



Legislation Text

File #: 24-0139, Version: 1

Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Enacting Chapter 21, Motor Vehicles and Traffic, Article I, In General, Sec. 21-19 to Authorize Traffic Control Device Violation Monitoring Systems.

PURPOSE/BACKGROUND:

In 2023, the City included in its legislative package, a request to allow the City of Hampton, and other localities in Planning District 23 impacted by traffic due to the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project, to install traffic control device violation monitoring systems. Traffic control devices are signs, signals, markings or other devices used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, etc. In this case, the City sought this authority in order to install cameras which can monitor violations of the City's "don't block the box" regulations. Every driver whose violation captured by this system, will receive one warning. Subsequent violations, once reviewed by a sworn law-enforcement officer, will be subject to a \$50.00 civil penalty. The Amendment before Council would implement the authority granted the City by the General Assembly, in 2023.

Recommendation:

Adopt the Amendment

BE IT ORDAINED by the City Council of the City of Hampton, Virginia, that Section 21-19 of Article I, Chapter 21 of the City Code of the City of Hampton, Virginia be adopted to read as follows:

Chapter 21 - MOTOR VEHICLES AND TRAFFIC
ARTICLE I. - IN GENERAL

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Sec. 21-19. - Traffic light signal Violation monitoring systems.

(1)(a) Terms used within this section shall have the same meaning provided by Code of Virginia § 15.2-968.1.

(b) The city manager is hereby authorized to establish a traffic signal enforcement program and to impose monetary liability on the operator of a motor vehicle for failure to comply with traffic light signals in accordance with the provisions of Code of Virginia § 15.2-968.1. The city manager shall

cause the installation and operation of traffic light signal violation monitoring systems at no more than one intersection for every 10,000 residents within the city at any one time.

(c) The city manager is further authorized to establish a traffic control device violation monitoring system and to impose monetary liability on the operator of a motor vehicle for failure to comply with traffic control devices at any intersection the city manager deems to be negatively impacted by traffic due to the Hampton Roads Bridge-Tunnel Express Lanes Hampton Segment (4C) Project (HREL-P).

(d) The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, (i) as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within the city or (ii) as evidenced by information obtained from a traffic control device violation monitoring system, to have failed to comply with a traffic control device within the city. No operator shall be liable for a penalty pursuant to clause (i) and a penalty pursuant to clause (ii) arising out of the same act. No monetary penalty shall be imposed pursuant to this section for a first offense of failing to comply with a traffic control device, as evidenced by information obtained from a traffic control device violation monitoring system, and such operator shall be issued a written warning.

(e) Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system or traffic control device violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a law-enforcement officer employed by the city authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system or traffic control device violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to this section.

(f) In the prosecution for a violation of this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle:

- (1) Files an affidavit by regular mail with the clerk of the Hampton General District Court that they were not the operator of the vehicle at the time of the alleged violation; or
- (2) Testifies in open court under oath that they were not the operator of the vehicle at the time of the alleged violation.

Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

(g) Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon who such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed the maximum permitted by Code of Virginia § 15.2-968.1 at the time of conviction hereunder, nor shall it include court costs. Any finding in the district court that an operator has violated this ordinance shall be appealable to the Hampton Circuit Court in a civil proceeding.

(h) A summons for a violation of this section may be executed pursuant to the provisions of Code of Virginia § 19.2-76.2. Notwithstanding the provisions of Code of Virginia § 19.2-76, a summons for a violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of the vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. In addition to the summons, every such mailing shall include a notice of the following:

(1) The summoned person's ability to rebut the presumption that they were the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection (f); and

(2) Instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed pursuant to the provisions of Code of Virginia § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system or traffic control device violation monitoring system in connection with the violation.

(i) Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system or traffic control device violation monitoring system shall be used exclusively for enforcing traffic light or traffic control device violations and shall not:

(1) be open to the public;

(2) be sold or used for sales, solicitation or marketing purposes;

(3) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light or traffic control device violation or to a vehicle owner or operator as part of a challenge to the violation; or

(4) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of Code of Virginia §§ 46.2-830, 46.2-833, 46.2-835 or 46.2-836, or a substantially similar ordinance in the Hampton City Code, or requested upon order from a court of competent jurisdiction.

Information collected under this section pertaining to a specific violation shall be purged and not

retained later than 60 days after the collection of any civil penalties. If the city does not execute a summons for a violation of this section within ten business days, all information collected pertaining to that suspected violation shall be purged within two business days.

(j) When selecting potential intersections for the traffic light signal violation monitoring system, the city manager shall consider factors such as those contained in Code of Virginia § 15.2-968.1 (J).

(k) Before the implementation of a traffic light signal violation monitoring system at an intersection, the city manager shall cause to be completed an engineering safety analysis that addresses signal timing and other location-specific safety features. The length of the yellow phase shall be established based on the recommended methodology of the Institute of Transportation Engineers. All traffic light signal violation monitoring systems shall provide a minimum 0.5 second grace period between the time the signal turns red and the time the first violation is recorded. If recommended by the engineering safety analysis, the city shall make reasonable non-specific safety improvements, including signs and pavement markers.

(l) Before the implementation of a traffic control device violation monitoring system at an intersection, the city manager shall cause to be completed an engineering safety analysis that addresses the impact of the HREL-P on congestion, accident rates, and driver disregard for traffic control devices. If recommended by the engineering safety analysis, the locality shall make reasonable location-specific safety improvements, including signs and pavement markings.

(m) The city manager shall cause the evaluation of the traffic light signal violation monitoring system or traffic control device violation monitoring system on a monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

(n) The city manager shall cause the placement of conspicuous signs within 500 feet of the intersection approach at which the traffic light signal violation monitoring system is used to enforce traffic signals. There shall be a rebuttable presumption that such signs were in place at the time of the commission of the traffic light signal violation.

(o) Prior to or coincident with the implementation or expansion of a traffic signal violation monitoring system or traffic control device violation monitoring system, the city manager shall cause the implementation of a public awareness program, advising the public that the city is implementing or expanding a traffic light signal violation monitoring system or traffic control device violation monitoring system.

(p) Notwithstanding any other provision of this section, if a vehicle depicted in images recorded by a traffic light signal violation monitoring system or traffic control device violation monitoring system is owned, leased, or rented by the city, then the city may access and use the recorded images and associated information for employee disciplinary purposes.

(2) All provisions of this section associated with traffic control device violation monitoring systems shall expire on July 1, 2027, or upon certification by the Secretary of Transportation that the Hampton Roads Express Lanes Hampton Segment (4C) is complete, whichever is earlier.

State Law reference- Use of photo-monitoring systems to enforce traffic light signals and certain traffic control devices, Code of Virginia, § 15.2-968.1.

Secs. 21-20 - 21-35. - Reserved.

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