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# City of Detroit

## CITY COUNCIL

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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director   
Legislative Policy Division (LPD) Staff

DATE: December 19, 2018

RE: **Automated Traffic Enforcement**

On October 30, 2018, Council Member Spivey directed the Legislative Policy Division (LPD) to provide a writing discussing the ability of the City of Detroit to adopt an ordinance allowing for automated traffic enforcement in selected locations in the City, such as around schools or construction sites.

For purposes of this report, the terms "Automated Traffic Enforcement" refers to an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller or police department employee to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control device or speed restriction. (Definition in attached Davenport, Iowa ordinance)

### Legality

LPD is unaware of any legal prohibition in Michigan on such technology, or on a local ordinance regulating it. On the contrary, Sec. 55-1-11 of the City Code states:

"Powers relative to traffic-control devices and other signs, signals and traffic-control devices.

- (a) The Department of Public Works shall prepare geometric drawings and specifications of traffic-control devices and designate the type, location, and timing of such devices.

- (b) The Department of Public Works shall install and maintain all traffic signs, markings, parking meters, and other traffic-control devices.
- (c) The Department of Public Works shall establish regulations, general standards and specifications for the construction and maintenance of traffic control signals.”

Similarly, Art. VII, Sec. 29 of the State Constitution affirms the City’s control over streets and traffic control: “Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.” It is hard for LPD to see, at least in the absence of specific State preemption legislation on the subject of the type that has become popular lately, any legal impediment to the City adopting an Automated Traffic Enforcement Ordinance.

### **Policy Discussion**

LPD’s preliminary research was unable to reveal much useful or detailed information on this subject. LPD notes that automated license plate reader technology has been very briefly discussed on occasion during Public Health and Safety Standing Committee meetings, and perhaps direct inquiries to Department of Public Works (DPW) Traffic Division, or Police Department technology and grant funding offices, would be good places to seek more specific, actionable data about the extent to which the City may already be using such technology, if any, and how or if it should be expanded. LPD’s research identified a limited amount of essentially corporate sales materials for such technology, but relatively little discussion of public policy issues, technical details, or priorities and considerations for using such technology in a City like Detroit.

In the event that a local ordinance is required in order for the City to employ such technology, the attached Automated Traffic Enforcement ordinance from Davenport, Iowa, may serve as a useful model. As noted in Council Member Spivey’s memorandum itself, questions about where and how to install such technology would have to be assessed, and in order to adopt an ordinance modeled on Davenport’s, at a minimum the schedule of violations and fines would have to be tailored to reflect Michigan law, as well as the particular policy choices of City Council and the administration in pursuing this initiative.

The very limited literature readily available on the internet regarding this subject usually focuses on the danger of selective, racially or economically disparate enforcement, which could burden low income People of Color communities with additional fines and costs, if this powerful new technology were installed in communities and without safeguards where it overwhelmingly targets Detroit’s large People of Color and poverty populations. Of course the costs and benefits of purchasing, installing, maintaining and using such equipment would have to be carefully weighed. Whatever decisions City officials ultimately make about such automated traffic enforcement technology, DPW’s traffic engineers and the Police Department should develop a well-conceived plan to minimize costs, maximize benefits, and avoid unwanted side effects like disproportionately burdensome enforcement against vulnerable populations.

If Council has any other questions or concerns regarding this subject, LPD will be happy to provide further research and analysis upon request.

# **Automated Traffic Enforcement**

City of Davenport

May 29, 2018

10.16.070 Automated traffic enforcement.

A. General. The city of Davenport, in accordance with the police powers authorized it by the state of Iowa for governing safe traffic flow, may deploy, erect or cause to have erected an automated traffic enforcement system for making video images of vehicles that fail to obey red light traffic signals at intersections designated by the city administrator or his designee or fail to obey speed regulations at other locations in the city. The system may be managed by the private contractor that owns and operates the requisite equipment with supervisory control vested in the city's police department. Video images shall be provided to the police department by the contractor for review. The police department will determine which vehicle owners are in violation of the city's traffic control ordinances and are to receive a notice of violation for the offense.

B. Definitions.

1. "Automated traffic enforcement system" shall mean an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller or police department employee to automatically produce photographs, video or digital images of each vehicle violating a standard traffic control device or speed restriction.

2. "Vehicle owner" shall mean the person or entity identified by the Iowa Department of Transportation, or registered with any other state vehicle registration office, as the registered owner of a vehicle.

C. Offense.

1. The vehicle owner shall be liable for a fine as imposed below if such vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light or red arrow.
2. The vehicle owner shall be liable for a fine as imposed below if such vehicle travels at a speed above the posted speed limit.
3. The violation may be rebutted by a showing that a stolen vehicle report was made on the vehicle encompassing the time period in question.
4. The citation will in no event be sent or reported to the Iowa Department of Transportation or similar department of any other state for the purpose of being added to the vehicle owner's driving record.

D. Penalty and Appeal.

1. Any violation of subsection C,1 above shall be considered a notice of violation for which a civil fine of sixty-five dollars shall be imposed, payable to the city of Davenport at the city's finance department.
2. Any violation of subsection C,2 above shall be considered a notice of violation for which a civil fine as listed in the table below shall be imposed, payable to the city of Davenport at the city's finance department.

Speed over limit Civil fine

1 through 7 mph \$5

8 through 11 mph \$45

12 through 20 mph \$65

21 through 25 mph \$85

26 through 30 mph \$95

31 through 35 mph \$110

36 through 40 mph \$125

over 40 mph \$150

3. A recipient of an automated traffic citation may dispute the citation by requesting an issuance of a municipal infraction citation by the police department. Such request will result in a required court appearance by the recipient and in the scheduling of a trial before a judge or magistrate at the Scott County Courthouse. The issuance of a municipal infraction citation will cause the imposition of state mandated court costs to be added to the amount of the violation in the event of a guilty finding by the court.

4. If a recipient of a notice of violation does not request the issuance of a municipal infraction citation to dispute the alleged violation by contested proceedings before a judge or magistrate within the time specified within the notice of violation, the recipient will be deemed to have waived his right to dispute the violation, and the violation will be admitted with the civil penalty being due and owing to the city. A notice of intent to default will be mailed to the recipient at least ten days prior to the deadline for contesting. (Ord. 2009-337 § 1; Ord. 2005-361; Ord. 2004-35).

[https://qctimes.com/automated-traffic-enforcement/article\\_0ab6acc2-f8df-5752-9520-8b882a3eaed5.html](https://qctimes.com/automated-traffic-enforcement/article_0ab6acc2-f8df-5752-9520-8b882a3eaed5.html)