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5-03-2010

Ms. Anna Stetson  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

Dear Ms Stetson:

I am submitting the 2008 annual report for the Providence automated red-light enforcement program. Please let me know of any questions.

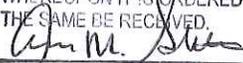
Sincerely,

A handwritten signature in cursive script that reads "James P. Gursha".

James Gursha  
Providence Project Manager

**IN CITY COUNCIL**

**MAY 20 2010**

READ  
WHEREUPON IT IS ORDERED THAT  
THE SAME BE RECEIVED.  
  
CLERK

Providence, Rhode Island, Code of Ordinances >> PART II - CODE OF ORDINANCES >>  
Chapter 15 - MOTOR VEHICLES AND TRAFFIC >> ARTICLE X. - AUTOMATED RED LIGHT  
ENFORCEMENT >>

**ARTICLE X. - AUTOMATED RED LIGHT ENFORCEMENT**

[Sec. 15-121. - Definitions.](#)

[Sec. 15-122. - Penalty.](#)

[Sec. 15-123. - Proof; certificate.](#)

[Sec. 15-124. - Penalty; effect of a conviction.](#)

[Sec. 15-125. - Summons.](#)

[Sec. 15-126. - Private entities.](#)

[Sec. 15-127. - Installation and signage.](#)

[Sec. 15-128. - Baseline and warning period; monitoring.](#)

[Sec. 15-129. - Requirements for traffic-control signals.](#)

[Sec. 15-130. - Security of records.](#)

**| Sec. 15-121. - Definitions.**

*In operation* means operating in good working condition.

*Operator* shall mean any individual driving and/or in possession of a motor vehicle.

*Owner* means the registrant of a motor vehicle or a lessee, except that such term shall not include a motor vehicle rental or leasing company when a motor vehicle registered by such company is being operated by another person under a rental agreement or lease contract with such company.

*Recorded images* means images recorded by a traffic-control signal monitoring device.

- (1) On:
  - a. Not less than two (2) photographs; or
  - b. Not less than two (2) microphotographs; or
  - c. Not less than two (2) electronic images; or
  - d. Videotape.
- (2) Showing a traffic-control signal displaying a circular red or red arrow signal along with the rear of a motor vehicle apparently operated in disregard or disobedience of such signal and, on at least one image or portion of tape, clearly revealing the number or other identifying designation of the license plate displayed on the motor vehicle.

*Signature* means any manual or facsimile of a person's signature.

*System location* is the approach to an intersection toward which a photographic, video, digital or electronic camera is directed and is in operation.

*Traffic-control signal monitoring device* means a device with one or more motor vehicle sensors working in conjunction with a traffic-control signal to produce recorded images of motor vehicles being operated in disregard or disobedience of a circular red or red arrow signal.

(Ord. 2003, ch. 03-44, § 1, 8-1-03)

**| Sec. 15-122. - Penalty.**

The owner of a motor vehicle shall be liable for a civil monetary penalty imposed pursuant to this section if such motor vehicle is found, as evidenced by information obtained from a traffic-control signal

monitoring device lawfully installed within the city, to have failed to comply with R.I.G.L. sec. 31-13-6. The penalty imposed shall be designated by R.I.G.L. sec. 31-41.1-4.

*(Ord. 2003, ch. 03-44, § 1, 8-1-03)*

**Sec. 15-123. - Proof; certificate.**

- (a) Proof that a particular vehicle violated R.I.G.L. sec. 31-13-6, as detected by a traffic-control signal monitoring device, together with proof that the particular vehicle is registered with the state division of motor vehicles (or any other state or local vehicle registration office) in the charged person's name, shall raise the evidentiary presumption and constitute prima facie evidence in any prosecution of a violation of that section that the charged person was the person driving the vehicle depicted in the recorded image.
- (b) A certificate, sworn to or affirmed by a trained law enforcement officer or a technician employed by the city police department, or a copy thereof, based on inspection of recorded images produced by a traffic-control signal monitoring device shall be considered prima facie evidence of the facts contained therein.
- (c) Recorded images made for the purpose of this subsection shall not be a public record.
- (d) The provisions of this section shall not limit law enforcement agencies to the use of traffic-control signal monitoring devices in enforcing R.I.G.L. sec. 31-13-6; and, when there is evidence obtained from another source or sources which constitutes a prima facie case of a violation of R.I.G.L. sec. 31-13-6, such violation may be prosecuted as otherwise provide by law in lieu of, but not in addition to, enforcement under this section.
- (e) Such presumption may be rebutted if the owner, or lessee of the vehicle files a sworn notarized statement with the clerk of the municipal court prior to the return date established on the citation identifying the name and address of the operator of the vehicle at the time of the alleged violation. Upon review of the notarized statement by the city solicitor, or his or her designee, a hearing may be set for prosecution of the alleged violation or the city solicitor may issue a citation to the person that the evidence indicates was the operator of the vehicle at the time of violation. A citation issued under this paragraph shall be mailed no later than two (2) weeks after the review by the city solicitor of the notarized statement.
- (f) Such presumption may be rebutted if the owner, or lessee of the vehicle testifies under oath in open court that he or she was not the operator of the vehicle at the time of alleged violation.
- (g) Such presumption may be rebutted if a certified copy of a police report, showing that the vehicle or the license plate had been reported to the police as stolen prior to the time of the alleged violation, is presented, prior to the return date established on the citation issued pursuant to this section, to the municipal court. Upon review of the notarized statement by the city solicitor, or his or her designee, a hearing may be set for prosecution of the alleged violation.
- (h) Such presumption may be rebutted if the recorded image depicts the vehicle passed through the intersection in violation of R.I.G.L. sec. 31-13-6 as part of a funeral procession.
- (i) Such presumption may be rebutted if the recorded image depicts the vehicle passed through the intersection in violation of R.I.G.L. sec. 31-13-6 in order to avoid impeding the efforts of an emergency vehicle to pass through the intersection.

*(Ord. 2003, ch. 03-44, § 1, 8-1-03)*

**Sec. 15-124. - Penalty; effect of a conviction.**

- (a) Imposition of a penalty pursuant to this section shall not be deemed a criminal conviction as an operator and shall not be made a part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The civil monetary penalty imposed by this section for each violation shall be no greater than imposed by R.I.G.L. sec. 31-41.1-4.
- (b)

Upon a failure to respond to or contest any notice of violation by the prescribed date, the municipal court shall request the state motor vehicle administrator to suspend the registration of the motor vehicle as provided by R.I.G.L. sec. 31-13.1-9.

*(Ord. 2003, ch. 03-44, § 1, 8-1-03)*

### **Sec. 15-125. - Summons.**

- (a) A summons for a violation of this section may be executed by the city police and sending by first-class mail a copy thereof to the address of the owner or lessee of the vehicle as shown, in the case of vehicle owners, in the records of the state division of motor vehicles (or any other state vehicle registration office) or, in the case of vehicle lessees or renters, in the records of the lessor. Said summons shall be postmarked not later than fifteen (15) days after the date of the alleged violation.
- (b) No proceedings for contempt or arrest shall be instituted for failure to appear on the return date of the summons.

*(Ord. 2003, ch. 03-44, § 1, 8-1-03)*

### **Sec. 15-126. - Private entities.**

- (a) A private entity may enter into an agreement with the city to be compensated for providing the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations and administration, pursuant to all bidding and contract award statutes of the state as well as all provisions of the Home Rule Charter and the Code of Ordinances relating to award of contracts. However, only a trained law enforcement officer or a technician employed by the city police department may swear to or affirm the certificate required by subsection 15-123(b) of this article.
- (b) Compensation to the manufacturer or vendor shall be based on the value of such equipment and shall not be based on the number of traffic citations issued.

*(Ord. 2003, ch. 03-44, § 1, 8-1-03)*

### **Sec. 15-127. - Installation and signage.**

- (a) A sign shall be erected by the city department of traffic engineering on each public highway on the approach to the next traffic-control signal for such highway when a traffic-control signal-monitoring device is monitoring such next signal for such highway.
- (b) Such signs shall be at least thirty (30) inches by thirty (30) inches in measurement and shall warn motorists that traffic-control signal monitoring devices are being employed.
- (c) Such signage shall remain in place so long as there is an operational traffic-control signal-monitoring device at the relevant intersection.
- (d) Not more than twenty-five (25) intersections shall be equipped with operational traffic-control signal monitoring devices at any one time.

*(Ord. 2003, ch. 03-44, § 1, 8-1-03)*

### **Sec. 15-128. - Baseline and warning period; monitoring.**

- (a) Prior to the installation of any traffic-control signal monitoring device or signage therefor, a study shall be done to document the baseline of red-light running at each intersection, so that the efficacy of the installation can be demonstrated. The study shall include, but not limited to, a review of any existing crash data, citizen complaints; and an engineering evaluation of intersection equipment at the designated intersections. Under all circumstances, engineering

solutions to problem intersections shall be investigated, and implemented if financially viable, prior to the installation of traffic-control signal-monitoring devices.

- (b) Only warning notices and not citations shall be sent during the thirty-day period commencing with installation of each traffic-control signal monitoring device.
- (c) Following the installation of traffic-control signal monitoring devices, the city council will monitor their performance as follows:
  - (1) Every six months, the entity responsible for issuing violations shall provide to the city council a count of the number of violations recorded at each location, by month.
  - (2) Every six months, the municipal court shall provide to the city council a count of the number of paid violations recorded at each location, by month.
  - (3) The police department shall provide to the city council a count of the number of accidents which occur at each location.

*(Ord. 2003, ch. 03-44, § 1, 8-1-03)*

### **Sec. 15-129. - Requirements for traffic-control signals.**

Whether or not an intersection has a traffic-control signal monitoring device installed, if there is a traffic-control signal controlling an intersection, it shall:

- (1) Incorporate standardized yellow-light timing, pursuant to the equation provided by Caltrans in conformance with the laws set for in the Uniform Vehicle Code and national standards set forth in the Federal Highway Administration's Manual on Uniform Traffic Control Devices. Upon being installed, the vendor shall supply a yearly summary of signal timing, speed, signal cycles and yellow change intervals at photo-enforced intersections.
- (2) Employ an all-red interval in which the red signal indication is displayed to all traffic.
- (3) If the traffic-light signals or the camera mechanism are found to be defective, i.e., are noncompliant with the yellow-light interval required by subsection 15-129(1), all citations issued at the relevant intersection(s) during the period of non-compliance which are as yet unpaid, will be dismissed.

*(Ord. 2003, ch. 03-44, § 1, 8-1-03)*

### **Sec. 15-130. - Security of records.**

- (a) The videotapes and still photographs recorded by traffic-control signal monitoring devices shall not be deemed "public records" subject to disclosure pursuant to R.I.G.L. sec. 38-2-2(4)(i).
- (b) All videotapes and still photographs recorded which do not identify a violation shall be destroyed immediately after the police department has determined that there is no violation.
- (c) All videotapes and still photographs recorded which identify a violation shall be destroyed immediately after the matter is resolved through disposition of the citation.
- (d) The manufacturer or vendor shall not release or sell any aggregated data collected, except with prior approval of the city council.

*(Ord. 2003, ch. 03-44, § 1, 8-1-03)*

**City of Providence Red-Light Cameras  
2008 Revenue Obtained**

<b>Month</b>	<b>Revenue</b>
January	\$98,704
February	\$92,986
March	\$98,990
April	\$93,777
May	\$92,912
June	\$80,971
July	\$85,394
August	\$70,635
September	\$55,953
October	\$57,270
November	\$43,900
December	\$54,527
<b>Total Revenue Obtained</b>	<b>\$926,019</b>

**City of Providence Red-Light Cameras  
2008 - There No Court Trials**

**City of Providence Red-Light Cameras  
2008 Cost Paid To Vendor To Maintain The System**

**Yearly Cost**

**\$500,000**

City of Providence Red-Light Cameras	
2008 Violation Issued	
Site Location	Violations
Admiral EB @ River	656
Admiral WB @ River	407
Angell EB @ Gano	442
Broad NB @ Baker	830
Broad SB @ Baker	1,855
Chalkstone WB @ Raymond	65
Eaton EB @ Huxley	162
Eaton WB @ Huxley	276
Eddy NB @ Thurbers	351
Eddy SB @ Thurbers	1,196
Oakland SB @ Chalkstone	355
Pocasset EB @ Webster	7
Pocasset WB @ Webster	57
Raymond NB @ Chalkstone	1,491
Service Rd 7 SB @ Atwells	650
Service Rd 8 NB @ Atwells	1,597
Service Road 7 SB @ Broadway	104
Service Road 8 NB @ Broadway	2,206
Smith EB @ River	362
Smith WB @ River	174
Steeple WB @ Canal	357
Valley NB @ River	1,193
Valley SB @ River	374
Waterman EB @ Gano	332
Webster SB @ Pocasset	32
<b>Total Number of Issued Violations</b>	<b>15,531</b>

City of Providence Red-Light	
2008 Tickets Paid	
Month	
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	
<b>Total Number of Paid Tickets</b>	

ht Cameras

id

Paid Tickets

1,332
1,249
1,349
1,268
1,264
1,095
1,162
947
1,023
1,135
865
1,075
13,764

City of Providence Red-Light Cameras  
2008 Accident Reporting Provided  
Separately By The Providence Police  
Department

City of Providence Red-Light Cameras	
2009 Violation Issued	
Site Location	Violations
Admiral EB @ River	271
Admiral WB @ River	313
Angell EB @ Gano	387
Broad NB @ Baker	701
Broad SB @ Baker	1,552
Chalkstone WB @ Raymond	78
Eaton EB @ Huxley	63
Eaton WB @ Huxley	281
Eddy NB @ Thurbers	442
Eddy SB @ Thurbers	648
Oakland SB @ Chalkstone	352
Pocasset EB @ Webster	83
Pocasset WB @ Webster	85
Raymond NB @ Chalkstone	1,390
Service Rd 7 SB @ Atwells	523
Service Rd 8 NB @ Atwells	685
Service Road 7 SB @ Broadway	234
Service Road 8 NB @ Broadway	1,969
Smith EB @ River	297
Smith WB @ River	162
Steeple WB @ Canal	1,502
Valley NB @ River	1,158
Valley SB @ River	849
Waterman EB @ Gano	278
Webster SB @ Pocasset	7
<b>Total Number of Issued Violations</b>	<b>14,310</b>

City of Providence Red-Light	
2009 Tickets Paid	
Month	
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	
<b>Total Number of Paid Tickets</b>	

ht Cameras

id

Paid Tickets

518
1,407
1,318
1,031
1,089
1,206
1,002
787
883
914
821
758
11,734

City of Providence Red-Light Cameras  
2008 Accident Reporting Provided  
Separately By The Providence Police  
Department

**City of Providence Red-Light Cameras  
2009 Revenue Obtained**

<b>Month</b>	<b>Revenue</b>
January	\$24,865
February	\$85,162
March	\$71,637
April	\$51,220
May	\$52,303
June	\$58,761
July	\$48,998
August	\$37,670
September	\$42,878
October	\$44,066
November	\$38,681
December	\$36,686
<b>Total Revenue Obtained</b>	<b>\$592,927</b>

**City of Providence Red-Light Cameras  
2009 - Two Court Trials**

**One Case Dismissed - One Case Upheld**

**City of Providence Red-Light Cameras  
2008 Cost Paid To Vendor To Maintain The System**

**Yearly Cost**

**\$466,926**