

# Red Light Running Photo Enforcement

## I. Introduction

The purpose of this document is to provide guidance for the District Offices in assisting local governments with the implementation of red light running systems at signalized State Route intersections. Red light running systems are designed to improve safety and promote compliance at signalized intersections. The use of these devices is covered by the Official Code of Georgia in Title 40 Sections 40-2-20, 40-14-20, 40-14-21, 40-14-22, 40-14-23 and 40-14-24. These Code sections are listed below and have been highlighted to provide reference to important sections. Also attached is a recommended sign detail for use on the approaches to the intersection.

## II. Requirements for Red Light Running Photo Enforcement

The District Offices primary function should be to insure that the local government follows the requirements of the Georgia Code and that the equipment is installed according to GDOT standards. Installation and operation of Red-Light-Running equipment shall comply with all State Laws including Title 40 Code Sections 40-6-20, 40-14-20, 40-14-21, 40-14-22, 40-14-23 and 40-14-24 of the Official Code of Georgia. The District shall review the following for red light running equipment installed on state right-of-way:

### Requirements:

1. Plans
2. In accordance with Code Section 40-14-21, documentation should be provided from the local government indicating that the chief law enforcement officer of the county or municipality desires the use of red light running cameras and that the governing authority approves the use of the devices. Additionally, the governing authority of the county or municipality shall conduct a public hearing on the proposed use of such devices.
3. Location of red light running equipment.
4. Pole locations.
5. Pole specifications – shall be submitted to the Bridge Office for review and approval for all poles including mast arm installations.
6. Contractor work time shall be in accordance with District recommendations.
7. Signs and their location. (sign detail attached)
8. All red light running equipment connections to the traffic signal cabinet shall be in accordance with District recommendations.

The Local Government shall be required to obtain a Special Encroachment Permit from the District Office to install red light running equipment on State Right of Way. If the traffic signal is maintained by the Local Government the District should review the traffic signal equipment and operation and provide recommendations that may improve the safety and operation of the intersection. Signals maintained by the District should also be reviewed to determine if any improvements would enhance the safety and operation of the intersection.

In accordance with Georgia Code Section 40-14-23 signs shall be placed at the jurisdictional limits of the county or municipality. The recommended sign for these locations is R10-18 or R10-19 as shown in the MUTCD. A sign shall also be located on each approach to the signal where a traffic signal monitoring device is in operation. A design for the recommended sign is attached.

### III. The Official Code of Georgia Title 40 Code Sections

CODE SECTION 40-6-20 12/03/01.

(This Code Section provides the definition of "Owner", "Recorded Images" and "Traffic-control signal monitoring devise". It sets the type of penalty and maximum amount of the fine. The time period between when the image is captured and the citation is post marked. It sets the time period for warning notices and defines the appeal process.)

(a) The driver of any vehicle shall obey the instructions of an official traffic-control device applicable thereto, placed in accordance with this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter. A violation of this subsection shall be a misdemeanor, except as otherwise provided by subsection (f) of this Code section.

(b) No provisions of this chapter which require official traffic-control devices shall be enforced against an alleged violator if at the time and place of the alleged violation an official device was not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Code section does not state that official traffic-control devices are required, such Code section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed pursuant to this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

(e) The disregard or disobedience of the instructions of any official traffic-control device or signal placed in accordance with the provisions of this chapter by the driver of a vehicle shall be deemed prima-facie evidence of a violation of law, without requiring proof of who and by what authority such sign or device has been erected.

(f)(1) As used in this subsection, the term:

(A) "Owner" means the registrant of a motor vehicle, except that such term shall not include a motor vehicle rental company when a motor vehicle registered by such company is being operated by another person under a rental agreement with such company.

(B) "Recorded images" means images recorded by a traffic-control signal monitoring device:

(i) On:

(I) Two or more photographs;

(II) Two or more microphotographs;

(III) Two or more electronic images; or

(IV) Videotape; and

(ii) Showing a traffic-control signal displaying a CIRCULAR RED or RED ARROW signal along with the rear of a motor vehicle apparently operated in disregard or disobedience of such signal and, on at least one image or portion of tape, clearly revealing the number or other identifying designation of the license plate displayed on the motor vehicle.

(C) "Traffic-control signal monitoring device" means a device with one or more motor vehicle sensors working in conjunction with a traffic-control signal to produce recorded images of motor vehicles being operated in disregard or disobedience of a CIRCULAR RED or RED ARROW signal.

(2) Subsection (a) of this Code section may be enforced as provided in this subsection pursuant to the use of traffic-control signal monitoring devices in accordance with Article 3 of Chapter 14 of this title.

(3) For the purpose of enforcement pursuant to this subsection:

(A) The driver of a motor vehicle shall be liable for a civil monetary penalty of not more than \$70.00 if such vehicle is found, as evidenced by recorded images produced by a traffic-control signal monitoring device, to have been operated

in disregard or disobedience of a CIRCULAR RED or RED ARROW signal in violation of subsection (a) of this Code section and such disregard or disobedience was not otherwise authorized by law;

(B) The law enforcement agency for which such device is permitted shall send by first-class mail addressed to the owner of the motor vehicle postmarked not later than ten days after the date of the alleged violation:

(i) A citation for the violation, which shall include the date and time of the violation, the location of the intersection, the amount of the civil monetary penalty imposed, and the date by which the civil monetary penalty shall be paid;

(ii) A copy of the recorded image;

(iii) A copy of a certificate sworn to or affirmed by a trained law enforcement officer or a technician employed by a law enforcement agency for which such device is authorized and stating that, based upon inspection of recorded images, the owner's motor vehicle was operated in disregard or disobedience of a CIRCULAR RED or RED ARROW signal in violation of subsection (a) of this Code section and that such disregard or disobedience was not otherwise authorized by law;

(iv) A statement of the inference provided by subparagraph (D) of this paragraph and of the means specified therein by which such inference may be rebutted;

(v) Information advising the owner of the motor vehicle of the manner and time in which liability as alleged in the citation may be contested in court; and

(vi) Warning that failure to pay the civil monetary penalty or to contest liability in a timely manner shall waive any right to contest liability and result in a civil monetary penalty; provided, however, that only warning notices and not citations for violations shall be sent during the 30 day period commencing with the installation of a traffic-control signal monitoring device at such location;

(C) Proof that a motor vehicle was operated in disregard or disobedience of a CIRCULAR RED or RED ARROW signal in violation of subsection (a) of this Code section shall be evidenced by recorded images produced by a traffic-control signal monitoring device authorized pursuant to Article 3 of Chapter 14 of this

title. A copy of a certificate sworn to or affirmed by a trained law enforcement officer or a technician employed by a law enforcement agency for which such device is authorized and stating that, based upon inspection of recorded images, a motor vehicle was operated in disregard or disobedience of a CIRCULAR RED or RED ARROW signal in violation of subsection (a) of this Code section and that such disregard or disobedience was not otherwise authorized by law shall be prima-facie evidence of the facts contained therein; and

(D) Liability under this subsection shall be determined based upon preponderance of the evidence. Prima-facie evidence that the vehicle described in the citation issued pursuant to this subsection was operated in violation of subsection (a) of this Code section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that such owner of the vehicle was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the owner of the vehicle:

(i) Testifies under oath in open court that he or she was not the operator of the vehicle at the time of the alleged violation;

(ii) Presents to the court prior to the return date established on the citation 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;  
or

(iii) Submits to the court prior to the return date established on the citation a sworn notarized statement identifying the name of the operator of the vehicle at the time of the alleged violation.

(4) A violation for which a civil penalty is imposed pursuant to this subsection shall not be considered a moving traffic violation, for the purpose of points assessment under Code Section 40-5-57. Such violation shall be deemed noncriminal, and imposition of a civil penalty pursuant to this subsection shall not be deemed a conviction and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for any insurance purposes in the provision of motor vehicle insurance coverage.

(5) If a person summoned by first-class mail fails to appear on the date of return set out in the citation and has not paid the penalty for the violation or filed a police report or affidavit pursuant to division (3)(D)(ii) or (3)(D)(iii) of this subsection, the person summoned shall have waived the right to contest the violation and shall be liable for a civil monetary penalty of not more than \$70.00.

(6) Any court having jurisdiction over violations of subsection (a) of this Code section or any ordinance adopting the provisions of said subsection pursuant to Code Section 40-6-372 shall have jurisdiction over cases arising under this subsection and shall be authorized to impose the civil monetary penalty provided by this subsection. Except as otherwise provided in this subsection, the provisions of law governing jurisdiction, procedure, defenses, adjudication, appeal, and payment and distribution of penalties otherwise applicable to violations of subsection (a) of this Code section shall apply to enforcement under this subsection; provided, however, that any appeal from superior or state court shall be by application in the same manner as that provided by Code Section 5-6-35.

(7) Recorded images made for purposes of this subsection shall not be a public record for purposes of Article 4 of Chapter 18 of Title 50.

(8) The provisions of this subsection shall not limit law enforcement agencies to the use of traffic-control signal monitoring devices in enforcing subsection (a) of this Code section; and, when there is evidence obtained from another source or sources which constitutes a prima-facie case of a violation of subsection (a) of this Code section, such violation may be prosecuted as otherwise provided by law in lieu of, but not in addition to, enforcement under this subsection.

**CODE SECTION 40-14-20 12/03/01.**

As used in this article, the term:

(1) "Recorded images" has the meaning provided in subparagraph (f)(1)(B) of Code Section 40-6-20.

(2) "Traffic-control signal monitoring device" has the meaning provided in subparagraph (f)(1)(C) of Code Section 40-6-20.

**CODE SECTION 40-14-21 12/03/01.**

**(This code section sets the requirement for a local ordinance allowing the use of traffic-control signal monitoring devices and the restrictions on the use of funds collected for the use of these devices.)**

(a) The law enforcement agency of any county or municipality shall not use traffic-control signal monitoring devices unless the chief law enforcement officer of such county or municipality desires the use of such devices and such use is approved by the governing authority of the county or municipality. The governing authority of the county or municipality shall conduct a public hearing on the proposed use of such devices prior to entering any contract on or after July 1, 2001, for the use or purchase of such devices.

(b) No county or municipal governing authority shall be authorized to use traffic-control signal monitoring devices where any arresting officer or official of the court having jurisdiction of traffic cases is paid on a fee system. This subsection shall not apply to any official receiving a recording fee.

(c) If a county or municipality elects to use traffic-control signal monitoring devices, no portion of any civil monetary penalty collected through the use of such devices may be paid to the manufacturer or vendor of the traffic-control signal monitoring devices. The compensation paid by the county or municipality for such devices shall be based on the value of such equipment and shall not be based on the number of citations issued or the revenue generated by such devices.

(d)(1) A traffic-control signal monitoring device shall not be used by a law enforcement agency unless the law enforcement agency employs at least one full-time certified peace officer.

(2) Failure of a law enforcement agency to continue to meet the standards provided by this subsection shall cause such agency to be ineligible to use traffic-control signal monitoring devices.

**CODE SECTION 40-14-22 12/03/01.**

**(This code section sets the requirements for testing the equipment for accuracy and recording and maintaining the test results)**

The timing of any traffic-control signal which is being monitored by a traffic-control signal monitoring device shall conform to regulations promulgated by the Department of Transportation pursuant to Code Section 32-6-50. Each county or municipal law enforcement agency using a traffic-control signal monitoring device shall at its own expense test the device for accuracy at regular intervals and record and maintain the results of each test. Such test results shall be public records subject to inspection as provided by Article 4 of Chapter 18 of Title 50. Each such test shall be made in accordance with the manufacturer's recommended procedure. Any such device not meeting the manufacturer's minimum accuracy requirements shall be removed from service and thereafter shall not be used by the county or municipal law enforcement agency until it has been serviced and calibrated at the expense of the law enforcement agency by a qualified technician.

**CODE SECTION 40-14-23 12/03/01.**

**(This code section sets the requirements for signing)**

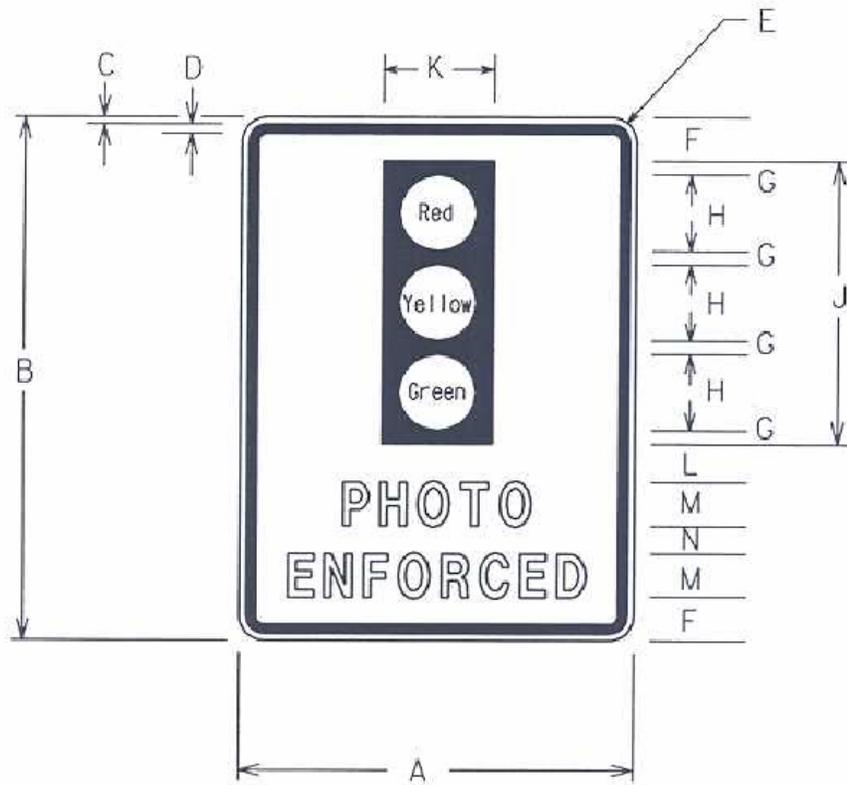
Each county or municipality using traffic-control signal monitoring devices shall erect signs on every highway which comprises a part of the state highway system at that point on the highway which intersects the jurisdictional limits of the county or municipality. A sign shall be erected also by such entity on each public road on the approach to the next traffic-control signal for such road when a traffic-control signal monitoring device is monitoring such next signal for such road. Such signs shall be at least 30 inches by 30 inches in measurement and shall warn approaching motorists that traffic-control signal monitoring devices are being employed.

**CODE SECTION 40-14-24 12/03/01.**

**(This Code Section sets the reporting requirements for the use of traffic-control signal monitoring devices.)**

Each county or municipality using any traffic-control signal monitoring device shall submit not later than February 1 of each year a report on such use during the preceding calendar year to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives. Such report shall include, without limitation:

- (1) A description of the locations where traffic-control signal monitoring devices were used;
- (2) The number of violations recorded at each location and in the aggregate on a monthly basis;
- (3) The total number of citations issued;
- (4) The number of civil monetary penalties and total amount of such penalties paid after citation without contest;
- (5) The number of violations adjudicated and results of such adjudications, including a breakdown of dispositions made;
- (6) The total amount of civil monetary penalties paid; and
- (7) The quality of the adjudication process and its results.



SIGN	DIMENSIONS (INCHES)												
	A	B	C	D	E	F	G	H	J	K	L	M	N
36 x 48	36	48	5/8	7/8	2-1/4	4	1-1/4	7	26	10	3-1/2	40	2-1/2

COLOR

BORDER, LEGEND & SYMBOL - BLACK (Non-Reflective)  
 SYMBOL CIRCLES - RED, YELLOW, & GREEN (Reflective)  
 BACKGROUND - WHITE (Reflective)