

## **City Administrator Report to Mayor & City Council**

*March 03, Edition No. 256*

### **WEEKLY UPDATE:**

- Budget: I just wanted to thank everyone for what I saw as a very productive and effective budget process! Everyone's hard work paid off and we have a good plan for the coming fiscal year!
- Park & Recreation: Seasonal Employee Job Fair
  - The Muscatine Parks and Recreation Department is hosting a seasonal job fair on Saturday, March 18, 2017 from 10 am to 12 noon at the Muscatine Municipal Golf Course. The job fair is for those interested in positions relating to Park Maintenance, Aquatic Center, Municipal Golf Course Maintenance, Club House, Soccer Complex, Kent Stein, Marina Boat Dock, Greenwood Cemetery and Program Instructors and Aids.
  - Seasonal employment applications will be available at the job fair. You can also download a seasonal employment application at <http://www.muscatineiowa.gov/DocumentCenter/Home/View/857> or pick one up at the Human Resources Department on the first floor of City Hall, 215 Sycamore Street, Muscatine. Please bring your completed seasonal employment application with you or complete one at the job fair.
  - If you have any questions, please call the Muscatine Parks and Recreation Department at 563-263-0241.
- ATE: Attached is the latest amended version of the Kapuchian Bill (SF 196) related to ATEs.
- Old Barn: Shelly MaHarry plans to present at the March In-Depth session regarding the Old Barn.
- TIF: The revisions to the Hotel TIF that were discussed some time back that plan is to bring the amendments forth on the 9th and the 16th of March. This is a simple amendment process that increase the maximum rebate by \$150,000 (related to the removal of the Mark's building and building of the parking garage) as well as repayment of the City's match for the revolving loan fund.
- Communications: Kevin Jennison will be assisting with our communications efforts on a temporary basis starting this coming Monday.
- Carver Corner: Here is the process and tentative schedule for the Fire Department Burn followed by demolition of the Beech Lumber site provided by Chief Ewers:
  1. The Fire Department can send in the DNR notification form now for the Training Fire. We will need to include two forms, the report of the abatement inspection and lab report verifying the asbestos. We just need to send in 10 working days prior to burn date.
  2. The abatement company will need to send out notification to DNR on Friday, March 3rd so it's postmarked since they have a 10 day notice period. Which means they can't start the abatement process until March 17th.

Sounds like they plan on getting it done in one or two days since they stated they would be done by the 19th.

3. Building Department permits will be issued.
4. We will need to send in the abatement form showing it was abated and removed properly once they give it to us after the 19th.
5. We will need all forms present on site, but can technically do the training burn after abatement is completed. This meets the 10 day abatement notification and the fire department 10 day notice according to DNR. We just have to have the burn dates listed on the form with an alternate burn date. If abatement would take longer and/or weather would be an issue then we would need to resubmit a revised notification form and check revised and change burn date and resign and resend in.

At this point we are looking at March 25th as the burn date and using April 1st as the alternate date. This meets all reporting deadlines. The Fire Department and Public Works Department will coordinate to close this section of Mississippi Drive during the burn.

Public works will create door knockers and fire department will place. Staff will personally meet with John at a Guy and a Grill on the burn and his access on that day.

Section 1. Section 321.1, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 06B. "Automated traffic law enforcement system" means a device that is used for the enforcement of laws regulating vehicular traffic and that is equipped with one or more sensors working in conjunction with one of the following:

- a. An official traffic-control signal, to produce recorded images of motor vehicles entering an intersection against a red signal light.
- b. A speed measuring device, to produce recorded images of motor vehicles traveling at a prohibited rate of speed.
- c. A railroad grade crossing signal light, as described in section 321.342, to produce recorded images of motor vehicles violating the signal light.
- d. Any official traffic-control device, if failure to comply with the official traffic-control device constitutes a moving violation under this chapter.

Sec. 2. NEW SECTION. 321.492C Automated traffic law enforcement systems.

1. The department shall not place, operate, maintain, or employ the use of any automated traffic law enforcement system. The department shall not cause to be placed any automated traffic law enforcement system except as provided in this section or in rules adopted by the department under this section.

2. a. A local authority, or another entity on a local authority's behalf, shall not operate an automated traffic law enforcement system without the approval of the department. The department approving the use of an automated traffic law enforcement system following an established self-certification process. The self-certification process shall include a justification report in accordance with subparagraph (b), which shall be readily available for the public to review, and a public hearing at which the local authority shall prove a demonstrated safety need for the automated traffic law enforcement system. Notice of the time and place of the hearing shall be published as provided in section 362.3. A local authority shall adopt an ordinance approving the use of a traffic law enforcement system for each location at which the local authority operates a fixed or mobile system. A local authority shall may approve the operation of an automated traffic law enforcement system only if the department determines the system is located in a documented high-crash or high-risk location at which there is a demonstrated safety need for the system. The department The local authority shall make such a determination about a location demonstrate the safety need for the system based on the volume of traffic, the history of motor vehicle accidents, the frequency and type of traffic violations, the risk to peace officers employing traditional traffic enforcement methods, any additional information required in the justification report, and any other safety criteria deemed appropriate by the local authority by the department and set forth in rules adopted by the department. The department shall separately approve. These requirements shall apply for each location at which a local authority, or another entity on a local authority's behalf, operates a mobile automated traffic law enforcement system. This paragraph "a" shall not apply to an automated traffic law enforcement system approved by the department and in operation prior to January 1, 2017. A local authority may continue to operate such a system in the same manner as the system was operated prior to January 1, 2017. However, after a local authority discontinues operation of the system, any new manner of operation or new system operated by the local authority shall comply with this paragraph "a".

b. A justification report shall provide all necessary information and documentation to provide evidence documenting why the area is a high-crash and

high-risk location and shall include, at a minimum, the following:

(1) Document existing traffic speeds, posted speed limits, traffic volumes, and intersection or roadway geometry. Provide assurance that existing speed limits and traffic signal timings are appropriate and describe how they were established.

(2) Document applicable crash history, the primary crash types, crash causes, crash severity, and traffic violations. Only crashes attributable to speeding or the running of a red light shall be included in this report. Compare crash data with other similar locations within the local jurisdiction, other like jurisdictions, or larger metropolitan area

(3) Identify the critical traffic safety issue(s) from the data in subparagraphs 144.5(1)"b"(1) and (2) above and provide a comprehensive list of countermeasures that may address the critical traffic safety issue(s).

(4) Document solutions or safety countermeasures that have been implemented along with those that have been considered but not implemented. These may include law enforcement, engineering, public education campaigns, and other safety countermeasures.

(5) Document discussions held and actions taken with partnering agencies that have resources which could aid in the reduction of crashes attributable to speeding or the running of a red light.

(6) Document why the local jurisdiction believes automated enforcement is the best solution to address the critical traffic safety issue(s)

b c. A local authority, or another entity on a local authority's behalf, shall not operate an automated traffic law enforcement system without posting signage meeting all of the following requirements:

(1) For a fixed automated traffic law enforcement system, permanent signs advising drivers that the system is in place shall be posted in clear and present view of passing drivers in advance of the location where the system is in use.

(2) For a mobile automated traffic law enforcement system, temporary or permanent signs advising drivers that the system is in place shall be posted in clear and present view of passing drivers in advance of the location where the system is in use as agreed to by the department and the local authority.

(3) The signage conforms to the manual on uniform traffic-control devices as adopted by the department.

e d. A local authority, or another entity on a local authority's behalf, shall not issue a citation resulting from the use of an automated traffic law enforcement system until an active peace officer of the local authority has reviewed the citation and any relevant recorded images produced by the system.

d e. The amount of the fine or civil penalty imposed by a citation resulting from the use of an automated traffic law enforcement system shall not exceed the amount of the fine for a scheduled violation under section 805.8A for the same or a similar violation of this chapter.

e f. An automated traffic law enforcement system working in conjunction with a speed measuring device or official traffic-control signal shall comply with the generally accepted procedures for operating the system. A local authority, or another entity on a local authority's behalf, operating such a system shall maintain a monthly log detailing whether the local authority or entity successfully performed the manufacturer specified self test of the system. Mobile and fixed automated traffic law enforcement systems shall

conduct daily internal calibrations. If the daily internal calibration is not valid, the system shall not operate until a successful calibration is subsequently conducted. In addition to the daily internal calibration, monthly calibrations shall be conducted by a person trained in the calibration of the system. A person trained in the calibration of the system shall also conduct a calibration prior to use after any change in location for mobile systems. The local authority or entity shall also perform a weekly calibration check of the system, and documentation of the calibration check shall be retained by the local authority or entity. A local authority, or another entity on a local authority's behalf, operating such a system shall maintain a monthly log detailing whether the local authority or entity successfully performed the daily and monthly calibrations. The log and documentation of the calibration checks shall be admissible in any court proceeding related to a violation of section 321.257 or 321.285.

~~f. g. The department Local authorities shall adopt rules to administer this subsection, including but not limited to rules relating to the size and location of signage advising drivers that an automated traffic law enforcement system is in place.~~

h. A local authority shall maintain records relating to the number of traffic violations and number of traffic accidents for all locations in which the local authority operates an automated traffic law enforcement system. Such records shall be maintained by the local authority for one year prior to the installation of the automated traffic law enforcement system and for each year the automated traffic law enforcement system is operated. Record maintained pursuant to this section shall be available for examination to the same extent allowed in section 22.2. Local authorities shall file annual reports with the General Assembly detailing the effectiveness of each traffic law enforcement system operated within its jurisdiction. An annual report shall include the justification report and shall also include, but is not limited to, information relating to reduced or increased speeding violations, reduced or increased traffic signal violations, and reduced or increased traffic accidents.

i. Prior to a local authority placing an automated traffic law enforcement system on a primary road, the local authority shall get approval from the department in accordance with 761 IAC 144. A local authority shall report any information requested by the department during the approval process. If approved by the department, a local authority shall follow the requirements outlined in 761 IAC 144. The department may modify 761 IAC 144 to extent necessary to ensure automated traffic law enforcement systems are operated in a safe and equitable manner. This paragraph "h" shall not apply to an automated traffic law enforcement system approved by the department and in operation prior to January 1, 2017. A local authority may continue to operate such a system in the same manner as the system was operated prior to January 1, 2017. However, after a local authority discontinues operation of the system, any new manner of operation or new system operated by the local authority shall comply with this paragraph "h". The department shall have the authority to annually review all automated traffic law enforcement systems on primary roads and shall have the authority to require removal or modification of the systems.

j. A local authority shall have an appeals process for persons issued citations through the use of traffic law enforcement systems, which at a minimum, provide the following:

(1) An appeal to an impartial board created by the local authority to review citations issued using automated traffic law enforcement systems.

(2) After an adverse decision from the impartial board, an appeal to small claims division of the district court in the county in which the local authority is located

k. (1) A local authority shall authorize a petition process for citizens within the local authority to petition for the removal of a fixed automated traffic law enforcement system, or the removal of an approved location for mobile systems in accordance with this subparagraph. Petitions under this subparagraph shall be specific to one fixed system or one location for mobile systems.

(2) If the local authority is a city, a petition is valid if signed by eligible electors of the city equal or greater in number to ten percent of the persons who voted at the last preceding regular city election. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

(3) If the local authority is a county, a petition is valid if signed by eligible electors of the county equal or greater in number to ten percent of the votes cast in the county for the office of president of the United States. The petition shall include the signatures of the petitioners, a statement of their place of residence, and the date on which they signed the petition.

(4) If a petition is valid in accordance with (1) or (2) of this subparagraph, the city council or board of supervisors shall be required to vote on whether to preserve or remove the ordinance for a fixed system or location for mobile systems.

(5) Once a city council or board of supervisors has voted to preserve or remove an ordinance for a specific system or location as a result of a petition process described in this subparagraph, a new petition for the same fixed system or a location for mobile systems is not valid until three years has passed since the vote.

1. A local authority that operates an automated traffic law enforcement system not in accordance with 321.492C shall be precluded from operating an automated traffic law enforcement system for a period of two years. A citizen living within the jurisdiction which violates this section shall be allowed to file suit to enjoin the jurisdiction from operating an automated traffic law enforcement system in accordance with this subparagraph.

3. All moneys collected by a local authority from citations issued as a result of the use of an automated traffic law enforcement system, less the amount necessary for the installation, operation, and maintenance of the automated traffic law enforcement system, shall be deposited in the account or accounts maintained by the local authority for moneys appropriated to the local authority from the secondary road fund or street construction fund of the cities, or deposited in any account and used for the purposes of public safety as applicable. This subsection shall not apply to moneys collected for court costs or other associated costs, the criminal penalty surcharge required by section 911.1, or the county enforcement surcharge required by section 911.4.

#### EXPLANATION

**The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.**

This bill prohibits the department of transportation (DOT) from placing, operating, maintaining, or employing the use of any automated traffic law enforcement system.

The bill also prohibits a local authority, or another entity on a local authority's behalf, from operating an automated traffic law enforcement system without first adopting and utilizing a self-certification procedure. The bill provides that the local authority shall approve the operation of an automated traffic law enforcement system only if the system is located in a documented high-crash or high-risk location at which there is a demonstrated safety need for the system. The bill requires the local authority to make such a

determination about a location based on the volume of traffic, the history of motor vehicle accidents, the frequency and type of traffic violations, and the risk to peace officers employing traditional traffic enforcement methods. In addition, the bill requires the local authority to separately approve each location at which a local authority, or another entity on a local authority's behalf, operates a mobile automated traffic law enforcement system. These provisions of the bill do not apply to an automated traffic law enforcement system approved by the DOT and in operation prior to January 1, 2017.

The bill prohibits a local authority, or another entity on a local authority's behalf, from operating an automated traffic law enforcement system without posting appropriate signage in clear and present view of passing drivers in advance of the location where the system is in use.

The bill also prohibits a local authority, or another entity on a local authority's behalf, from issuing a citation resulting from the use of an automated traffic law enforcement system until an active peace officer of the local authority has reviewed the citation and any relevant recorded images produced by the system.

In addition, the bill prohibits the amount of the fine or civil penalty imposed by a citation resulting from the use of an automated traffic law enforcement system from exceeding the amount of the fine for a scheduled violation under Code section 805.8A for the same or a similar violation.

The bill provides that an automated traffic law enforcement system working in conjunction with a speed measuring device or official traffic-control signal must comply with the generally accepted procedures for operating the system. A local authority, or another entity on a local authority's behalf, operating such a system must maintain a monthly log detailing whether the local authority or entity successfully performed the manufacturer-specified self-test of the system. The bill requires a local authority or entity to also perform a weekly calibration check of the system, and requires documentation of the calibration check to be retained by the local authority or entity. The bill specifies that the log and documentation of the calibration checks are admissible in any court proceeding related to a violation of Code section 321.257 (official traffic-control signals) or 321.285 (speed restrictions).

The bill requires all moneys collected by a local authority from citations issued as a result of the use of an automated traffic law enforcement system, less the amount necessary for the installation, operation, and maintenance of the system, to be deposited in the account or accounts maintained by the local authority for moneys appropriated to the local authority from the secondary road fund or street construction fund of the cities, as applicable. This provision does not apply to moneys collected for court costs or other associated costs, the criminal penalty surcharge, or the county enforcement surcharge.