

PROPOSED ORDINANCE CHANGES: AUTOMATED VEHICLE IDENTIFICATION SYSTEMS (AVIS)

Amendments to Municipal Ordinances in City Code

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Colorado Springs Police Department

WHAT IS AVIS?

AVIS –stands for Automated Vehicle Identification System

Legal definition: “A system whereby a machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle, the operator of the vehicle, and the license plate of the vehicle...”

Practically: AVIS is the use of a camera and technology to capture violations of traffic laws. The technology and camera capture photos and video of traffic violations which can then be used to issue notices of violation and further enforcement actions.

Photo Red Light Safety Program

Speed Safety Program (Photo Radar)



CURRENT ORDINANCES



- City Code currently addresses AVIS violations in the following ordinances passed in 2010 and amended in 2021. These cover the implementation, deployment and judicial process for AVIS violations.
 - City Code § 10.1.115: Automated Vehicle Identification System AVIS
 - City Code §10.5.104F: Exceeding Posted Speed Limits: AVIS
 - City Code § 10.17.105C5: Traffic Control Signal Legend: AVIS
 - City Code § 10.1.202: Definitions
 - Sentences: City Code § 1.1.201 General Penalty and § 10.1.101 Penalties

BACKGROUND- WHY THE CHANGES?



- State Law: C.R.S. § 42-4-110.5 Automated Vehicle Identification Systems (1997)
- City of Commerce City v. State 40 P.3d 1273
 - Commerce City along with other home-rule municipalities including Colorado Springs challenged the constitutionality of provisions of the state law regulating AVIS systems, asking essentially whether home-rule municipalities are required to follow the state law.
 - Colorado Supreme Court ruled in 2002:
 - The regulation of AVIS enforcement is a matter of mixed local and state concern.
 - Therefore, state law supersedes municipal local ordinances and must be followed.
- City passes AVIS ordinances in 2010 and 2021
- State passed Senate Bill 23-200, which changed C.R.S. § 42-4-110.5 (effective June 2023)
- City must comply with new provisions and AVIS requirements – amendments needed

PROPOSED CHANGES



1. Come into compliance with new state law.
2. Simplify our code regarding AVIS penalties and requirements.
 1. Condense rules for AVIS violations into one section (instead of having rules spread over 3 ordinances).
 2. Update necessary penalty and definition sections.

PROPOSED CODE CHANGES



| City Code | Summary |
|---|--|
| § 10.1.115 Automated Vehicle Identification Systems (AVIS) | Repeal and reordain section of city code regarding AVIS requirements. Follow required state law regarding: implementation processes, enforcement procedures, sentencing provisions, and other regulations. This creates the one section of our code which governs procedure for both types of AVIS violations. |
| § 10.5.104F Exceeding Posted Speed Limits: AVIS | Amend code subsection to simply state that Exceeding Posted Speed Limits may be enforced by AVIS, when in compliance with 10.1.115 (above). |
| §10.17.105C5 Traffic Control Signal Legends: AVIS | Amend code subsection to simply state that Traffic Control Signal Legends (red light) may be enforced by AVIS, when in compliance with 10.1.115 (above). |

PROPOSED CODE CHANGES



| City Code | Summary |
|------------------------------|---|
| § 1.1.201 General Penalty | Amend the General Penalty section to exclude AVIS violations. AVIS penalties will be contained within §10.1.115. |
| § 10.1.101 Penalties | Amend the Motor Vehicles and Traffic Penalty Section to exclude AVIS violations. AVIS penalties will be contained within §10.1.115. |
| § 10.1.202 Definitions | Update relevant definitions based on changes to state law and section §10.1.115. |

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Procedure:

1. Violation Observed – Notice of Violation
 - Notice of Violation sent to *registered owner* of the vehicle within 30 days for in state vehicle, 60 days for out of state vehicle.
 - Registered owner can choose to pay violation or set a hearing to contest in court, but they must act within the 45 day deadline stated on notice.
 2. Civil Penalty Assessment
 - Sent to registered owner within 30 days after deadline on Notice of Violation if no action was taken. Has instructions on how to pay or appeal.
 3. Final Order of Liability
 - If the registered owner has not paid by the deadline in Civil Penalty Assessment, Municipal Court enters a final order of liability.
- Fine amounts can only be sent to collections if the registered owner was personally served either the Notice or the Final Order of Liability and has failed to pay. No immobilizing or impoundment of vehicle is allowed.

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Penalties

- Fine Amounts:
 - Red Light Violation : \$75
 - Speeding Violation: \$40
 - Speeding in School Zone Violation: \$80
 - Speeding in Construction Zone Violation: \$80
- The city is not permitted to report convictions to the DMV and no points are assessed for violations. This is a civil infraction.

Signage

- Red Lights: Conspicuously posted sign notifying the public that AVIS is in use immediately ahead. Posted not fewer than 200 feet, nor further than 500 feet. Size requirements also listed.
- Speed Safety Cameras: Conspicuously posted sign notifying the public that AVIS is in use immediately ahead. Posted not fewer than 300 feet ahead.

Warnings

- City required to publicly announce any new AVIS systems 30 days prior to implementation, then issue warnings only for 30 days after first deployment.
- For first time speed violations of 10 MPH over the speed limit or less, only a warning may be issued to the registered owner.

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Other Limitations

- Speed Safety Cameras (Photo Radar) are only permitted:
 - Within a school zone;
 - Within a residential neighborhood;
 - Within a construction zone;
 - Along a street that borders a municipal park; or
 - In an “Automated Vehicle Identification Corridor.”
 - A Corridor requires passage of an ordinance, coordination between the City and the Department of Transportation, and Colorado State Patrol; permanent signage, illustration through data of crashes or other traffic behaviors, published reports, and corridors cannot be located on any road that is part of the federal interstate highway system.
- AVIS system vendors cannot be paid a percentage of the revenue collected.
- Data collected by the AVIS system
 - Is considered confidential and exempt from disclosure under the Colorado Open Records Act
 - May only be retained when a violation of a traffic regulation is observed, for other law enforcement purposes, or pursuant to court order
 - Cannot be sold or distributed
 - Must be destroyed within 3 years after the final disposition of the violation unless otherwise required by law.

CURRENT USE- PHOTO RED LIGHT PROGRAM



Current Photo Red Light Safety Enforcement Process:

- Has been modified to include changes from state law in notices/process.
- 20 intersections in Colorado Springs are equipped with cameras.
- Process:
 - Technology flags violations, sends them to platform
 - Reviewed by Officers for accuracy**
 - Notices are sent out which include information, photos, and link to view the video from the intersection
 - Personal service done prior to collections actions
 - Municipal court has process for contesting the violations in court if a registered owner wishes to contest the violation

Colorado Springs Police Department
Red Light Safety Program
PO Box 22091
Tempe, AZ 85285-2091

NOTICE OF VIOLATION

NOTICE #: [REDACTED]
COMPLAINT #: [REDACTED]
PIN: [REDACTED]
Pay with your credit or debit card at <https://coloradosprings.gov/municipal-court>. An additional fee will be added for online payments.

NOTICE OF VIOLATION
ISSUE DATE: 06/13/23
AMOUNT DUE: \$75.00
DUE DATE: 07/03/2023

This Violation will not be reported to the Colorado Department of Motor Vehicles.

If you have questions, please call: (719) 377-97

| VEHICLE | COLOR | YEAR | MAKE | STYLE | LICENSE PLATE | STATE |
|------------|--------------------------------|------|--|----------|--|-------|
| ON | GRY | 05 | JEEP | WRANGLER | EB E PLATTE AVE @ N CHELTON RD | CO |
| COUNT | MUNICIPAL CODE 10.17.105(C)(5) | | VIOLATION DESCRIPTION Traffic Control Signal Legend: AVIS Violations | | POINTS 0 | |
| AMOUNT DUE | FINE/PENALTY AMOUNT \$75.00 | | COST OF SERVICE | | TOTAL AMOUNT DUE = \$75.00 - Payable to the City of Colorado Springs | |

I have reason to believe that the Defendant committed the offense as indicated above.

Reviewing Officer: *Charles Boney* IBM # 1390 Reviewed Date: 06/13/2023

On the date and at the location indicated above, a vehicle registered in your name was recorded by an Automated Vehicle Identification System (AVIS) disobeying the steady red indication of a traffic control signal in violation of the Code of the City of Colorado Springs, 2001 as amended section 10.17.105(C)(5). The data captured by AVIS was reviewed by an officer of the Colorado Springs Police Department, who determined that this Notice of Violation should be issued for the violation pursuant to Colorado Revised Statutes section 42-4-110.5 and section 10.17.105(C)(5) of the Municipal Code of the City of Colorado Springs.

Contest or pay this Notice of Violation by: 07/03/2023
Please see the reverse side of this Notice of Violation for your options.
Failure to contest or pay this Notice by the date listed above may result in a CIVIL PENALTY ASSESSMENT.

Pay with your credit or debit card at <https://coloradosprings.gov/municipal-court>. An additional fee will be charged for online payments. Or mail your check or money order with this coupon to the address below.

NAME: [REDACTED] DUE DATE: 07/03/2023
COMPLAINT #: [REDACTED] VERSION: 1 ISSUED: 06/13/2023
PLATE: [REDACTED] STATE: CO TYPE: FLT

PAYMENT MUST BE MADE IN FULL

- ✓ Make your check or money order payable to the City of Colorado Springs.
- ✓ DO NOT MAIL CASH.
- ✓ Write the Complaint # on the front of your payment.
- ✓ Insert this tear-off coupon in the enclosed envelope with the address (at the right) showing through the window.

AMOUNT DUE: \$75.00

PAYMENT COUPON
Colorado Springs Municipal Court
Red Light Safety Program
PO Box 2169
Colorado Springs, CO 80901-2169



VIEW YOUR VIOLATION IMAGES AND VIDEO ONLINE
You may view your images and video online by logging onto www.ViolationInfo.com. You will need your Notice # and PIN printed on the front of this Notice. If you do not have internet access, appear in person at the Colorado Springs Municipal Court, 224 East Kiowa Street, Colorado Springs, CO 80903.

TO CONTEST THIS NOTICE YOU MUST DO ONE OF THE FOLLOWING BY THE DUE DATE LISTED ON THE FRONT OF THIS NOTICE:

- 1) Appear in person at 224 East Kiowa Street, Room 108 (Monday through Friday 8:00 AM to noon and 1:00 PM to 4:00 PM) to schedule a hearing.
- 2) File a written notice requesting a hearing to dispute the alleged violation. If you are under the age of 18 your parent or guardian must appear with you. Please bring this copy of the Notice with you. Written notice may be filed in person at 224 E Kiowa Street Room 108 Colorado Springs, CO 80903.

NOTICE TO DEFENDANT - ADVISEMENT OF RIGHTS

YOUR RIGHTS: You have many legal rights, including:

1. To be informed of the nature of the charges against you.
2. To remain silent, any statement you make can and will be used against you.
3. To consult and be represented by an attorney.
4. To deny the allegations by appearing in person and pleading not guilty / liable and to have a hearing before a Judge during which your guilt / liability would have to be proven beyond a reasonable doubt.
5. To subpoena (free of charge) and compel the attendance of witnesses on your behalf.
6. To question witnesses, present evidence and to testify or choose not to testify on your own behalf.

CONSEQUENCES: By paying the monetary penalty, instead of contesting the alleged violation, you plead guilty/liable to the offense(s) charged and you waive your right to contest. **IF YOU DO NOT WISH TO PLEAD GUILTY/LIABLE, DO NOT PAY THE MONETARY FINE/PENALTY.** Come to Court. Expect to spend about 2-3 hours in Court. If the registered owner fails to pay or request a hearing to dispute the alleged violation, the registered owner waives any right to contest the violation and a civil penalty will be assessed.

PAYMENT OPTIONS

Payment is an admission of guilt/liability. However, this violation will not be reported to the Department of Motor Vehicles.

Pay with a Credit or Debit Card Online: Log on to <https://coloradosprings.gov/municipal-court> and select the Pay Online button. Enter the photo enforcement Complaint Number shown in the red box on this Notice. There will be an additional fee added for online payments.

Pay by Phone: Call (719) 377-9788. There will be an additional fee for telephone payments.

Pay By Mail: Mail your check or money order (payable to the City of Colorado Springs) in the enclosed envelope along with the payment coupon. DO NOT SEND CASH! Be sure to include your Complaint # on your payment. Additional fees may be assessed if your check is returned by the bank.

In Person: Bring this Notice, along with your payment, to: Colorado Springs Municipal Court, 224 East Kiowa Street, Colorado Springs, CO 80903 between the hours of 8:00 AM and 5:00 PM, Monday - Friday.

Drop Box: Payments can be made at the Colorado Springs Municipal Court Building at 224 East Kiowa Street, Colorado Springs, CO 80903. Place a copy of the Notice, along with a check, in a sealed envelope and deposit it into the drop box located in the front of the building.

PROPOSED NEW PROGRAM



- Speed Safety Cameras
 - Are a camera system that utilizes radar technology to track multiple lanes of traffic in one direction and photographs/records vehicles identified as exceeding the speed limit.
 - Research has shown a direct correlation between the impact speed of a vehicle striking a pedestrian and the severity of injury or death.
 - Goal is to use this alternative method as part of enforcement efforts.

IMPLEMENTATION



- Contract for 2 new vehicles equipped with Speed Safety Cameras
- Hire 2 new civilian employees to run the vehicles and record violators
- Post public notification on CSPD website regarding the implementation of the new Speed Safety Camera program
- Identify deployment areas in cooperation with Traffic Engineering
- Deploy the cameras in the following priority:
 - School Zones – Morning and Afternoon (Drop-off/Pick-up)
 - Parks/Residential Areas – In-between peak school zone times and during the summer
 - Construction sites – As requested

BENEFITS



- Addresses traffic safety, which is a top citizen concern throughout Colorado Springs.
- Targets areas with the highest numbers of child pedestrians, who are most at-risk of injury from impact with a speeding vehicle.
- They are a force multiplier as civilian employees can operate them allowing police resources to be available for other priorities.
- They are proven technology to help address dangerous driving behaviors, through enforcement of speed violations.
- They are mobile so there is equity in the deployment of them throughout the city.

QUESTIONS?



- CSPD Chief Adrian Vasquez, CSPD Cmdr Pamela Castro, and Prosecutor Shantel Withrow are willing to answer any additional questions at this time.