



## Legislation Details (With Text)

<b>File #:</b>	CB 120625	<b>Version:</b>	2	<b>Name:</b>	CB 120625
<b>Type:</b>	Ordinance (Ord)	<b>Status:</b>	Passed	<b>In control:</b>	City Clerk
<b>On agenda:</b>	9/5/2023				
<b>Final Action:</b>	9/8/2023	<b>Ord. No.</b>	Ord 126892		
<b>Title:</b>	AN ORDINANCE establishing additional uses for automated traffic safety cameras to increase safety; amending Sections 11.31.090, 11.31.121, and 11.50.570 of the Seattle Municipal Code.				
<b>Sponsors:</b>	Alex Pedersen				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Summary and Fiscal Note, 2. Central Staff Memo (8/1/2023), 3. Presentation, 4. Amendment 1, 5. Signed Ordinance 126892, 6. Affidavit of Publication				

Date	Ver.	Action By	Action	Result
9/8/2023	2	City Clerk	attested by City Clerk	
9/8/2023	2	Mayor	returned	
9/8/2023	2	Mayor	Signed	
9/8/2023	2	City Clerk	submitted for Mayor's signature	
9/5/2023	2	City Council	passed	Pass
8/15/2023	1	Transportation and Seattle Public Utilities	pass as amended	Pass
8/1/2023	1	Transportation and Seattle Public Utilities	discussed	
7/25/2023	1	City Council	referred	
7/13/2023	1	Council President's Office	sent for review	
7/12/2023	1	City Clerk	sent for review	
7/12/2023	1	Mayor	Mayor's leg transmitted to Council	

### CITY OF SEATTLE

### ORDINANCE \_\_\_\_\_

### COUNCIL BILL \_\_\_\_\_

AN ORDINANCE establishing additional uses for automated traffic safety cameras to increase safety; amending Sections 11.31.090, 11.31.121, and 11.50.570 of the Seattle Municipal Code.

WHEREAS, it is often not safe, practical, or desirable to use police officers to enforce traffic laws, including speed limit violations; and

WHEREAS, excessive speeding by drivers is a root cause of many crashes, including crashes that result in

death or serious injury of vulnerable travelers within City rights-of-way, including pedestrians, bicyclists, people with disabilities, children, and seniors; and

WHEREAS, serious crashes often result in lifelong injuries, chronic pain, permanent disabilities, chronic depression, and shortened lifespans, while serious and fatal crashes impact the victims, their families and other loved ones, co-workers, and the greater communities; and

WHEREAS, Engrossed Substitute Senate Bill (ESSB) 5974 (Chapter 182, Laws of 2022), also known as the Move Ahead Washington spending bill, amended Revised Code of Washington (RCW) 46.63.170, authorizing cities to implement new and expanded forms of camera-based enforcement of speeding violations in school walk areas as defined by RCW 28A.160.160, public park speed zones, hospital speed zones; and, subject to an equity analysis, on streets either: (1) identified as priority locations in a local road safety plan submitted to WSDOT; or (2) where the location has a significantly higher rate of collisions than the city average for a period of at least three years, and where other speed reduction methods have not been effective at reducing speeds; or (3) where a local ordinance has designated the area as a racing zone subject to specified restriction and penalties; and

WHEREAS, numerous studies, including a 2016 Insurance Institute of Highway Safety study of speed camera enforcement in Montgomery County, Maryland over the span of 7.5 years have shown that automated speed camera enforcement can result in a ten percent reduction in mean speeds, a 62 percent reduction in the likelihood of vehicles traveling more than 10 miles per hour above the speed limit, and a 39 percent reduction in the likelihood that a crash results in an incapacitating or fatal injury; and

WHEREAS, on July 25, 2023, the City Council adopted Council Bill 120600, designating restricted racing zones where automated traffic enforcement cameras could be deployed; and

WHEREAS, The City of Seattle currently has a \$237 fee for School Zone camera violations, a \$139 fee for Red Light camera violations, and a \$75 fee for Blocking and Restricted Lane camera violations; and

WHEREAS, The City of Seattle intends to establish a \$139 fee for Speed Enforcement camera violations;

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 126183, 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 11.31.090.C.1 ~~((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, 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 or a restricted lane violation. 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.

\* \* \*

E. In a traffic infraction case involving an infraction detected through the use of an automated traffic safety camera, proof that the particular vehicle described in the notice of traffic infraction was in violation of Section 11.50.070, Section 11.50.140, Section 11.50.150, 11.52.040, 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 or a restricted lane violation, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes 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. This presumption may be overcome only if the registered owner states, under oath, 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 2. Section 11.50.570 of the Seattle Municipal Code, last amended by Ordinance 126183, is amended as follows:

**11.50.570 Automated traffic safety cameras**

A. Automated traffic safety cameras may be used to detect one ~~((1))~~ or more of the following: stoplight, railroad crossing, school speed zone violations, ~~((or))~~ violations included in subsection 11.50.570.H for the duration of the pilot program authorized under subsection 11.50.570.H, maximum speed limit violations in school walk, park, and hospital zones as permitted by state law, or, consistent with RCW 46.63.170(1)(d)(i), on streets that are either designated as a priority location in a road safety plan submitted to the state, show a significantly higher rate of collisions than the City average over a period of at least three years prior to installation and other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speeds, or is a street designated by ordinance as a race zone. Except as provided in subsection 11.50.570.H, use of automated traffic safety cameras is restricted to the following locations only:

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

2. Railroad crossings; ~~((and))~~

3. School speed zones ~~((:))~~ ;

4. School walk areas as defined in RCW 28A.160.160;

5. Public park speed zones;

6. Hospital speed zones; and

7. Additional speed detection locations that meet any of the criteria in RCW 46.63.170(1)(d).

\* \* \*

F. All locations where an automated traffic safety camera is used must be clearly marked at least ~~((thirty~~  
~~))30((3))~~ days prior to activation of the camera by placing signs in locations that clearly indicate to a driver  
either: (i) That the driver is within a school walk area, public park speed zone, or hospital speed zone; or (ii)  
that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera. Signs  
placed in automated traffic safety camera locations after June 7, 2012 must follow the specifications and  
guidelines under the manual of uniform traffic control devices for streets and highways as adopted by the  
Washington Department of Transportation under ~~((RCW Chapter))~~ chapter 47.36 RCW.

\* \* \*

H.

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

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

3. As used in this subsection 11.50.570.H, “public transportation vehicle” means any motor  
vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or  
operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the

purpose of carrying passengers and that operates on established routes. “Transit authority” has the meaning provided in RCW 9.91.025.

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

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

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

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

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

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

6. Beginning January 1, 2021, for an infraction generated through the use of an automated traffic safety camera authorized in this subsection 11.50.570.H, if the registered owner of the vehicle has:

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

b. One or more prior infractions generated under this subsection 11.50.570.H, a notice of

infraction shall be issued, in a manner consistent with Section 11.31.090, to the registered owner of the vehicle for a violation. The penalty for the violation (~~(may not exceed)~~) is \$75.

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

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

I.

1. The Seattle Department of Transportation is authorized to install automated traffic safety cameras to detect speed violations pursuant to RCW 46.63.170(1)(d)(i). The speed violations that the cameras may detect include, but are not limited to, one or more violations of Sections 11.52.040, 11.52.060, 11.52.080, 11.52.100, 11.52.110, or 11.52.120.

2. Except where specifically exempted, all of the rules and restrictions applicable to the use of automated traffic safety cameras in this Section 11.50.570 and Section 11.31.090 apply to speed detection enforcement as established in this subsection 11.50.570.I.

3. As used in this subsection 11.50.570.I, “school walk area” includes any roadway identified in a school walk area as defined in RCW 28A.160.160.

4. As used in this subsection 11.50.570.I, “public park speed zone” means the marked area within public property and extending 300 feet from the border of the public park property: (I) consistent with

active park use; and (II) where signs are posted to indicate the location is within a public park speed zone.

5. As used in this subsection 11.50.570.I, "hospital speed zone" means the marked area within hospital property and extending 300 feet from the border of hospital property: (I) consistent with hospital use; and (II) where signs are posted to indicate the location is within a hospital speed zone, where "hospital" has the same meaning as in RCW 70.41.020.

6. After completing and considering locations based on the outcomes of an equity analysis that evaluates livability, accessibility, economics, education, and environmental health, the City may operate one additional automated traffic camera for speed detection and enforcement, plus one additional camera for every 10,000 Seattle residents, for locations that meet one of the following criteria as defined in RCW 46.63.170(1) (d)(i):

a. The Seattle Department of Transportation has identified it as a priority location in a road safety plan submitted to the Washington State Department of Transportation and where other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed; or

b. Locations with a significantly higher rate of collisions than the city average over a period of at least three years prior to installation, and other speed reduction measures are not feasible or have not been sufficiently effective at reducing travel speed; or

c. An area within the city limits designated by ordinance as a zone subject to specified restrictions and penalties on racing and race attendance.

7. Beginning on the effective date of this ordinance, a warning notice with no penalty shall be issued to the registered owner of the vehicle for a violation generated through the use of an automated traffic safety camera authorized in this subsection 11.50.570.I, if the registered owner of the vehicle has no prior infractions generated under this subsection 11.50.570.I.

8. For automated traffic safety cameras used to detect speed violations on roadways identified in a school walk area, speed violations in public park speed zones, speed violations in hospital speed zones, or



other speed violations in this subsection 11.50.570.I, the City shall remit monthly to the state 50 percent of the noninterest money received for infractions issued by those cameras in excess of the cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions. Money remitted under this subsection 11.50.570.I to the state treasurer shall be deposited in the state Cooper Jones Active Transportation Safety Account. This subsection 11.50.570.I.8 does not apply to automated traffic safety cameras authorized for stoplight, railroad crossing, or school speed zone violations.

Section 3. Section 11.31.121 of the Seattle Municipal Code, last amended by Ordinance 126756, is amended as follows:

### **11.31.121 Monetary penalties-Parking infractions**

The base monetary penalty for violation of each of the numbered provisions of the Seattle Municipal Code listed in the following table is as shown, unless and until the penalty shown below for a particular parking infraction is modified by Local Rule of the Seattle Municipal Court adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction ("IRLJ") or successor rules to the IRLJ:

Municipal Code reference	Parking infraction <u>and other violations</u> short description	Base penalty amount
* * *		
11.26.280	HOOD, VIOLATION	\$47
11.50.140	RED LIGHT CAMERA VIOLATION	\$139
11.52.040	SPEEDING TRAFFIC CAMERA VIOLATION	\$139
11.50.150	RED ARROW CAMERA VIOLATIONS	\$139
11.52.100	SPEED, SCHOOL CROSSWALKS CAMERA VIOLATION	\$237
11.50.070	TRAFFIC CONTROL DEVICE OBSTRUCTING TRAFFIC AT SIGNAL CAMERA VIOLATION	\$75
11.53.190	DRIVING IN BIKE LANE CAMERA VIOLATION	\$75
11.53.230	HIGH OCUPANCY VEHICLE LANE VIOLATION CAMERA VIOLATION	\$75
11.72.040	BLOCK TRAFFIC-STOP/PARK OCCUPIED VEHICLE CAMERA VIOLATION	\$75
11.72.080	CROSSWALK CAMERA VIOLATION	\$75

11.72.210	INTERSECTION CAMERA VIOLATION	\$75
* * *		

Section 4. Section 2's additional provisions in Seattle Municipal Code subsection 11.50.570.H shall expire on the day Section 2 of Ordinance 126183 expires.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2023, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Scheereen Dedman, City Clerk

(Seal)