October, 2020.



Jenny A. Durkan, Mayor

Filed by me this 2nd day of October, 2020.



Monica Martinez Simmons, City Clerk

(Seal)