

# GENERAL

## Ordinance Fact Sheet

**130904**

Ordinance Number

Brief Title	Approval Deadline
Automated Red Light Enforcement	

Reason
Enact revised automated red light enforcement procedures

**Details**

**Reason for Legislation**

Enact a new §70-962, Code of Ordinances, to revise the City's automated red light enforcement program.

**Discussion (including relationship to other Council actions)**

The Missouri Court of Appeals sitting in St. Louis issued a ruling on November 5 in the case of *Edwards v. City of Ellisville* that invalidated an automated red light enforcement program that is mirrored by the City's §70-961.

Until appeals of this case are settled the *Ellisville* case places the City's enforcement efforts at risk. However, suspension of the enforcement program while the post-opinion motions and possible transfer to the Missouri Supreme Court are pending will reduce the City's traffic safety efforts.

In a May 2012 report by the KCPD it was shown that the red light camera project has reduced the number of persons driving through red lights and has reduced the number of "T-bone" accidents, the most serious type of accident at an intersection.

This ordinance will enact a new §70-962 that imposes liability on the driver of the vehicle, as opposed to the owner of the vehicle. The latter focus is that struck down by the *Ellisville* court. The proposed ordinance implements a rebuttable presumption that the owner of the vehicle is the driver, but provides for dismissal of the charge once the actual operator is identified by the non-driving owner. This approach to enforcement has been permitted by the Court of Appeals sitting in St. Louis. The Missouri Supreme Court refused to take up the issue.

Because of the *Ellisville* decision the KCPD is not now reviewing red light camera photos or video.

**Positions/Recommendation**

<b>Sponsor</b>	William Geary, City Attorney
<b>Programs, Departments or Groups Affected</b>	City Prosecutor, Municipal Court, Kansas City Police Department
<b>Applicants/Proponents</b>	Applicant City Department Other
<b>Opponents</b>	Groups or Individuals Basis of Opposition
<b>Staff Recommendation</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
<b>Board or Commission Recommendation</b>	By <input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No action taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
<b>Council Committee Actions</b>	<input type="checkbox"/> Do pass <input type="checkbox"/> Do pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

(Continued on reverse side)

**Details**

The Municipal Court has put all red light tickets that are not yet disposed of on a single docket and postponed calling those tickets until late 2014. This gives the Missouri Supreme Court sufficient time to review the *Ellisville* case if it chooses to take transfer of the case.

If the *Ellisville* case is reversed by the Supreme Court those tickets will be placed a new docket for enforcement. If it is not reversed, the City will have only a brief period of time in which the program was dormant if the ordinance is passed.

Is it good for the children?

This is a traffic safety measure, proven to effectively reduce the number of serious "T-bone" accidents at intersections.

How does this contribute to a sustainable Kansas City?

This ordinance does not relate to the City's sustainability efforts.

**Policy / Program Impact**

<b>Policy or Program Change</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
	This continues the use of an auto-mated red light enforcement program, but through the use of a different enforcement focus.
<b>Operational Impact Assessment</b>	

**Finances**

<b>Cost &amp; Revenue Projections</b>	Cost of Legislation <u>No new costs</u>
	Increase/Decrease in Revenue Expected Annually
<b>Fund Sources</b>	

(Use this space for further discussion, if necessary)

Applicable Dates

Fact Sheet prepared by:                      William Geary, City Attorney

Reviewed by:

Reference Numbers