



Legislation Details (With Text)

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**Title:** Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, by adding Chapter 625 entitled Red Light Enforcement Systems

**Sponsors:** Bruce A. Kraus

**Indexes:** PGH. CODE ORDINANCES TITLE 06 - CONDUCT

**Code sections:**

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| Date       | Ver. | Action By             | Action                            | Result |
|------------|------|-----------------------|-----------------------------------|--------|
| 12/13/2013 | 2    | Mayor                 | Signed by the Mayor               |        |
| 12/10/2013 | 2    | City Council          | AMENDED                           | Pass   |
| 12/10/2013 | 2    | City Council          | Passed Finally, As Amended        | Pass   |
| 12/4/2013  | 1    | Standing Committees   | AFFIRMATIVELY RECOMMENDED         | Pass   |
| 11/25/2013 | 1    | Standing Committees   | Held in Committee                 | Pass   |
| 11/20/2013 | 1    | Standing Committees   | Held in Committee                 | Pass   |
| 11/7/2013  | 1    | Standing Committees   | Held in Committee                 | Pass   |
| 7/17/2013  | 1    | Committee on Hearings | Public Hearing Held               |        |
| 7/17/2013  | 2    | Post Agenda           | Post Agenda Held                  |        |
| 6/26/2013  | 1    | Standing Committees   | Held for Cablecast Post Agenda    | Pass   |
| 6/26/2013  | 1    | Standing Committees   | Held for Cablecast Public Hearing | Pass   |
| 6/17/2013  | 1    | City Council          | Read and referred                 |        |

Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, by adding Chapter 625 entitled Red Light Enforcement Systems

**CHAPTER 625: RED LIGHT ENFORCEMENT SYSTEMS**

**625.01 FINDINGS AND PURPOSE**

*WHEREAS*, the Pennsylvania Legislature passed H.B. No. 254 during the 2011-2012 Legislative Session amending Title 75 and authorizing the use of automated red light enforcement systems in certain municipalities and further providing for specific powers of department and local authorities.; and

*WHEREAS*, the Governor of the State of Pennsylvania signed H.B. No. 254 into law on July 2, 2012, resulting in Pennsylvania Statute 75 Pa. Code Section 3117 taking effect ninety (90) days from its enactment;

and

*WHEREAS*, the Mayor and Pittsburgh City Council are concerned about the significant danger to its citizens caused by the violation of red lights within its jurisdiction; and

*WHEREAS*, the City of Philadelphia and other local governments throughout the United States of America have successfully used automated red light enforcement systems to increase public safety; and

*WHEREAS*, this local government finds that the use of automated red light enforcement systems to enforce red light violations will improve public safety; and

*WHEREAS*, this local government finds that the use of automated red light enforcement systems will be effective in enforcing Section 3112(a)(3) of the Motor Vehicle Code (relating to traffic-control signals) and will allow for the more efficient use of limited law enforcement personnel through this jurisdiction; and

*WHEREAS*, this local government seeks to exercise its local option to implement automated red light enforcement systems to enforce red light violations in accord with the provisions of Act No. 2012-84;

*BE IT RESOLVED*, by the City Council of the City of Pittsburgh, Pennsylvania ("City"), as follows:

## **625.02 DEFINITIONS**

(1) **Automated Red Light Enforcement System** shall mean a vehicle sensor installed to work in conjunction with a traffic-control signal which automatically produces one or more recorded images of a vehicle at the time the vehicle is used or operated in a manner which is a violation of the Motor Vehicle Code, or as otherwise defined under the Motor Vehicle Code.

(2) The **Motor Vehicle Code** shall mean Title 75 of the Pennsylvania Consolidated Statutes.

(3) **Recorded Image** shall mean an image recorded by an automated red light enforcement system on a photograph, a digital image or any other image-capture technology.

## **625.03 AUTOMATED RED LIGHT ENFORCEMENT.**

(1) An owner of a motor vehicle recorded by an automated red light enforcement system in violation of the prohibitions of Section 3112(a)(3) of the Motor Vehicle Code (relating to traffic-control signals) at such intersections of the City designated pursuant to this Chapter shall be liable for civil penalties as set forth in this Chapter.

(2) This provision shall not apply if:

(i.) The intersection is being manually controlled; or

(ii.) The signal is in the mode described in Section 3114 of the Motor Vehicle Code (relating to flashing signals).

## **625.04 POWERS AND DUTIES OF THE SYSTEM ADMINISTRATOR.**

(1) The Public Safety Director is designated as the System Administrator, who shall have the authority to supervise and coordinate the administration of notices of violation under this Chapter. The System Administrator may hire and designate personnel as necessary or contract for services to implement this Chapter.

(2) The System Administrator, or the designee, shall prepare a notice of violation to the registered owner of a vehicle identified in a recorded image produced by an automated red light enforcement system as evidence of a violation of section 3112(a)(3). The issuance of the notice of violation must be done by a police officer employed by the City.

(3) The System Administrator shall submit an annual report to the chairman and minority chairman of the Transportation Committee of the Pennsylvania Senate and the chairman and minority chairman of the Transportation Committee of the Pennsylvania House of Representatives. The report shall be considered a public record under the Right-to-Know Law and include for the prior year:

- (i) the number of violations and fines issued;
- (ii) a compilation of fines paid and outstanding;
- (iii) the amount of money paid to vendor or manufacturer under this section.

#### **625.05 INTERSECTIONS AT WHICH THIS CHAPTER APPLIES.**

(1) Automated red light enforcement systems that are approved by the Pennsylvania Department of Transportation may be used to enforce this Chapter.

(2) No automated red light enforcement system shall be used at any intersection unless there is posted an appropriate sign in a conspicuous place before the area in which the automated red light enforcement system is used notifying the public that an automated red light enforcement system is in use immediately ahead.

#### **625.06 PENALTY.**

(1) The penalty for a violation of this Chapter shall be a fine of \$100.

(2) Fine money collected by the System Administrator pursuant to this Chapter shall be distributed as set forth in Section 3117 of the Motor Vehicle Code.

(3) No penalties are authorized during the first sixty (60) days of operation of the automated system at the first installed intersection and the first thirty (30) days for each subsequent intersection selected. During each such phase-in period, a warning may be sent to the violator.

(4) A penalty imposed under this section shall not be deemed a criminal conviction and shall not be made part of the operating record under section 1535 of the Pennsylvania Consolidated Statutes (relating to schedule of convictions and points) of the individual upon whom the penalty is imposed, nor may the imposition of the penalty be subject to merit rating for insurance purposes.

(5) No surcharge points may be imposed in the provision of motor vehicle insurance coverage. Fines collected under this section shall not be subject to 42 Pa. C.S. Section 3571 (relating to Commonwealth portion of fines, etc.) or Section 3573 (relating to municipal corporation portion of fines, etc.).

#### **625.07 NOTIFICATION OF VIOLATION.**

(1) The System Administrator shall prepare and mail a notice of violation addressed to the registered owner of a vehicle identified in a recorded image produced by an automated red light enforcement system as evidence of a violation of Section 3112(a)(3) of the Motor Vehicle Code and this Chapter.

(2) The notice of violation must include:

- (i) the name of the registered owner of the vehicle;
  - (ii) a copy of the recorded image showing the vehicle;
  - (iii) the registration number and state of issuance of the vehicle registration;
  - (iv) the date, time and place of the alleged violation;
  - (v) a statement that the violation charged is under Section 3112(a)(3) of Title 75 of the Pennsylvania Consolidated Statutes (The Motor Vehicle Code) and this Chapter;
  - (vi) the penalty for the violation;
  - (vii) a copy of the recorded image showing the vehicle;
  - (viii) the date on which the notice was mailed;
  - (ix) instructions for return of the notice of violation; and
  - (x) the following text: This notice shall be returned personally, by mail or by an agent duly authorized in writing, within 30 days of issuance. A hearing may be obtained upon the written request of the registered owner. Failure to return this notice or to request a hearing within 30 days of mailing of this notice shall be considered an admission of liability.
- (3) The notice of violation must be approved by a City police officer verifying that he or she has inspected the recorded images evidencing the violation and that he or she has reason to believe the information contained in the notice of violation is true and correct.
- (4) Notice of violation must be sent by first class mail. A manual or automatic record of mailing prepared by the System Administrator in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in any judicial or administrative proceeding as to the facts contained in it.
- (5) In the case of a violation involving a motor vehicle registered under the laws of this Commonwealth, the notice of violation must be mailed within 30 days after the commission of the violation or within 30 days after the discovery of the identity of the registered owner, whichever is later, to the address of the registered owner as listed in the records of the Pennsylvania Department of Transportation. In the case of motor vehicles registered in jurisdictions other than this Commonwealth, the notice of violation must be mailed within 30 days after the discovery of the identity of the registered owner to the address of the registered owner as listed in the records of the official in the jurisdiction having charge of the registration of the vehicle. A notice of violation under this section must be provided to an owner within 90 days of the commission of the offense.
- (6) The total sum of costs and additional fees payable by a person who fails to answer a notice of violation issued pursuant to this Chapter shall be:
- (i) twenty dollars (\$20.00) for each notice which remains unappealed or unpaid for more than thirty (30) days from issuance; and
  - (ii) twenty-five dollars (\$25.00) for each notice which remains unappealed or unpaid for more than sixty (60) days from issuance; and

- (iii) thirty dollars (\$30.00) for each notice which remains unappealed or unpaid for more than ninety (90) days from issuance.

#### **625.08 ADMISSION OF RESPONSIBILITY AND PAYMENT OF FINE.**

(1) An owner to whom a notice of violation has been issued may admit responsibility for the violation and pay the fine set forth in the notice. Payment must be made personally, through an authorized agent or by mailing both payment and the notice of violation to the System Administrator. Payment by mail must be made only by money order, credit card or check made payable to the System Administrator. Payment of the established fine, along with any other assessed fees allowed by law, shall operate as a final disposition of the case.

#### **625.09 DEFENSES OF LIABILITY**

(1) It shall be a defense to a violation under this section that the person named in the notice of the violation was not operating the vehicle at the time of the violation. The owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation. The City may not require the owner of the vehicle to disclose the identity of the operator of the vehicle at the time of the violation.

(3) If an owner receives a notice of violation pursuant to this section of a time period during which the vehicle was reported to a police department of any state or municipality as having been stolen, it shall be a defense to a violation pursuant to this section that the vehicle has been reported to a police department as stolen prior to the time the violation occurred and had not been recovered prior to that time.

(4) It shall be a defense to a violation under this section that the person receiving the notice of violation was not the owner or lessor of the vehicle at the time of the offense.

(5) No owner shall be found liable pursuant to this Chapter if he or she is convicted of a violation pursuant to the Motor Vehicle Code for the same violation.

#### **625.10 REQUEST FOR A HEARING.**

(1) An owner to whom a notice of violation has been issued may, within thirty (30) days of the mailing of the notice, request a hearing to contest the liability alleged in the notice. A hearing request must be made by appearing before the System Administrator during regular office hours either personally or by an authorized agent or by mailing a request in writing.

(2) Upon receipt of a hearing request, the System Administrator shall in a timely manner schedule the matter before a Hearing Officer. Written notice of the date, time and place of hearing must be sent by first class mail to the owner.

#### **625.11 HEARINGS.**

(1) The Mayor shall appoint such Hearing Officers as shall be necessary to carry out the provisions of this Chapter and shall have the power to provide by regulation additional rules for the hearing and determination of cases involving alleged violations of provisions of this Chapter.

(2) Hearings pursuant to this Chapter shall be informal; the rules of evidence shall not apply; and the decision of the Hearing Officer shall be final, subject to the right of the owner to appeal the decision to the

magisterial district judge.

(3) The System Administrator shall not be required to submit any evidence other than the following, which shall be admissible in such hearing:

(i) the notice of violation, including the recorded image evidencing a violation of Section 3112(a) (3) of the Motor Vehicle Code and this Chapter;

(ii) information from a state department of transportation or motor vehicles identifying the owner of the vehicle; and

(iii) a certificate, or a facsimile of a certificate, sworn to or affirmed by a City police officer based upon inspection of recorded images produced by an automated red light enforcement system, which shall be prima facie evidence of the facts contained in it; provided, however, that written documentation is provided that the automated red light enforcement system was operating correctly at the time of the alleged violation.

(4) The police officer who signs the notice of violation shall not be required to appear at the hearing unless the respondent has denied liability and the Hearing Officer determines that the police officer's presence is required. The Hearing Officer may grant a reasonable continuance if the officer is not available at the time of hearing.

(5) The System Administrator shall provide the owner with notice of the decision of the Hearing Officer, together with any reasons provided by the Hearing Officer, and advise the owner of his or her right to appeal the decision of the Hearing Officer. If the owner does not notify the System Administrator of a desire to appeal the decision within thirty (30) days of mailing of the notice of the decision of the Hearing Officer, the decision shall be final and liability shall be established pursuant to such decision.

#### **625.12 APPEALS.**

If the owner requests in writing that the decision of the Hearing Officer be appealed, the System Administrator shall file the notice of violation and supporting documents with the magisterial district judge, which shall hear and decide the matter de novo.

#### **625.13 LIMITATIONS.**

(1) No automated red light enforcement system shall be utilized in such a manner as to take a frontal view recorded image of the vehicle as evidence of a violation.

(2) Notwithstanding any other provision of law, camera equipment deployed pursuant to this Chapter must be incapable of automated or user-controlled remote intersection surveillance by means of recorded video images. Recorded images collected as part of the automated red light enforcement system must only record traffic violations and may not be used for any other surveillance purposes. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(3) Notwithstanding any other provision of law, information prepared under this Chapter and information relating to violations under this Chapter which is kept by the City or its authorized employees or agents, including recorded images, written records, reports or facsimiles, names, addresses and the number of

violations under this Chapter, shall be for the exclusive use of the City, its employees, its authorized agents and law enforcement officials for the purpose of discharging their duties under this Chapter. The information shall not be deemed a public record under the act of June 21, 1957 (P.L. 390, No. 212), as amended, known as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise, nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this Chapter. The restrictions set forth in this paragraph shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action. The restrictions set forth in this paragraph are intended to protect the privacy of individuals and refer to information relating to specific drivers and vehicles. Nothing in this paragraph shall prevent the City or its authorized agents from providing the public with statistical information regarding the number of violations and fines imposed, a compilation of fines paid and outstanding and the amount of money paid to a vendor or manufacturer under this Section, provided that no individual driver or vehicle is identified.

(4) Recorded images obtained through the use of automated red light enforcement systems pursuant to this Chapter shall be destroyed within thirty (30) days of final disposition of any recorded event. The City shall file notice with the Department of State that the records have been destroyed in accordance with this Chapter.

(5) Notwithstanding any other provision of law, registered vehicle owner information obtained as a result of the operation of an automated red light enforcement system under this Chapter shall not be the property of the manufacturer or vendor of the automated red light enforcement system and may not be used for any purpose other than prescribed in this Chapter.

(6) The duration of the yellow light change interval at intersections where automated red light enforcement systems are in use shall conform to the yellow light change interval duration specified on the traffic signal permit issued for such signal.

#### **625.14 SEVERABILITY.**

(1) If any portion of this Chapter is held invalid or unconstitutional by any court of competent jurisdiction, it shall not affect the validity of the remaining portions of this chapter.

#### **625.15 Expiration**

**The Pennsylvania State Code, 75 PA Code Section 3117, permitting automated red light enforcement systems expires on July 15<sup>th</sup>, 2017 (75 PA Code Section 3117 (r)). This Chapter 625 will expire on June 30, 2017 in the absence of an explicit extension by City Council.**