

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2003-44

No. 557

AN ORDINANCE ESTABLISHING AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM

Approved August 1, 2003

Be it ordained by the City of Providence:

SECTION 1. The Code of Ordinances of the City of Providence is hereby amended by adding the following section:

Automated Red Light Enforcement.

A. Definitions.

1. "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.

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

3. "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.

4. "In operation" means operating in good working condition.

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

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

a. On:

No.

CHAPTER
AN ORDINANCE

IN CITY COUNCIL
MAY 15 2003
FIRST READING
OF AN ORDINANCE
COUNCIL
Michael R. Clement
AMS

THE COMMITTEE ON
Ordinances
Recommendations - Be Continued
Ann M. Heaton
CLERK
6-9-03 Schedule P. H.
6-25-03 P. H. Held
7-1-03 Com 4
7-7-03 Com 4 (amended)

THE COMMITTEE ON
ORDINANCES
Approves Passage of
The Within Ordinance, as amended
Chae E. Bestwick
7-10-03

Councilman Jackson & Councilwoman Williams, By Request

- 1) Not less than two photographs; or
- 2) Not less than two microphotographs; or
- 3) Not less than two electronic images; or
- 4) Videotape.

b. 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.

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

B. 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 of Providence, 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.

C. Proof; Certificate.

1. 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 Rhode Island 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.

2. A certificate, sworn to or affirmed by a trained law enforcement officer or a technician employed by the Providence 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.

3. Recorded images made for the purpose of this subsection shall not be a public record.

4. 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.

5. Such presumption may be rebutted if the owner, or lessee of the vehicle files a sworn notarized statement with the clerk of the Providence 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.

6. 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.

7. 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 Providence 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.

8. 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.

9. 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.

D. Penalty; Effect of a Conviction.

1. 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.

2. Upon a failure to respond to or contest any notice of violation by the prescribed date, the Providence 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.

E. Summons.

1. A summons for a violation of this section may be executed by the Providence 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 Rhode Island 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.

2. No proceedings for contempt or arrest shall be instituted for failure to appear on the return date of the summons.

F. Private Entities.

1. A private entity may enter into an agreement with the City of Providence 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 of Rhode Island 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 Providence Police Department may swear to or affirm the certificate required by subsection (C) (2) of this section.

2. 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.

G. Installation and Signage.

1. A sign shall be erected by the City of Providence 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.

2. Such signs shall be at least 30 inches by 30 inches in measurement and shall warn motorists that traffic-control signal monitoring devices are being employed.

3. Such signage shall remain in place so long as there is an operational traffic-control signal-monitoring device at the relevant intersection.

4. Not more than twenty-five (25) intersections shall be equipped with operational traffic-control signal monitoring devices at any one time.

H. Baseline and Warning Period; Monitoring.

1. 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.

2. Only warning notices and not citations shall be sent during the 30-day period commencing with installation of each traffic-control signal monitoring device.

3. Following the installation of traffic-control signal monitoring devices, the City Council will monitor their performance as follows:

a. 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.

b. Every six months, the Providence Municipal Court shall provide to the City Council a count of the number of paid violations recorded at each location, by month.

c. The Providence Police Department shall provide to the City Council a count of the number of accidents which occur at each location.

I. 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 non-compliant with the yellow-light interval required by Section I, Subsection 1, all citations issued at the relevant intersection(s) during the period of non-compliance, which are as yet unpaid, will be dismissed.

J. Security of Records.

1. 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).

2. 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.

3. All videotapes and still photographs recorded which identify a violation shall be destroyed immediately after the matter is resolved through disposition of the citation.

4. The manufacturer or vendor shall not release or sell any aggregated data collected, except with prior approval of the Providence City Council.

SECTION 2. This Ordinance shall take effect upon passage.

IN CITY COUNCIL
JUL 14 2003
FIRST READING
READ AND PASSED

IN CITY
COUNCIL
JUN 28 2003
FINAL READING
READ AND PASSED

APPROVED

MAYOR

8/1/03