

DRAFT SUBMITTED BOARD REPORT

Subject: Photo Speed Monitoring in Work Zones and School Zones

Action: Request to Advertise at the December 11, 2021 County Board Meeting

DATE: November 9, 2021

SUBJECT:

Request to authorize the advertisement of a public hearing to enact an Ordinance to amend, reenact and recodify Chapter 14.2 (Motor Vehicles and Traffic) Section 14.2-12A of the Code of Arlington County, Virginia to permit the use of photo speed monitoring devices in highway work zones and school crossing zones to issue civil penalties as allowed for in the Virginia State Code § 46.2-882.1.

C. M. RECOMMENDATION:

Authorize the advertisement for a Public Hearing to be held at the January 2022 County Board Meeting to consider an Ordinance to amend, reenact and recodify Chapter 14.2 (Motor Vehicles and Traffic) Section 14.2-12A of the Code of Arlington County, Virginia to permit the use of photo speed monitoring devices in highway work zones and school crossing zones to issue civil penalties as allowed for in the Virginia State Code § 46.2-882.1 as shown in Attachment A.

ISSUES:

One in four fatal and critical crashes in Arlington involve speeding, as recognized on page 32 of Arlington’s [Vision Zero Action Plan](#). We must reduce speed in order to reduce or eliminate fatal and severe injury crashes. Another core focus of Vision Zero is ensuring that transportation systems are equitable. Speed cameras substantially reduce the possibility of bias in enforcement, which is supported by [Arlington’s Police Practices Work Group](#). Automated speed cameras are a powerful tool for accomplishing these goals.

SUMMARY:

Virginia State Code section § 46.2-882.1 permits the use of photo speed monitoring devices (also known as “automated speed enforcement” or “speed cameras”) in signed highway work zones and school crossing zones. The Code specifies use of radar or LIDAR-based speed detectors, requires that signs be posted informing drivers of the use of these speed cameras, and sets a threshold of a minimum 10 miles per hour over the speed limit to receive a citation. The proposed civil penalty for a speed camera citation in Arlington is \$50, which is consistent with the current \$50 fine for red-light violations captured by a red-light camera.

Automated speed enforcement will significantly advance Arlington County’s transportation safety and equity initiatives as stated through the [Vision Zero Action Plan](#) and [Police Practices Group Recommendations](#). Automated speed enforcement leads to considerable reductions in speeding, crashes resulting in injuries, and total crashes—thereby making roadways safer for all users. Automated speed enforcement also reduces unnecessary interactions between residents and police and further advances confidence in equitable outcomes by reducing or eliminating the possibility of race-and ethnicity-based disparities in traffic enforcement.

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BACKGROUND:

Automated Speed Enforcement in Virginia State Code

During the [2020 Session](#), the Virginia General Assembly approved an act to amend and reenact chapters 46.2-208 and 46.2-882 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-882.1, relating to photo speed monitoring devices; civil penalty. Under the State Code, speed cameras are currently allowed in school crossing zones (“school zones”) and highway work zones (“work zones”):

- The Code of Virginia defines school crossing zones as areas located near schools at or near a highway where the presence of children on school property or going to and from school reasonably requires a special warning to motorists. School zones in Arlington typically have a speed limit lower than surrounding sections of roadway.
- Highway work zones are defined under the Code of Virginia as constructions or maintenance areas that are located on or beside a highway and marked by appropriate warning signage.

The State Code also sets limits on the penalties for speed camera citations, which are civil rather than criminal in nature, carry a maximum fine of \$100, and neither count for points on a driver's license nor are considered for insurance purposes.

Prior Work on Automated Speed Enforcement in Arlington

The County's Vision Zero Action Plan, as mentioned above, specifically recommends use of speed cameras under Action Item B8: Data-Driven Equitable Enforcement because they are an effective tool for controlling vehicle speeds, increasing the safety of our roadways, and doing so in a manner which is both unbiased and cost-effective.

To advance this action item, the County's Vision Zero Team received \$60,000 in technical assistance from the Metropolitan Washington Council of Governments Transportation Planning Board Regional Safety Pilot Program in June 2021. This technical assistance will be used to hire transportation safety consultants to develop guidelines for prioritization and placement of school zone speed cameras using data and best practice research.

Furthermore, the Police Practices Work Group highlights that the potential for bias is removed when speed cameras are used: “Automated ticket enforcement has the potential to improve safety, reduce unnecessary interactions between residents and police, and further advance confidence in equitable outcomes by reducing or eliminating the possibility of race- and ethnicity-based disparities in traffic enforcement.” The Work Group also recommends “Develop[ing] a sliding payment scale for County-managed traffic (speed/red light) camera violations based on income levels and fixed expenses of violators.” Such a sliding scale is not currently allowed through state law; therefore, the Work Group recommends a lower fine structure for the program (\$50 rather than the State maximum of \$100) and 30-day grace period after camera installation.

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DISCUSSION:

Purpose & Need

One in four fatal and critical crashes in Arlington involve speeding, as recognized on page 32 of Arlington's [Vision Zero Action Plan](#). We must reduce speed in order to reduce or eliminate fatal and severe injury crashes. Another core focus of Vision Zero is ensuring that transportation systems are equitable. Speed cameras substantially reduce the possibility of bias in enforcement, which is supported by Arlington's Police Practices Group.

Automated speed enforcement will significantly advance Arlington County's transportation safety and equity initiatives as stated through the Vision Zero Action Plan and Police Practices Group Recommendations. Automated speed enforcement leads to considerable reductions in speeding, crashes resulting in injuries, and total crashes—thereby making roadways safer for all users. Automated speed enforcement also reduces unnecessary interactions between residents and police and further advances confidence in equitable outcomes by reducing or eliminating the possibility of race-and ethnicity-based disparities in traffic enforcement.

Efficacy

The Centers for Disease Control and Prevention estimates that speed cameras can reduce total crashes by up to 49 percent and reduce fatal and serious-injury crashes by up to 44 percent based on data from studies that compared crash data before and after speed cameras were installed ([source](#)). Some local examples include:

- Studies of cameras in Montgomery County and DC, found that the proportion of drivers exceeding speed limits by more than 10 mph declined by 70 percent and 82 percent, respectively, six to eight months after cameras were introduced ([source 1](#), Mont. Co.; [source 2](#), DC).
- In Rockville, MD, speed cameras reduced crashes by 35 percent and speeding by 50 percent ([source](#)).

Deployment

Attachment A shows the proposed changes to Chapter 14.2 regarding the policy and implementation parameters for automated speed enforcement in Arlington as proposed in the Virginia State Code § 46.2-882.1. Advanced signage will warn drivers approaching a speed camera location. Citations will be issued to drivers going 10mph or more about the speed limit as captured by the camera. We are recommending the fine be set at \$50 to reduce the potential for cost burden because the sliding pay scale (originally recommended by the Police Practices Group) was not legally feasible.

Once in operation, the Department of Environmental Services will work with the Police Department on an ongoing basis to identify and adjust speed camera locations based on operational metrics, such as (but not limited to) speeds, citations, crashes, and transportation volumes. This will also include involvement with staff from Arlington Public Schools with

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regard to speed cameras in school zones and involvement with construction crews (public or private) with regard to speed cameras in work zones.

Recommendations

The recommendation is that the County move forward with this requested code change to establish a program that identifies violators and issues tickets through the use of photo speed monitoring devices to help reduce vehicle speeds and reduce the need for police interactions for speed enforcement.

PUBLIC ENGAGEMENT:

The Vision Zero Action Plan development process include three [robust public engagement checkpoints](#) that engaged over 1000 community members. Feedback included support for speed reduction efforts and for data-driven enforcement.

The Police Practices Work Group likewise conducted public engagement and received dozens of responses from community members voicing their views and suggestions, both through online forms and in meetings. This input was ultimately incorporated into the [Work Group's set of recommendations](#) to the County Board.

Given the Involve/Collaborative level of engagement conducted through both the Vision Zero and Police Practices Work Group efforts, we will focus our next level of communication and outreach on a robust educational plan. This plan will include significant outreach across the County to ensure a broad range of residents with different experiences and backgrounds receive information on placement and implementation.

FISCAL IMPACT:

ACPD's cost estimate for the installation and administration of ten transportable speed camera units is \$598,860 per year. This estimate includes all equipment, services, maintenance, and repairs associated with the cameras. The estimate also includes costs to cover the addition of one full time Admin Tech II employee.

The administration of the County's red-light cameras and bus stop arm cameras is a current responsibility of ACPD. The review of footage and issuance of citations for these cameras requires one full time employee. To accommodate the administration of a speed camera program and anticipated expansion of the red-light camera program, ACPD will need another full-time employee to assist in reviewing camera footage and issuing citations.

ATTACHMENTS:

Language for Adoption into: ARLINGTON COUNTY CODE [Chapter 14.2](#) MOTOR VEHICLES AND TRAFFIC

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ATTACHMENT A

ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA CONCERNING PHOTO SPEED MONITORING DEVICES IN HIGHWAY WORK ZONES AND SCHOOL CROSSING ZONES

BE IT ORDAINED by the County Board of Arlington County, Virginia, that Chapter 14.2 of the Arlington County Code is amended, reenacted, and recodified as follows. BE IT FURTHER ORDAINED, that all provisions of Chapter 14.2 of the Code shall remain as previously enacted.

In the proposed amendment, text to be added is shown in underline.

**ARLINGTON COUNTY
CODE**

CHAPTER 14.2

MOTOR VEHICLES AND TRAFFIC*

***Editors Note:** Ord. No. 92-33, adopted July 11, 1992, amended former Ch, 14, relative to motor vehicles and traffic, to read as herein set out in Ch. 14.2

The provisions of former Ch. 14 derived from those ordinances listed in the Code Comparative Table as amendatory of Ch. 14.

Article I. Motor Vehicle Code

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Division 2. Regulation of Traffic

Subdivision A. General Provisions

§14.2-8. Drivers to Obey Signs.

§14.2-8.1. Fine for Use of Commuter Lanes.

§14.2-9. Other than Official Signs Prohibited.

§14.2-10. Injuring Signs.

§14.2-11. Duty of County Manager; Regulation of Traffic.

§14.2-12. Maximum and Minimum Speed Limits.

§14.2-12.1. Admissibility of Certain Evidence in Prosecution for Exceeding Speed Limit.

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§14.2-13. Suspension of License Where Speed Limit Exceeded By More Than Five (5) Miles Per Hour.

§14.2-14. Payment of Witness Fees.

§14.2-15. Backing.

§14.2-16. Operator to Give Full Time and Attention to Driving.

§14.2-17. Vehicle to be Kept Under Control.

§14.2-18. Penalty for Violation of §§ 14.2-15 through 14.2-17.

§14.2-19. One-Way Roadways and Rotary Traffic Islands.

§14.2-20. Special Regulations Applicable on Streets and Highways Laned for Traffic.

§14.2-20.1. Trucks Prohibited on Certain Streets, With Exceptions; Penalty.

§14.2-21. Following Too Closely.

§14.2-22. Duty of Drivers Receiving Signals.

§14.2-23. Blocking Intersections.

§14.2-23.1. Photo-Monitoring of Traffic Light Signals.

§14.2-23.2. Photo-Monitoring Systems to Enforce Passing Stopped School Buses.

§14.2-23.3. Photo Speed Monitoring Devices in Highway Work Zones and School Crossing Zones.

* * *

§ 14.2-23.3. Photo Speed Monitoring Devices in Highway Work Zones and School Crossing Zones

A. For the purposes of this section:

"Highway work zone" has the same meaning ascribed to it in § 46.2-878.1, "a construction or maintenance area that is located on or beside a highway and marked by appropriate warning signs and, for projects covered by contracts entered into on or after July 1, 2012, with attached flashing lights or other traffic control devices indicating that work is in progress."

"Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

"School crossing zone" has the same meaning ascribed to it in § 46.2-873, "an area located within the vicinity of a school at or near a highway where the presence of children on such school property or going to and from school reasonably requires a special warning to motorists."

B. The Arlington County Police Department is hereby authorized to place and operate photo speed monitoring devices in school crossing zones for the purposes of recording speed limit violations of § 46.2-873 and in highway work zones for the purposes of recording speed limit violations of § 46.2-878.1.

1. The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted school

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crossing zone or highway work zone speed limit within such school crossing zone or highway work zone. Such civil penalty shall be \$50, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions.

2. If a photo speed monitoring device is used, proof of a violation of § 46.2-873 or 46.2-878.1 shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer employed by Arlington County, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation.

3. In the prosecution for a violation of § 46.2-873 or 46.2-878.1 in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of § 46.2-873 or 46.2-878.1, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of § 46.2-873 or 46.2-878.1, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

4. Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. However, if a law-enforcement officer employed by Arlington County uses a photo speed monitoring device to record a violation of § 46.2-873 or 46.2-878.1 and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.

5. A summons for a violation of § 46.2-873 or 46.2-878.1 issued by mail pursuant to this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Arlington

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County Police Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subdivision 3 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a violation of § 46.2-873 or 46.2-878.1 issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. If the Arlington County Police Department does not execute a summons for a violation of § 46.2-873 or 46.2-878.1 issued pursuant to this section within 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.

6. A conspicuous sign shall be placed within 1,000 feet of any school crossing zone or highway work zone at which a photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.