



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

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D. MARGARET DRURY
CITY CLERK

DONNA P. LOPEZ
DEPUTY CITY CLERK

October 16, 2001

**TO: ROBERT W. HEALY
CITY MANAGER**

**FROM: D. MARGARET DRURY^{DM}
CITY CLERK**

**SUBJECT: CAMERAS USED TO PHOTOGRAPH DRIVERS RUNNING
LIGHTS**

On September 10, 2001 Councillor Braude submitted an order regarding the issue of using camera to photograph drivers allegedly running lights at intersections. (Order #21 attached)

On October 1, 2001 an Awaiting Report Item response appeared on your Agenda as Agenda # 13.

On October 15, Councillor Davis submitted an order in support of this proposed legislation which was the subject of a charter right exercised by Councillor Born.

At the meeting of October 1, 2001 Councillor Braude requested additional information regarding the issue of privacy and the historical misuse of such devices. Would you kindly provide additional information to Councillor Braude on this matter.

Thank you for your attention in this matter.



City of Cambridge

O-21.

IN CITY COUNCIL

September 10, 2001

COUNCILLOR BRAUDE
COUNCILLOR BORN
COUNCILLOR DAVIS
COUNCILLOR DECKER
MAYOR GALLUCCIO
VICE MAYOR MAHER
COUNCILLOR REEVES
COUNCILLOR SULLIVAN
COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to report to the City Council on the issue of using cameras to photograph drivers allegedly running lights at the City's intersections, said report to include a full discussion of the pros and cons of this approach.

In City Council September 10, 2001.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script, reading "D. Margaret Drury".

D. Margaret Drury
City Clerk

rep rec 10/1/01 - Agenda #13

HOUSE, No. 4138

HOUSE OF REPRESENTATIVES, May 10, 2001.

The committee on Public Safety, to whom were referred the petition (accompanied by bill, House, No. 3402) of Thomas M. Menino, Kevin G. Honan, Anthony Petruccelli and Paul C. Demakis for legislation to permit the use of photomonitoring devices as a means of promoting traffic safety in the cities of Boston and Cambridge, and the petition (accompanied by bill, House, No. 3590) of Paul E. Caron for legislation to permit the use of photomonitoring devices as a means of promoting traffic safety, reports recommending that the accompanying bill (House, No. 4138) ought to pass.

For the committee,

TIMOTHY J. TOOMEY, JR.



The Commonwealth of Massachusetts

In the Year Two Thousand and One.

AN ACT PERMITTING THE USE OF PHOTOMONITORING DEVICES AS A MEANS OF PROMOTING TRAFFIC SAFETY IN THE CITIES OF BOSTON AND CAMBRIDGE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding the provisions of any general or special law to the contrary, the City of Boston and the city of Cambridge may, upon the acceptance of this act, employ a traffic control signal violation monitoring system along any portion of any ways within their control and may promulgate local measures imposing a penalty on the owner of a vehicle for failure by the operator thereof to comply with the traffic control signals in said cities pursuant to this act.

(b) As used in this act, the following words shall, unless the content clearly indicates otherwise, have the following meanings:

"Local measure", shall mean the ordinances, rules and regulations adopted by the city of Boston and the city of Cambridge establishing a schedule of fines;

"Owner", shall have the meaning provided in section 1 of chapter 90 of the General Laws;

"Traffic control signal violation monitoring system", shall mean a vehicle sensor installed to work in conjunction with a traffic control signal which automatically produces one or more photographs, one or more microphotographs or other recorded images of each vehicle at the time it is used or operated in a manner that is a violation under this

act;

"Violation", shall mean the failure of an operator of a vehicle to comply with the traffic control signals.

(c) No traffic control signal violation monitoring system shall be utilized in such a manner as to take a frontal view photograph of the vehicle as evidence of having committed a violation.

(d) A certificate, or a facsimile thereof, based upon inspection of photographs, microphotograph or other recorded images produced by a traffic control signal violation monitoring system, and sworn to or affirmed by a police officer, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs or other recorded images evidencing such a violation shall only be admissible in any judicial or administrative proceeding to adjudicate the liability for such violation.

(e) For each violation pursuant to this act, the owner of a vehicle shall be liable for the penalty imposed by a local measure; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this act where the operator of such vehicle has been convicted of the underlying violation pursuant to a citation issued in accordance with section 2 of chapter 90C of the General Laws; and provided, further, that the maximum penalty that may be imposed shall be One Hundred Dollars (\$100.00) for each violation.

(f) A penalty imposed by a local measure may, if so provided in the local measure, be increased by up to 33 1/3% if said fine remains unpaid in excess of 30 days after a notice of violation has been issued pursuant to section 20A½ of chapter 90 of the General Laws.

(g) A penalty imposed by a local measure for a violation pursuant to this act shall not be deemed a criminal conviction and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall such imposition of a penalty be subject to merit rating for insurance purposes and no surcharge points shall be imposed in the provision of motor vehicle insurance coverage.

(h) If an owner receives a notice of violation pursuant to this act for any time period during which the vehicle was reported to the police department of any state, city or town as having been stolen, it shall be a valid defense to a violation pursuant to this act that the vehicle had been reported to such police department as stolen prior to the time the violation occurred and had not been recovered prior to such time.

(i) Any owner who incurs a penalty pursuant to this act and who was not the operator of the vehicle at the time of the violation may maintain a civil action, in the courts of the commonwealth, for indemnification against the operator.

SECTION 2. (a) The parking clerk designated or appointed by the city shall supervise and coordinate the administration of violations issued pursuant to Section 1. The parking clerk shall have the authority to hire and designate such personnel as may be necessary or contract for such services to implement the provisions of this section.

(b) It shall be the duty of the parking clerk of the city employing its traffic control signal violation monitoring system to deliver the notice of violation to the registered owner of any vehicle identified in any photographs, microphotographs or other recorded images produced by such device as evidence of a violation pursuant to this act. Such notice shall contain but not be limited to the following information: a copy of the aforementioned recorded image showing the vehicle; the registration number and state of issuance of said registration number of the vehicle; the date, time and place of the violation; the specific violation charged; a schedule of fines for such violation as established by the city or town; instructions for the return of the notice; and text as follows: "This notice may be returned personally, by mail, or by an agent authorized in writing. A hearing may be obtained upon the written request of the registered owner in writing. Failure to obey this notice within 30 days of issuance of this notice will result in the non-renewal or suspension of the license to drive and the certificate of registration of the registered owner."

(c) In the case of a violation involving a motor vehicle registered under the laws of the Commonwealth, such notice of violation shall 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 register of motor vehicles. In the case of any motor vehicle registered under the laws of another state or country, such notice of violation shall 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 such state or country having charge of the registration of such motor vehicle. If said address is unavailable, it shall be sufficient for the parking clerk to mail notice of violation to the official in such state or country having charge of the registration of such motor vehicle.

(d) Notice of violation shall be sent by first class mail in accordance with subsection (c). A manual or automatic record of mailing prepared by the parking clerk in the ordinary course of business shall be prima facie evidence thereof, and shall be administered in any judicial or administrative proceeding, as the facts contained therein.

(e) Any owner to whom notice of violation has been issued pursuant to this section may admit responsibility for such violation and pay the fine provided therein. Payment shall be made either personally or through a duly authorized

agent, or by appearing before the parking clerk during normal office hours, or by mailing both payment and notice of the violation to the parking clerk. Payment by mail shall be made only by money order, credit card or check made out to the parking clerk. Payment of the established fine and any applicable penalties shall operate as a final disposition of the case.

(f) Any owner to whom a notice of violation has been issued may, within 30 days of the mailing of said notice by the parking clerk, request a hearing to contest the liability alleged in said notice. A hearing request shall be made either personally or through a duly authorized or authorized agent by appearing before the parking clerk during regular business hours or by mailing a request in writing to the parking clerk. Upon receipt of a hearing request, the parking clerk shall forthwith schedule the matter before a person hereafter referred to as a hearing officer, said hearing officer to be the parking clerk of the city wherein the violation occurred or such other person or persons as the parking clerk may designate. Written notice of the date, time and place of said hearing shall be sent by first class mail to the registered owner. Said hearing shall be informal, the rules of evidence shall not apply, and the decision of the hearing officer shall be final subject to judicial review as outlined by section 14 of Chapter 30A of the General Laws.

(g) If an owner to whom notice of violation has been issued either fails to pay the fine provided for in said notice in accordance with subsection (e), or fails to receive a favorable adjudication of said notice from a hearing officer in accordance with subsection (f), the parking clerk shall notify the registrar of motor vehicles who shall place the matter on record. Upon notification to the registrar of two or more notices under this act and sections 20A and 20A½ of chapter 90 of the General Laws from the parking clerk of either city or state authorities or agencies, the registrar shall not issue or renew or may suspend such owner's license to operate a motor vehicle or motor vehicle registration until after notification from the parking clerk of each city, agency or authority, from whom the registrar received notification, that all fines, taxes and penalties owed by such owner pursuant to either this section, or arising out of the parking or usage of such owner's motor vehicles, have been disposed of in accordance with law. Upon such notification to the registrar, an additional charge of \$20 payable to the registrar but collected by the city, and an additional charge of \$20 payable to and collected by the city, shall be assessed against the registered owner of said motor vehicle. It shall be the duty of the parking clerk to notify the registrar forthwith that such case has been so disposed; provided, however, that certified receipt of full and final payment from the parking clerk of the city or state agency or authority issuing such violation shall also serve as legal notice to the registrar that said violation has been disposed of in accordance with law. The certified receipt shall be printed in such form as the registrar of motor vehicles may approve.

(h) Upon the accumulation by an owner of five or more outstanding notices under this act or sections 20A and 20A½ of chapter 90 of the General Laws on account of violations of any statute, ordinance, order, rule or regulation relating to the operation, control or parking of motor vehicles in a particular city, notwithstanding any notification to the registrar, the parking clerk of such city may notify the chief of police or director of traffic and parking of such city that the vehicle bearing the registration to which said notices have been issued shall be removed and stored or otherwise immobilized by a mechanical device at the expense of the registered owner of such vehicle until such time as all fines, taxes and penalties owed by such owner pursuant to either this section, or arising out of the parking or usage of such owner's motor vehicle have been disposed of in accordance with law. No vehicle shall be removed, stored, or otherwise immobilized until and unless the owner of such vehicle shall have received 10 days notification by mail that such vehicle may be removed, stored, or immobilized without further notification. It shall be sufficient for the parking clerk to mail, postage prepaid, said notification to the last known address of the registered owner. It shall be sufficient for the parking clerk, in the case of a vehicle registered in another state or country, to mail notification to the official in such state or country having charge of the registration of such motor vehicle.



13.

CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager Richard C. Rossi, Deputy City Manager

October 1, 2001

To The Honorable, The City Council:

In response to Awaiting Report Item No. 01-234, regarding a report on using cameras to photograph drivers allegedly running red lights at City intersections, Traffic, Parking & Transportation Director Susan Clippinger reports the following:

Video enforcement of vehicles failing to stop at red lights is supported by the City legislation to allow the use of this enforcement tool is before the State Legislature. A copy of the recommended legislation is attached.

This bill has received a favorable report from the Committee on Public Safety and is pending a House Ways and Means Committee.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy".

Robert W. Healy
City Manager

RWH/mec



3495

Consent Agenda #13

Awaiting Report Item
Number 01-234, regarding a
report on using cameras to
photograph drivers allegedly
running red lights at City
intersections.

In City Council October 1, 2001

PLACED ON FILE