

City of Philadelphia



(Bill No. 000682)

AN ORDINANCE

Providing for civil liability for violations of certain provisions of the Pennsylvania Motor Vehicle Code relating to obedience to steady red-light signals and stopping at an intersection or crossing; and establishing an administrative system for adjudicating liability in connection with such violations; all under certain terms and conditions.

WHEREAS, The running of red lights by careless drivers is a contributing factor to traffic accidents and personal injuries in the City and therefore creates a serious public safety hazard; and

WHEREAS, A vehicle, which enters an intersection on a green signal and which is then trapped in the intersection when the signal turns red because there is no space on the opposite side of the intersection for the vehicle to proceed, blocks traffic coming into the intersection on the cross street on a green signal, creating a traffic condition commonly referred to as “spillback;” and

WHEREAS, As the effects of spillback multiply, the result is “gridlock,” a traffic condition in which traffic in every direction comes to a standstill; and

WHEREAS, Spillback and gridlock create severe public safety problems for pedestrians attempting to cross the street and for emergency vehicles attempting to safely navigate city streets; create an impediment to fast, convenient, and efficient public transportation; create environmental pollution due to the increased time cars spend idling in gridlocked traffic; and contribute to the overall deterioration of the quality of life in the City of Philadelphia; and

WHEREAS, Spillback and gridlock are significant contributing factors to traffic disruptions in Philadelphia and, therefore, may deter visitors from coming into the City to enjoy all that the City of Philadelphia has to offer; and

WHEREAS, The use of cameras at intersections around the City will help the City officers enforce the provisions of law hereby established to protect the safety of the citizens of Philadelphia; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 12-3000 is hereby added to the Philadelphia Code as follows:

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CHAPTER 12-3000. USE OF AN AUTOMATED RED LIGHT ENFORCEMENT SYSTEM TO PREVENT RED LIGHT VIOLATIONS

§12-3001. 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 photographs 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.

§12-3002. Automated Red Light Enforcement.

(1) *An individual whose vehicle is 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 obedience to the steady red light indication of traffic control signals) at such intersections of the City designated and identified 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).

§12-3003. Defenses To Liability.

(1) *It shall be a defense to a violation under this Chapter that the person receiving the notice of violation was not the owner of the vehicle at the time of the offense.*

(2) *It shall be a defense to a violation under this Chapter 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 owner may not be required to disclose the identity of the operator of the vehicle at the time of the violation.*

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(3) *It shall be a defense to a violation pursuant to this Chapter that the vehicle has been reported to any state or municipal police department as stolen prior to the time the violation occurred and had not been recovered prior to that time.*

(4) *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.*

§12-3004. *Powers and Duties of The Philadelphia Parking Authority.*

The Philadelphia Parking Authority is designated as the System Administrator of this Chapter, which shall have the duty 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.

§12-3005. *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 only at the following intersections, and as this list may be amended from time to time by ordinance, subject to the designation of such intersections by agreement of the System Administrator and the Pennsylvania Secretary of Transportation:*

- (a) *U.S. Route 1 (Roosevelt Boulevard) at Grant Avenue, at Red Lion Road and at Cottman Street.*
- (b) *Kensington Avenue at Clearfield Street.*
- (c) *Richmond Street at Allegheny Avenue and at Castor Avenue.*
- (d) *Aramingo Avenue at York Street.*
- (e) *Thompson Street at Lehigh Avenue.*
- (f) *Broad Street at Washington Avenue.*

(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 device is used notifying the public that an automated red light enforcement device is in use immediately ahead.*

§12-3006. *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 3116 of the Motor Vehicle Code.*

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(3) *No penalties are authorized during the first 120 days of operation of the automated system at each particular intersection. During such phase-in period, a warning may be sent to the violator.*

§12-3007. *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 photograph 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) *the registration number and state of issuance of the vehicle registration;*
- (iii) *the date, time and place of the alleged violation;*
- (iv) *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;*
- (v) *the penalty for the violation;*
- (vi) *a copy of the recorded image showing the vehicle;*
- (vii) *the date on which the notice was mailed;*
- (viii) *instructions for return of the notice of violation; and*
- (ix) *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 signed 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.*

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(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 14 days of the violation, exclusive of Sundays and holidays, to the address of the registered owner as listed in the records of the Department of Transportation. In the case of motor vehicles registered in jurisdictions other than this Commonwealth, the notice of violation must be mailed within 21 days of the violation, exclusive of Sundays and holidays, 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.*

(6) *The provisions of Chapter 12-1400 shall not apply to this Chapter.*

§12-3008. *Admission Of Responsibility And Payment Of Fine.*

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 shall operate as a final disposition of the case.

§12-3009. *Request For A Hearing.*

(1) *An owner to whom a notice of violation has been issued may, within 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.*

§12-3010. *Hearings.*

(1) *The Director of Finance 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.*

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(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 Traffic Court.*

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

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

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

(c) *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 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.*

§12-3011. Appeals.

(1) *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 Traffic Court, which shall hear and decide the matter de novo.*

§12-3012. Limitations.

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

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(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. Photographs collected as part of the automated red light enforcement system must be 35-millimeter film only, 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 photographs, 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.*

(4) *Photographic evidence obtained through the use of automated red light enforcement systems pursuant to this Chapter shall be destroyed within one year 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.*

SECTION 2. In furtherance of Council's power to amend Section 12-3005(1) of the Code to revise the list of intersections at which automated red light enforcement systems may be installed subject to the designation of such intersections by agreement of

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the System Administrator and the Pennsylvania Secretary of Transportation, the Streets Department is requested to conduct studies of the intersections of the Philadelphia streets and to make recommendations to City Council as to which intersections around the City are most affected by the problems of traffic passing unlawfully through steady red signals and which intersections might benefit most from application of an automated red light enforcement system.

SECTION 3. The provisions of this ordinance shall expire on December 31, 2005, unless the provisions of section 3116 of Title 75 of the Pennsylvania Consolidate Statutes (Motor Vehicle Code) are extended beyond that date, in which case this ordinance shall remain in effect until expiration of that section.

SECTION 4. This ordinance shall not be effective unless and until the Philadelphia Parking Authority enters into an agreement with the City to reimburse the City for its costs associated with implementation and administration of the automated red light enforcement system.

SECTION 5. Non-severability. The provisions of Section 12-3005(1) of the Code, as added by Section 1 of this ordinance, providing that automated red light enforcement systems may be used only at the intersections listed in that subsection, and as that list may be amended from time to time by ordinance, are not severable from the remaining provisions of this ordinance, but are essentially and inseparably connected with all other provisions of this ordinance. It is hereby declared to be the legislative intent of Council that Council would not have enacted this ordinance or any portion of this ordinance unless such provisions of Section 12-3005(1) of the Code were a valid part of such enactment.

Explanation:

Italics indicate new matter added.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 15, 2003. The Bill was Signed by the Mayor on May 29, 2003.

A handwritten signature in cursive script that reads "Patricia Rafferty".

Patricia Rafferty
Chief Clerk of the City Council