



ORDINANCE NO. 29083

1 AN ORDINANCE relating to traffic; amending Chapter 11.60 of the Municipal
2 Code, relating to Automated Traffic Camera Systems, by amending
3 various sections and adding a new section 11.60.090, entitled "Public
4 Records Exemption", to align with expanded authorities established by
5 state law, effective January 1, 2026.

6 WHEREAS the Automated Traffic Safety Camera Program is a key tool
7 in meeting the City's Vision Zero goal of eliminating fatal and serious injury
8 crashes by 2035, and

9 WHEREAS while the most effective long-term strategy for reducing
10 traffic fatalities and severe injuries is typically to redesign roadways for lower
11 speeds and safer conditions, automated enforcement can both supplement
12 other available tools and serve as an interim solution to improve traffic safety,
13 and

14 WHEREAS studies show that the implementation of this technology can
15 have a positive impact on slowing average traveling speeds and reducing
16 crashes, as well as influencing better driving behaviors at controlled intersections
17 and other areas where cameras may be installed, and

18 WHEREAS the City's use of automated traffic safety cameras dates
19 back to 2008, and

20 WHEREAS the City's current program is comprised of 14 cameras,
21 including nine red light cameras, four school zone speed cameras (enforcing
22 two school zones), and one speed camera, and

23 WHEREAS on March 26, 2024, the Governor signed into law House Bill
24 2384, replacing the previous legislation, Revised Code of Washington ("RCW")
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RCW 46.63.170 with RCW 46.63.220, which establishes new requirements and considerations for automated enforcement programs throughout the State, and

WHEREAS key provisions of the new legislation include the following:

1. Local legislative authority must prepare an analysis of new proposed camera locations, which must include equity considerations, including the impact of the camera placement on livability, accessibility, economics, education, and environmental health. The analysis must also show evidence of the demonstrated need for traffic cameras based on data at the proposed site;
2. Restrictions on how a county or city may use revenues generated by an Automated Traffic Safety Camera Program. Revenues generated from cameras installed after January 1, 2024, may only be used by a city or county for traffic safety activities related to construction and preservation projects and related to maintenance and operations, as well as for the costs to administer, install, operate, and maintain traffic cameras, including costs associated with the processing of infractions;
3. Beginning four years after an automated traffic safety camera is initially placed and in use, 25 percent of the non-interest money received must be deposited into the Cooper Jones active transportation safety account pursuant to RCW 46.68.480;



- 1 4. Authority for expansion of safety camera installations to detect
2 speeds within hospital zones, public park zones, school speed
3 zones, and school walk zones. Legislation also allows a local
4 legislative authority to install one speed camera per 10,000 residents
5 in areas that experience higher crash risks due to excessive vehicle
6 speeds;
- 7 5. Increased maximum penalty for traffic camera violations to \$145 (may
8 double the infraction amount for a school speed zone infraction) and
9 provides that this amount will be adjusted for inflation by the Office of
10 Financial Management every five years, beginning on January 1, 2029;
11 and
12
- 13 6. Ability for registered vehicle owners who receive notices of infractions
14 and are recipients of public assistance to request reduced penalties.
15 Such requests must be granted to reduce the penalty amounts to 50
16 percent of what would otherwise be assessed for a first automated
17 traffic safety camera violation, and
18

19 WHEREAS while the City can consider expansion to all school zones
20 and traffic signals under the current Tacoma Municipal Code ("TMC"), using
21 speed enforcement outside of these areas requires updating the TMC to
22 include the additional locations added to state law in 2024, and
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WHEREAS State law now allows automated enforcement in public park speed zones, school walk zones and hospital speed zones, and additionally, the law allows jurisdictions to use automated speed enforcement at locations where there are higher crash risks due to excessive vehicle speeds, and

WHEREAS for this final category of automated speed enforcement, jurisdictions may use up to one camera for every 10,000 population which provides the City the ability to expand speed camera coverage by up to 22 additional cameras, which represents an opportunity to significantly enhance public safety, and

WHEREAS TMC Chapter 11.60, which governs the City's authority to establish, maintain, and enforce an Automated Traffic Camera System, does not address all types of automated enforcement the City can consider in RCW 46.63.220, and

WHEREAS in order to allow consideration of each type of automated enforcement within the City's automated enforcement program, TMC Chapter 11.60 must be amended to better align with the new requirements and expectations contained within RCW 46.63.220; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.



Section 2. That Chapter 11.60 is hereby amended, by amending various sections, and adding a new Section 11.60.090, entitled “Public Records Exemption”, to align with expanded authorities established by state law, effective January 1, 2026, as set forth in the attached Exhibit “A.”

Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

CHAPTER 11.60 AUTOMATED TRAFFIC CAMERA SYSTEMS

Sections:

- 11.60.010 Authorized use of automated traffic safety cameras.
- 11.60.020 Notice of infraction for automated traffic control system.
- 11.60.030 Request for hearing.
- 11.60.040 Presumption of committed infraction–Presumption Overcome.
- 11.60.050 Infractions processed.
- 11.60.060 Fines.
- 11.60.070 Non-exclusive enforcement.
- 11.60.080 Authorization for use of electronic signatures.
- 11.60.090 Public records exemption.

11.60.010 Authorized use of automated traffic safety cameras.

A. Pursuant to RCW 46.63.220, as it exists or is hereinafter amended, the City has authorized the use of automated traffic safety cameras and related automated systems.

B. For the purpose of this chapter, "Automated traffic safety camera", defined in RCW 46.63.210 as it exists or as hereinafter amended, means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the front or rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit as detected by a speed measuring device. "Automated traffic safety camera" also includes a device used to detect stopping at intersection or crosswalk violations; stopping when traffic obstructed violations; public transportation only lane violations; stopping or traveling in restricted lane violations; and public transportation bus stop zone violations detected by a public transportation vehicle-mounted system.

C. Law enforcement officers of the City are authorized to implement and issue infractions under the automated traffic camera system. ~~and persons commissioned by the police chief are authorized to use automated traffic safety cameras and related automated systems~~

D. The automated traffic safety cameras and related systems can ~~to~~ detect one or more of the following infractions as authorized pursuant to RCW 46.63.220 as it exists or as hereinafter amended:

1. Stop light infractions.
2. Railroad grade crossing violations.
- ~~3. School speed zone violations.~~
4. Speed zone violations, including:
 - a. Hospital speed zones;
 - b. Public park speed zones;
 - c. School speed zones;
 - d. School walk zones;



e. Roadway work zones, except that a notice of infraction may only be issued if an automated traffic safety camera captures a speed violation when workers are present; and

f. State highways within city limits that are classified as city streets under chapter 47.24 RCW.

E. The City shall clearly mark all locations where automated traffic safety cameras are in use by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by automated traffic safety camera, as authorized in RCW 46.63.170.

~~B. The use of automated traffic safety cameras is subject to the following restrictions:~~

~~1. The use of automated traffic safety cameras is restricted to "two arterial intersections" (the intersection of two arterial streets), railroad crossings, school speed zones, and as authorized in RCW 46.63.170.~~

~~2.~~ F. Automated traffic safety cameras may only take pictures of the vehicle and the vehicle license plate and only while the infraction is occurring. Pictures taken by the automated traffic safety camera may not reveal the face of the driver or of the passengers in the vehicle.

~~C. The City shall clearly mark all locations where automated traffic safety cameras are in use by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by automated traffic safety camera.~~

~~D. For the purpose of this chapter, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system; a railroad grade crossing control system, or a speed measuring device; and a camera synchronized to automatically record one or more sequential photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle:~~

~~1. fails to stop when facing a steady red traffic control signal; or~~

~~2. fails to stop when facing an activated railroad grade crossing control signal; or~~

~~3. exceeds a speed limit in a school speed zone as detected by a speed measuring device; or~~

~~4. exceeds a speed limit as detected by a speed measuring device, authorized in RCW 46.63.170.~~

11.60.020 Notice of infraction for automated traffic control system.

A. Whenever any vehicle is photographed by an automatic traffic safety camera, a notice of infraction shall be mailed to the registered owner of the vehicle within fourteen (14) days of establishing the registered owner's name and address under this section, or to the renter of a vehicle within 14 days of establishing the renter's name and address under subsection B of this section.

B. If the registered owner of the vehicle is a rental car business, before a notice of infraction is issued, the law enforcement agency will provide a written notice to the rental car business that a notice of infraction may be issued if the rental car business does not within eighteen (18) days of receiving the written notice, provide the issuing agency by return mail:

1. A statement under oath stating the name and known address of the individual driving or renting the vehicle when the infraction occurred; or

2. A statement under oath stating the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred; or

3. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.



Timely mailing of this statement to the issuing law enforcement agency relieves the rental car business of any liability under this chapter for the notice of infraction.

C. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon the inspection of photographs, micro-photos, or electronic images 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 under this chapter.

11.60.030 Request for hearing.

A person receiving a notice of infraction based on the evidence detected by an automated traffic safety camera may respond to the notice by mail, or request a hearing.

11.60.040 Presumption of committed infraction—Presumption Overcome.

A. In a traffic infraction case involving an infraction detected through the use of a photo enforcement system under ~~TMC 11.60 this chapter, as now enacted or hereafter amended,~~ or detected through the use of an automated traffic safety camera under this section, proof that a particular vehicle described in the notice of infraction was in violation of any such provision of ~~TMC 11.60 this chapter,~~ together with proof that the person named in the notice of infraction was at the time of the violation the registered owner of the vehicle, constitutes 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 for which the violation occurred.

B. This presumption can 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.

11.60.050 Infractions processed.

Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120, as now enacted or hereafter amended. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions prosecuted under this code, including for the purposes of RCW ~~3.46.120, 3.50.100, 35.20.200, 3.62.040, 46.16A.120, 46.16.216,~~ and 46.20.270 ~~(2)(3)~~ and any other applicable statutes.

11.60.060 Fines.

The fine for infractions committed pursuant to the provisions of this chapter shall be \$145, as aligned with the maximum articulated in RCW 46.63.220(16), as it exists or as hereinafter amended, as adjusted for inflation by the office of financial management every five years, beginning January 1, 2029, based upon changes in the consumer price index during that time period. Pursuant to RCW 46.63.220(16) the City Manager, or the City Manager's designee may double the infraction amount for a school speed zone infraction generated through the use of an automated traffic safety camera ~~\$124.~~

11.60.070 Non-exclusive enforcement.

Nothing in this section prohibits a law enforcement officer from issuing a notice of infraction to a person in control of a vehicle at the time the violation occurs under RCW 46.63.030(1) ~~(a), (b), or (c).~~



11.60.180080 Authorization for use of electronic signatures.

In connection with the traffic safety camera program, the ~~police chief, or his or her designee,~~ a law enforcement officer is authorized to utilize electronic signatures ~~in accordance with the provisions of chapter 19.34 RCW.~~

11.60.090 Public records exemption.

Pursuant to RCW 46.63.220(11) as it exists or as hereinafter amended, photographs, microphotographs, or electronic images, or any other personally identifying data prepared under this chapter are for the exclusive use of authorized city employees, as specified in RCW 46.63.030(1)(d), in the discharge of duties under this chapter and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image, or any other personally identifying data may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this Chapter.

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