

Billings City Administrator Weekly Report

January 13, 2024

1. **RVU Veterinary School & Animal Shelter Collaboration** – Big Sky Economic Development, the city and county met with leaders from Rocky Vista University and the animal shelter. RVU announced plans to open Montana's first college of veterinary medicine in Billings. In addition to the expansion on RVU's medical school campus, the veterinary program wants to collaborate with the animal shelter to provide community veterinary services and student training adjacent to a new animal shelter. The undeveloped Wilson Park (~15 acres south of the Western Sugar Cooperative east of Riverside Road) is the preferred location. Staff will bring a proposal to the council in February for your consideration. Both facilities want to open in 2026.
2. **Heights Water District Meeting** – We discussed the enclosed attorney general's opinion concluding that the City can require HWD to acquire a permit to dig in the right of way. We discussed the Dover Ranch development being served water directly from the city. We also agreed to present in writing changes we want to see in our agreement for services at our next meeting in March. Our requests continue to focus on annexation, water limitations and contract expiration.
3. **Legislative and Local Affairs Committee** – guests shared ideas regarding prevailing wage requirements and contractor preferences for locals and those with apprenticeship programs. They referenced regulations consistent with their requests from Wyoming, Missoula and Helena.
4. **CJCC Meeting** – Judge Carter summarized the impacts of opening an arraignment court. The commissioners are evaluating a proposal for a short-term hold facility and hiring CGL to assist with the jail expansion.
5. **Zoo Drive Improvements** – Please see the attached flyer on the Zoo Drive Improvements.
6. **City of Billings Grant Funding Update** – Please see the attached grant update on the 25th Street Pedestrian Bridge.
7. **Park and Recreation News** - Winter recreational activities kicked off after the first of January. Over 100 third to fifth grade boys are participating in youth basketball, with 15 coaches at 3rd grade schools, games will begin soon. Adult basketball began with 62 teams, 548 men and women playing games hosted at all 6 middle schools. Adult coed Volleyball has approximately 200 participants. Registration for girls Youth volleyball has started and play will begin in February.

Shelter rentals and Park use permits opened after the first of the year. Popular dates around high school graduation and the summer holidays are rapidly filling up for all locations. Call the Parks and Recreation office at 406-657-8372 to reserve your location.

Parks Maintenance staff have started constructing the ice rink at Veterans Park. If the cold weather continues a usable surface should be ready later in January. Staff have also been adding engineered wood fiber (fall protection material) to playgrounds and will continue once more material is available. This improves safety at all the playgrounds across the city.

Park construction projects have slowed with the Holidays and cold weather, but design and planning continue. The design for Castle Rock's parking lot is nearing completion and concepts for the restroom are being prepared. The parking lot should be ready to go to bid by the end of January. The design at Pioneer Park for the reconstruction of the 6 tennis courts is progressing, this project should go to bid later in February. Bids are due soon for the work at Poly Vista with construction starting this spring. (Please see the attached chart showing the status of all the Park projects across the city.)

- 8. Inner Belt Loop Construction Progress Update** - Riverside stopped working the week before Christmas and the project is in winter shut-down until spring. Temporary gates and road closed barricades have been placed on both ends of the project to keep traffic out during the winter shut-down. We are frequently checking both ends of the project to make sure the gates and barricades are still in place.

Riverside has completed all the associated earthwork for the project. All disturbed areas have been seeded, and where needed, erosion control fabric has been placed to prevent erosion until the grass is established. All the storm drain, culverts, and stock passes have been installed. The multi-use path and roadway have been graveled. The right-of-way has only been fenced on one side (the side without the multi-use path), the other side will be fenced after the multi-use path is paved.

Riverside will be back this spring to pave the roadway and complete the fencing. The asphalt plants don't usually open until mid-April, so we anticipate Riverside to start working again around that time frame.

- 9. Red Light Camera and/or Photo Radar Program Implementation** – Please see the attached memorandum regarding Red Light Cameras.
- 10. Billings Public Library Second Quarter Statistics** – Please see the attached Library Second Quarter Statistics.
- 11. Next Week's Meetings/Task Forces**
- a. Martin Luther King Day – Monday, January 15th, City offices will be closed.
 - b. West End Task Force, Tuesday, January 16th 7:00 PM, Connections Church.
 - c. Southside Task Force, Thursday, January 18th 6:30 PM, Hope Center.
 - d. Central/Terry Task Force, Thursday, January 7:00 PM, Topline Hair.
- 12. 2024 Council Meeting Schedule** – Please see the attached Council Meeting schedule for upcoming items on the agenda.

13. New City Hall Update –

5th Floor

Start installing storefront frames.

WCT-3 panels installed for radius ceiling panel install.

Started hanging acoustic ceiling panels in council chambers.

Electrical wall trim out.

Data trim out and set data rack south end.
Heat exchanger work in fan room.
Started install of new air handler unit.
Tile and grout main restroom group.
Abatement of south wall in elevator lobby.
Took delivery of radius ceiling panels for council chambers.
Completed west elevation window replacement.
Started framing on exterior walls north end.

4th Floor

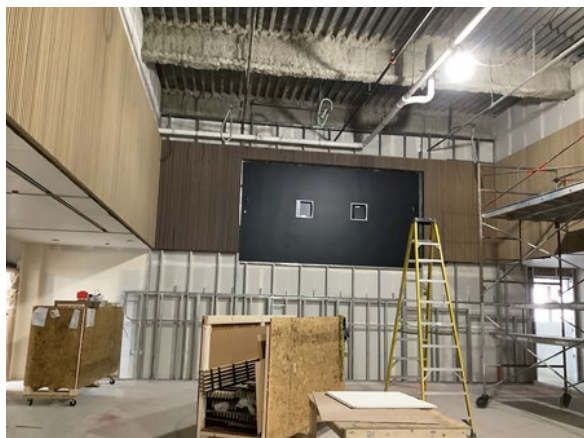
Finished hard lids and soffits and sanded out.
Transformer work in central electrical room.
Lighting control and wire make up for lights.
Mixing box room framing in fan room.
Install remaining glass in hollow metal frames.
Ceiling grid install.
Install fire sprinkler flex heads in ceiling grid.
Took delivery of casework.
Started window replacement at NE corner.

2nd Floor

Started pulling home run wire.
Low voltage wiring and devices.
Courtroom soffit framing.
Acoustic panel grid framing started in courtrooms.
Primer touch up south end.
Start painting walls south end.
Taping finish and start sanding north end.

1st Floor

HVAC overhead rough in.
Hydronic piping to VAV's.
Waste and vent rough in main restroom group.





14. City Communications –

Code Enforcement launches monthly blog

<https://bit.ly/CodeEnforcementCorner>

What you need to know about water main breaks

<https://www.facebook.com/billingsmtpublicworks/posts/pfbid02vCoKRPaCZC1aEcyCQtoaF6dqX7Eiq2nRERx27JbyjVh77yuxz2t5FC4acdVnd3PYI>

Community 7: Emergency Management 2024

https://youtu.be/QTrMOHu8kr4?si=L_zpDXP-EiFPmHJP

25th Street Pedestrian Bridge grant update

<https://www.billingsmt.gov/DocumentCenter/View/50883/25th-Street-Pedestrian-Bridge>

Billings Fire Department reminds drivers and passengers to buckle up

<https://www.facebook.com/photo/?fbid=761842085990610&set=a.245649930943164>

Ribbon cutting scheduled for Lockwood Library Express Locker

<https://fb.me/e/1Rkj8Dh8R>

Panel discussion and tours scheduled for library's 10th anniversary

Panel event link: <https://fb.me/e/7cxzvAf3q> & tour info:

<https://www.facebook.com/photo?fbid=773015224853615&set=a.551966893625117>

Billings PD Weekly Brief

<https://www.facebook.com/photo?fbid=760844209410693&set=a.226302889531497>

King Avenue West fatal crash press release

<https://www.facebook.com/photo?fbid=759578729537241&set=a.226302889531497>

SD2 hosts law enforcement appreciation breakfast

<https://www.facebook.com/BillingsPD/posts/pfbid074cgzcvKox94A5pJyKkvvZMFMneATPmtCeLhcMHTECtpg6hbAk9mPMmV47xiZwFI>

BPD

Fundraiser set up for teen killed in Friday crash; 5th teen killed in 3 weeks

https://billingsgazette.com/news/local/billings-king-avenue-15-year-old-teens-speeding-billings-king-avenue/article_6e73debc-acb8-11ee-8f75-b37bebef6adf.html

Man shows up at Billings hospital with gunshot wounds, police investigating

<https://www.ktvq.com/news/crime-watch/man-shows-up-at-billings-hospital-with-gunshot-wounds-police-investigating>

Domestic Violence Support in Billings

https://www.nonstoplocal.com/billings/news/domestic-violence-support-in-billings/article_9aede93c-a02f-5abc-bc60-78f7f7b61eaf.html

BPD Community Service Officer program is helping to speed up vehicle crash report times

https://www.kulr8.com/montana/bpd-community-service-officer-program-is-helping-to-speed-up-vehicle-crash-report-times/article_3151b5ea-ab4b-11ee-8ec1-efe154b3e4c3.html

PW

Billings sees 10 water main breaks in less than a week; homeowners urged to be prepared

<https://www.ktvq.com/news/local-news/billings-sees-10-water-main-breaks-in-less-than-a-week-homeowners-urged-to-be-prepared>

BFD

Learn how you can keep your home fire safe this winter season

https://www.kulr8.com/bozeman/learn-how-you-can-keep-your-home-fire-safe-this-winter-season/article_3d3508c4-b0c0-11ee-b8d3-0b89a506026f.html

Photo: Rollover accident near downtown Billings flips truck

https://billingsgazette.com/news/local/photo-rollover-accident-near-downtown-billings-flips-truck/article_62237162-b01f-11ee-83ee-13cc7a7b05de.html

City Council

Commissioners look at addition for Yellowstone County Jail

<https://www.ktvq.com/news/local-news/commissioners-look-at-addition-for-yellowstone-county-jail>

In other news....

New veterinary school to be launched by Rocky Vista University

https://billingsgazette.com/news/local/education/veterinary-school-billings-rocky-vista-university/article_ed7670ac-b097-11ee-bd0e-e3e9348e3b74.html

Participants in mental health meeting complain of inefficient access to resources

https://billingsgazette.com/news/participants-in-mental-health-meeting-complain-of-inefficient-access-to-resources/article_f4f6b7c8-b016-11ee-b169-0be662956d72.html

Volunteers needed to count homeless people for 2024 point in time count in Yellowstone County

https://www.kulr8.com/news/volunteers-needed-to-count-homeless-people-for-2024-point-in-time-count-in-yellowstone-county/article_586fe486-afeb-11ee-b1c2-eb3ea4398eae.html

Feelin' the blues: Magic City Blues festival won't return this year

https://billingsgazette.com/news/local/feelin-the-blues-magic-city-blues-festival-wont-return-this-year/article_8728a730-b02d-11ee-94cc-d30a59d22ff0.html



VOLUME NO. 59

OPINION NO. 1

MUNICIPALITIES: Municipalities retain the right to require permits from a Water District which contracts with the city for water for excavation of city water lines in city streets and rights-of-way;

WATER DISTRICTS: A water district which contracts to receive its water from a municipality must obtain a permit from the city to excavate waterlines within the city;

MONTANA CODE ANNOTATED: §§ 7-1-112 (3), 7-13-2201, 7-13-2218, 7-13-2219, 7-13-2220, 7-13-4104, 7-14-116, 7-14-4121.

HELD: The Water District must apply and pay for permits from the city prior to excavating in the right-of-way on property owned by and under city management.

November 17, 2023

Gina Dahl, Esq.
Billings City Attorney
P.O. Box 1178
Billings, MT 59103

Ms. Dahl:

[P1] You have requested an Attorney General Opinion on a question I have restated as follows:

Whether § 7-13-2220 MCA, and § 7-1-112(3) MCA, prohibit the City of Billings (City) from requiring a county water district to obtain a permit from the City to excavate in City streets and other public rights-of-way pursuant to City ordinances and state law?

[P2] In preparing this Opinion, I have considered the analysis in your legal memorandum accompanying your request for an Attorney General Opinion and comments received in this office.

[P3] According to the City, the County Water District of Billings Heights (District) was created in 1958 under MCA § 7-13-2201 as a separate unit of local government distinct from the City. The District contracts with the City to receive municipal water service from the City's municipal water system.

DEPARTMENT OF JUSTICE

215 North Sanders
PO Box 201401
Helena, MT 59620-1401

(406) 444-2026
Contactdoj@mt.gov
mtdoj.gov

[P4] The City claims that the District traditionally obtained permits required by the city code to excavate in city streets and other rights-of-ways to access the water lines. The District recently decided that it will no longer apply for, or pay for, permits. The District cites MCA § 7-13-2220 and § 7-1-112(3) as authority exempting it from those permits.

[P5] I. The Law on Right-of-Ways, City Streets, and Utilities

Existing statutes define the *general powers* of a water district (MCA § 7-13-2217), and further define the *specific powers* related to construction of water projects (MCA § 7-13-2218).

[P6] The district board of directors may construct water works across natural and manmade obstacles. MCA § 7-13-2219.

The board of directors shall have power to construct works across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume which the route of said works may intersect or cross; provided such works are constructed in such manner as to afford security for life and property; and said board shall restore the crossings and intersections to their former state as near as may be or in a manner not to have impaired unnecessarily their usefulness.

[P7] The legislature limited this authority by requiring the district "afford security for life and property" during construction. *Id.* And the district must "restore the crossing and intersections to their former state." *Id.*

[P8] The permitting process allows the City of Billings to ensure that life and property are not jeopardized during excavation, and that the road surface is restored to its former condition.

[P9] The legislature granted water districts a right-of-way across state owned lands for the construction and maintenance of district water works. MCA § 7-13-2220.

The right-of-way is given, dedicated, and set apart to locate, construct, and maintain district works over and through any lands which are the property of this state, and the district has the same rights and privileges relating to the right-of-way as are granted to municipalities.

[P10] The statutory language limits the rights and privileges to those granted to municipalities in MCA § 7-13-4101. That section in turn provides:

(1) The city or town council has power to permit the use of the streets and alleys, other property, rights-of-way, utility corridors, or easements of the city or town for the purpose of laying down gas, water, and other mains and broadband infrastructure, *but excavations may not be made for this*

purpose without the permission of the council or its authorized officer.
(emphasis added)

[P11] The difference in the rights and privileges granted to municipalities is highlighted by MCA § 7-14-4121, which specifically grants to municipalities the power to regulate public grounds:

Maintenance and regulation of public grounds. The city or town council has power to provide for enclosing, improving, and regulating all public grounds belonging to the city or town.

[P12] Taken together, these statutes grant a county water district the power to construct and maintain water works across natural and manmade obstacles. The water district also possesses a right-of-way across state lands for this same purpose.

[P13] However, the power to regulate public grounds rests with the owner, and excavation may be made without the permission of an authorizing officer.

[P14] The statutes leave some ambiguity to the meaning of the "same rights and privileges" in MCA § 7-13-2220. One interpretation is that the phrase confers a like power to the water district board to authorize excavations just as the city council possesses in MCA § 7-13-4101. The other interpretation is that because both the municipality and water district possess a right-of-way over the same crossing, the municipality possesses a greater specific authority to permit excavations of that crossing. The second interpretation must be correct under current law.

[P15] The power of the City to impose upon the water district the duty to obtain a permit for excavation of a city street is granted in MCA § 7-1-112 (3) which provides in part:

A local government with self-government powers is prohibited the exercise of the following powers *unless the power is specifically delegated by law*:
(3) the power to impose a duty on another unit of local government, except that nothing in this limitation affects the right of a self-government unit to enter into and enforce an agreement on interlocal cooperation; (emphasis added)

[P16] The legislature vested the City with the power to regulate public grounds, and to require permission from its council, or authorized officer, prior to excavation of its streets for any of the utilities identified in MCA § 7-13-4101. Notwithstanding the conditional grant of power and right-of-way to the water district, the City may lawfully impose the duty on the water district to obtain a permit prior to excavation.

[P17] Other statutes support the conclusion that cities retain authority over access to and construction in the right-of-way. For example, MCA § 7-14-4102 provides:

The city or town council may:

(1) except as provided in 7-14-4116, regulate and prevent the use or obstruction of streets, sidewalks, and public grounds by signs, poles, wires, posting handbills or advertisements, or any obstruction;

[P18] Similarly, MCA § 7-14-4104 supports this conclusion that the city has broad power to ensure the integrity and safety of its streets:

Except as provided in 7-14-4116, the city or town council may prevent the encumbering of streets, sidewalks, alleys, or public grounds with obstacles or materials.

[P19] This additional statutory evidence reflects the category of powers specifically delegated by law to cities in MCA § 7-1-112.

[P20] While there are no cases interpreting the statutes discussed above in the context of your question, cases discussing the liability of municipalities for defects in city owned property emphasize the role the police power to regulate has in imposing liability on municipalities for known defects caused by others.

[P21] In *Lazich v. Butte*, 116 Mont. 386, 154 P.2d 260 (1944), a case involving a damaged wooden sidewalk, the Montana Supreme Court found that the building permit process did not create an agency relationship between the city and the permit holder. Rather, the issuance of the permit provided constructive notice to the city of the construction. In recognition of the broad, nondelegable, power to police and administer city property, the court stated:

City ordinances enacted by municipal organizations requiring that a permit shall be obtained from the municipality before any building shall be erected or repaired, or any other work of a similar nature or kind is begun, within the corporate limits of the municipality, are regulations established pursuant to and in the exercise of the police powers vested in municipalities. . . . Section 5039.37 empowers city and town councils to prevent encumbering sidewalks with obstacles and material and such legislative grant carries the implied power to compel observance of such regulation. This means that the enforcement of this regulation must be made effective by the officers or employees of the municipality.

Lazich, 116 Mont. at 389, 154 P.2d at 261.

[P22] The rationale underlying the exercise of the police power to regulate construction, the requirement of building permits, and the city's liability for defects in city property it has knowledge of, applies equally to excavation of city streets by third parties.

[P23] II. Policy Considerations

Cities have the power and responsibility to regulate what goes on the streets within their jurisdiction which is entrusted to them by the State of Montana. While the District has the power to construct and maintain critical infrastructure on state land, that legal right does not change the activities on streets by the people of Montana. The people must still be able to go to work, places of worship, engage in commerce, go to school, and carry out their everyday lives. As the local level of governance, cities are in the best position to manage (and are the most answerable to) the competing interests that occur within their communities. They are simply the best choice to manage the day-to-day activities of the city and know how to use the streets in the most efficient way.

To facilitate this activity of the people, the State of Montana has vested authority in municipalities to regulate and police the activities occurring on these streets so they can be utilized in the most efficient and safest way possible. With the power to regulate the activity occurring on streets also comes the liability. Cities have a non-delegable public duty to keep city streets in a reasonably safe condition for public travel. A city cannot delegate its liability to the water district for potential mistakes that may occur. Since the City retains responsibility for maintaining the streets within its municipality, logic would suggest that the City must have the power to issue or deny permits for all road work done on the streets it is responsible for managing.

[P24] Both the legal and policy implications overwhelmingly support the conclusion that the City has the authority to require the District to apply for permits to excavate on streets managed by the City. The permit requirement is a simple recognition of the nature of the City's general police power and the corresponding power to regulate by requiring permits. Statutory and case law provide the City is responsible for, and therefore is the arbiter of, what occurs on streets entrusted to it by the State of Montana. Policy considerations suggest a contrary opinion would lead to adverse situations where excavation could occur without notice to the City and its inhabitants. Absent the advance notice afforded by the permit process the City would not be able to manage its exposure to liability, and restoration of the roadway affected by excavation.

THEREFORE, IT IS MY OPINION:

The District must apply for and pay for permits from the City to excavate city streets. MCA § 7-13-2220 can be reasonably read to not conflict with MCA § 7-13-4101. The requirement to obtain a permit to excavate water lines on city property does not infringe upon the Water District's right to lay and maintain their water lines.

Sincerely,

/s/ Austin Knudsen
AUSTIN KNUDSEN
Attorney General

ZOO DRIVE

IMPROVEMENTS



PROJECT OVERVIEW

The Montana Department of Transportation (MDT) is developing plans to upgrade the Zoo Drive corridor in 2025. The purpose of the *Zoo Drive Improvements* project is to enhance roadway safety features and traffic flow between Shiloh Road and South Frontage Road. The proposed project also includes work on Gabel Road, near Hampton Inn & Suites, to accommodate an additional southbound left-turn lane from Gabel Road onto Zoo Drive, toward Interstate 90 (I 90).

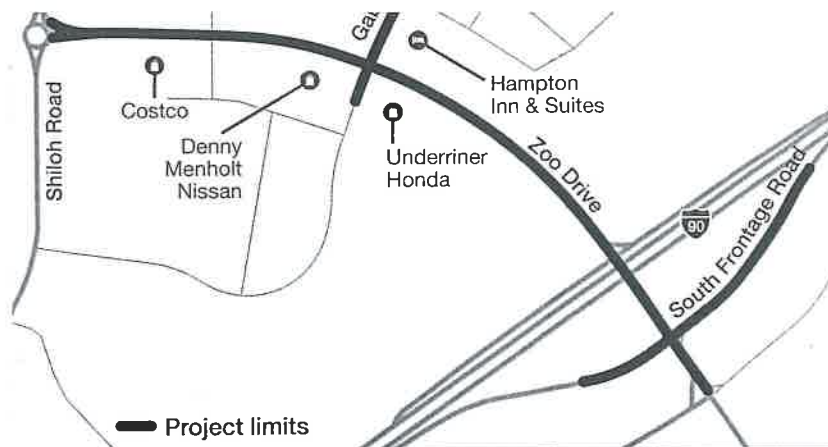
Anticipated improvements include:

- Widening and reconfiguring Zoo Drive to a five-lane roadway with two lanes in each direction and a center turn lane.
- Pavement marking modifications.
- Intersection improvements.
- Traffic signal upgrades.
- Median modifications.
- Additional connectivity for pedestrians.
- Americans with Disabilities Act (ADA) upgrades.
- Partially widening the eastbound I 90 ramps.

WHAT'S NEXT?

The *Zoo Drive Improvements* project is currently in the design and planning phases. Construction is expected to begin in 2025. Once construction begins, minor disruptions to traffic are expected.

To receive updates as the project continues, please email zoodrive@dowl.com to be added to our email list.



📞 406-577-7781

✉ zoodrive@dowl.com

🖱 www.mdt.mt.gov/pubinvolve/zoodrive

📄 Scan the QR code on the right to view project information and to sign up for updates.



Alternative accessible formats of this document will be provided on request. Persons who need an alternative format should contact the Office of Civil Rights, Montana Department of Transportation, 2701 Prospect Avenue, PO Box 201001, Helena, MT 59620. Telephone 406-444-5416 or Montana Relay Service at 711.



Update on Grant Funding Requested by the City of Billings January 2024

25th Street Pedestrian Bridge



Proposed 25th Street Pedestrian Bridge spanning the railroad tracks and rail yard between Minnesota Avenue on the south and Montana Avenue on the north.
Image credit: Artist Rendering provided in the September 2001 25th Street Pedestrian/Bike Bridge Master Plan presented by High Plains Architects.

Since at least 1997, efforts have been made to provide a pedestrian overpass at 25th Street downtown. The overpass would connect the neighborhoods on the south side of the Burlington Northern-Santa Fe rail yard with neighborhoods and services on the north side. The project would incorporate a 1901 Warren truss style bridge that is currently stored in a field in Joliet. The bridge is 18 feet wide, 111 feet long, and 20 feet high. It served as a horse and buggy bridge across Rock Creek until removed from service in 1988. The project was nearly built in 2014 as grant funding was secured, but bids came in much higher than anticipated. Another opportunity for grant funding arose in September 2023. The City submitted an application for a federal Neighborhood Access & Equity (NAE) grant in the amount of \$5.5 million. If awarded, 100% of the cost would be funded by the grant. The City anticipates an award notice in late February.

More About This Project

The 25th Street Pedestrian/Bicycle Bridge as currently planned will:

- connect Montana Avenue and Minnesota Avenue at 25th Street North and 25th Street South.
- utilize a 1901 truss-style rivetted steel bridge from Joliet.
- include elevators and stairs on each side of the span.
- allow pedestrians and bicyclists to connect on an elevated railroad crossing – the only separated, non-road grade pedestrian/bicycle crossing in the downtown core.
- provide a downtown attraction for residents and visitors, to include oversize vehicle parking on Minnesota Avenue.
- provide trees, plants, and artwork in small plazas on both sides of the bridge.
- the City should receive notice regarding the grant award decision in February.

To learn more about this project, contact:

Ted Wilson
City of Billings Grants Administrator
406-869-3997
wilson@billingsmt.gov

Januray 11th, 2024 progress report

Park	Progress	Project	Status	*updated information for this week
	Started ----->	Completed		
*Arrowhead playground replacement	<div></div>		*Project complete final payment invoice submitted	
*Castle Rock playground addition	<div></div>		* Warrantied swing set parts received, swing set reinstalled on 1/5/23	
Castle Rock parking lot & restroom	<div></div>		Met with consultant 12/20/23, consultant working to finalize design	
Central tennis courts replacement	<div></div>		Submitting LWCF paperwork for project reimbursement	
Comanche playground replacement	<div></div>		Playground complete and open to the public	
Cottonwood Park masterplan	<div></div>		Presented at November 8th Park Board meeting and approved for recommendation to City Council	
Coulson Park South Improvements	<div></div>		Received approval from US Army Corps of Engineers, proceeding with design	
Gorham irrigation automation	<div></div>		Pump station being shipped by manufacture for installation	
Grandview irrigation automation	<div></div>		Advertised twice, no bids both times, rebid at a later date	
Highland playground replacement	<div></div>		Playground equipment was delivered, installer under contract for Fall completion	
Millice irrigation automation	<div></div>		Sealed bids opened, project over budget, rebid at a later date	
North Park adult exercise & shelter	<div></div>		Building permit application was returned 12/21/23, working with consultant on corrections	
North Park playground replacement	<div></div>		Old playground equipment removed, sight cleared in preparation for install of new playground	
North Park restroom replacement	<div></div>		Concrete restroom placed on pad 12/8/23, Contractor continuing work to connect all services to building	
Pioneer Park tennis courts replacement	<div></div>		Met with consultant to discuss status of design 1/3/24, consultant expects to have core sample results back by the end of january	
Poly Vista inclusive playground and parking lot	<div></div>		Final bid documents reviewed, posted for bid on 12/7/23	
Ponderosa irrigation automation	<div></div>		Final walkthrough complete, system fully operational	
Rose Park pool spray equipment replacement	<div></div>		Spray equipment delivered, contractor being scheduled for installation	
Skypoint sail replacement	<div></div>		Structural Engineer's report completed, proceeding with recommended repairs prior to painting	
Aquatic Facility Assessment	<div></div>		Consultant performed on site visits and are compiling information for assessment	

Memorandum

To: City Council through CA Volek

CC:

From: Chief St. John

Date: 1/10/2024

Re: Council Initiative regarding Red Light Cameras and/or Photo Radar

RED LIGHT CAMERA AND/OR PHOTO RADAR PROGRAM IMPLEMENTATION

Red light camera systems and photo radar are two measures available to traffic engineering, enforcement, and safety professionals, that when properly applied, may be effective in the reduction of certain types of collisions at signalized intersections and speeding in general. Red light camera/photo radar systems have had the greatest success and highest levels of support in communities where they have been implemented as one element of an overall traffic safety management program. There are several key steps to successfully implementing a red light camera/ photo radar system program.

EARLY PLANNING AND STARTUP

The development of a successful red light camera/photo radar program will be based on the systematic analysis of crash data, together with data on citations issued to motorists for red light running, speeding, and inputs from the general public. The objective is to identify locations where red light and speeding violations contribute to crashes.

The key elements recommended for the early planning and startup of a red light camera/photo radar program are as follows:

- * Establish a Steering Committee.
- * Establish Program Objectives.
- * Identify the Legal Requirements.
- * Assess System Procurement Alternatives.
- * Establish Public Awareness and Information Campaign.

Steering Committee of Stakeholder Group Representatives

Any community considering the implementation of a red light camera/photo radar system should first establish a steering committee inclusive of all stakeholders.

The Steering Committee serves to establish broad based program objectives and to monitor program results. The appropriate participants will vary by community and would typically include representatives from the following organizations:

- * State Department of Motor Vehicles.
- * State and local Police and Sheriff's Department.
- * Traffic Engineering Department.
- * Public Works Department.
- * City, County, or State's Attorney's Office.
- * City, County, or State Public Information Office or Community Affairs.
- * Judiciary.
- * Photo Enforcement Services Contractor, if one is hired.
- * Selected Community Representatives.
- * Selected outside Agency Representatives, such as a local Automobile Club.

A high level of quality control and on-going coordination of activities is required for the operation and maintenance of photo enforcement systems. The program also has significant visibility with the community at large and with their elected officials that require coordination to effectively communicate the program's objectives and program results.

Red Light Camera/Photo Radar Program Objectives

The Steering Committee should define as clearly as possible the red light camera/photo radar program objectives. While it is clear that the overall objective of any program is the reduction of collisions at signalized intersections resulting from red light running and issues related to speeding, program objectives should address specific operational needs.

Legal Requirements

Prior to initiating a red light camera/photo radar program, legal aspects and requirements should be identified. Red light camera/photo radar systems pose legal questions and concerns, the answers to which may vary from State to State. In particular, privacy, citation distribution, and types of penalties need to be thoroughly addressed and resolved prior to the startup of a red light camera program. (See Addendum for Billings' legal opinion.)

Presently, there are two approaches that have been adopted by States in the deployment and operation of red light camera/photo radar systems:

* **Driver Responsibility.** Where the government entity alleges that a driver has committed a violation and receives a citation, there should be photographic evidence that allows the driver to be identified. This requires that one or more red light camera(s) is/are located so that a frontal view of the vehicle is recorded as it runs the red light. Further, the recorded view should allow the driver and vehicle identities to be clearly determined. If the recorded view of a driver is obstructed or not clear, no citation should be issued. Additionally, a method should be provided through which the registered owner can certify that he or she was not the driver at the time of the violation. A photo radar system functions the same way except that excessive speed trips the camera.

In States where red light camera/photo radar systems are applied as described above, infractions are considered to be moving violations with citations carrying the same penalties as citations issued by law enforcement officers, including "points" and holds on vehicle registration or driver license renewals for unpaid fines.

* **Registered Owner Responsibility.** Where the registered owner is responsible for the citation, only photographic evidence that identifies the vehicle, usually from the rear, and its license number is required. Typically, States where red light camera/photo radar systems have been adopted in this manner have enacted legislation at the State level that authorizes the use of red light camera

systems or permits local agencies to enact local ordinances for use of red light camera systems.

System Procurement Alternatives

There are a number of alternatives available to State and local agencies for the development and operation of red light camera/photo radar programs. A State or local agency may take full responsibility for system operations and citation processing functions or elect to outsource these functions to a private contractor. Where a private contractor is responsible for installation and operation of the red light camera equipment, the State or local agency should establish the necessary procedures so that the agency has complete oversight and day-to-day supervision of the program.

Where a private contractor is responsible for the processing of citations, compensation to private vendors based on the number of citations issued should be avoided. In multiple jurisdictions, the courts have determined that it is inappropriate for the private contractor to be responsible for determining installation locations and operation of the system because of an appearance of a conflict of interest. This conflict of interest should be avoided in all phases of the system installation and operation: startup, design, installation, operation, and maintenance. At all times, the State or local agency should verify and exercise complete oversight of all actions of the private contractor.

Some agencies are compensating their system vendors based on a flat fee per location per time period. Others have installed and operated their own systems. It may also be appropriate to pay a vendor to operate and maintain an agency-designed and -implemented system. Compensation should be based solely on the value of the equipment or the services provided.

Public Awareness and Information Campaign

Education on improving traffic safety is a crucial component for any significant change to occur with traffic control systems. Appropriate educational elements should be applied regardless of the chosen solution. For red light camera programs, often the initial educational program includes issuance of warning citations to likely violators for limited period, and clear public communication of the date on which warning citations will be halted and actual enforcement citations will begin. However, education and media outreach efforts should continue throughout the life of the program to keep the public informed of results and need for safety vigilance. Ongoing awareness of the presence of enforcement measures is important to deterrence and long-term behavior changes.

It is recommended that an information campaign is needed to accomplish three objectives in connection with the implementation of red light camera/photo radar programs. First, public awareness and information should make citizens more aware of their driving habits and safety consequences of running red light and speeding. This should stimulate a voluntary change in behavior at signalized intersections and areas prone to speeding. Second, communications should be through a variety of media with the public and elected officials to explain program objectives, as well as program results. This is critical to gain public support for program expansion. Lastly, public awareness and information should provide motorists with advance warning that there is increased enforcement. This, by itself, may cause a change in driver behavior, but should describe the effectiveness of the systems. Without an effective educational campaign, motorists may be surprised or confused when they receive a citation. If questions or concerns can be effectively answered through written, telephone, or web-based information, motorists receiving citations will be more supportive of the program and less likely to question the program's overall objectives.

The public awareness and information campaign should encompass the following elements:

* Clear description of the operation of the red light camera/photo radar equipment in non-technical terms.

- * Clear statement of the program objectives.
- * Description of the advantages of automated enforcement.
- * Explanation of other measures being taken to improve safety at intersections.
- * Description of the use of the red light camera/photo radar program revenues.

The public awareness and information campaign may be developed using the following methods:

- * Outreach efforts to employers, schools, driver education, local community groups, and all area media.
- * Telephone and web-based information centers that include a hot-line for calls about intersection problems and traffic safety concerns, in addition to handling inquiries regarding the operation of the red light camera/photo radar program.

An important aspect of the public awareness and information campaign is the direction provided for individuals who received citations on how to review their citation and/or view the photographic evidence.

It is also important for the success of the red light camera/photo radar program that traffic court officials, including judges, commissioners, and administrative support personnel, be fully informed about the program scope and operation. Officials who often conduct traffic court hearings may not be fully versed in the operation of the automated equipment. It is important that the appropriate documentation is prepared and submitted in a timely manner in the event an individual contests the citation in court. The increased use of electronic data transfers and viewing may be appropriate to ensure that the court packages are readily available when needed.

Public awareness and educational outreach efforts for employers, schools, driver education programs, and local community groups, as well as the media, are necessary. Reports of program results, emphasizing the achieved safety benefits, should be available and posted on the program web site and local newspapers. The campaign should employ various communications media designed to reach residents and commuters, including regular surveys to gauge public support and awareness, and should focus on a central message of improving traffic safety. An example of a safety message is to emphasize that red light camera systems can be applied as an effective tool to reduce collisions resulting from red light running.

SYSTEM PLANNING

Proper planning by a State or local agency will establish the foundation for a successful red light camera/photo radar system for detecting and documenting infractions. As appropriate, a State or local agency should solicit assistance from other public agencies where red light camera/photo radar programs have been successfully deployed, as well as from qualified consulting engineers with experience in red light camera/photo radar systems design and operations.

Violations Processing Procedure

The violation processing procedure should address the following aspects of the installation and operation of an automated system, and the processing of the recorded violations and citations issued:

- * Establish the enforcement threshold consistent with traditional enforcement methods.

- * The number of days allowable from the date of the violation occurrence before citations can be mailed, if different from applicable legal requirements.
- * How citations for commercial or rental car vehicles will be addressed.
- * Minimum vehicle speed threshold.
- * Should citation issuance be restricted to specific time periods or days of week only?
- * Maximum number of days before citations are reissued to violators following registered owners disputed responsibility and subsequent violator identification.
- * Clear specification of photographic data requirements for issuing citations, including the red signal indication and the time elapsed since onset of red.

The system design and installation should be consistent with the definition of a violation under the applicable State and/or local laws.

The installation should be consistent with other neighboring intersections under the jurisdiction of the responsible agency, so that vehicle operators are held to a uniform standard throughout the jurisdiction.

Site Selection

Sites selected for the installation of red light camera systems should be based on accurate crash and red light violations data. As discussed earlier, data regarding the total number of crashes may be used, although intersections with high numbers of collisions may not have a high number of crashes related to red light running. Violation data needs to be applied with some caution. Likewise, locations where it is known that there are high numbers of red light violations may not have corresponding high numbers of crashes related to the red light running. Heavily traveled intersections where with heavy left turn movements operated on protected left turn phases are often intersections of this type. Traffic volumes, except when used as a factor to determine the incidence of crashes or violations, are not a suitable measure for selecting locations for the installation of red light camera systems.

The installation of a red light camera system at a signalized intersection identified as having a red light running problem should be done when an engineering study of the intersection determines photo enforcement is an appropriate countermeasure to reduce the incidence of red light running.

Other criteria for red light camera system site selection may include recommendations from law enforcement and traffic safety professionals, citizens' complaints, and input from community groups. These criteria should be considered in conjunction with crash data and violations or citations data. Undesirable characteristics that will also affect decisions regarding the installation of red light camera systems include:

- * Driveways that restrict camera pole or auxiliary flash placement.
- * Approaches that are more than three lanes wide and double left turn lanes where views are more frequently obstructed.
- * Wide crossing streets where second photographs may not be taken at the predetermined location due to motorists speeding up and slowing down as they traverse the intersection.

When red light camera systems are in operation, law enforcement officials should place an emphasis

on routine enforcement of traffic laws and regulations that require visible and unobstructed display of license plates.

Site selection for photo radar will have the same considerations as red light cameras if the system will be stationary. However, there are photo radar systems that are portable and can be placed and moved randomly. By utilizing a photo radar system which can capture up to three photographs per second, speed enforcement efforts can concentrate on locations where either roadway dynamics or vehicle volumes make traditional patrol methods either unsafe or inefficient.

Warning Signs

Signs warning motorists that red light cameras/photo radar systems are being used are typically required by law or ordinance but, whether required or not, should be posted as part of the driver awareness and education process. These warning signs may be placed in the following locations at photo-enforced intersections:

- * In advance of photo-enforced intersections or streets.
- * At photo-enforced intersections, typically on the far side traffic signal pole.
- * On all approaches into an area where red light camera systems are used for red light running.

Warning signs placed on all approaches into an area, while used to satisfy legal requirements in some jurisdictions, are appropriate as supplemental warning signs but not as the primary warning for motorists. Advance warning signs should be installed at photo-enforced intersections. All advance warning signs should be clearly visible and compliant with all applicable requirements.

Traffic Signal Yellow Times

Yellow times should be established in accordance with applicable guidelines and any informational reports on methods for calculating yellow time intervals.

Changes in the yellow times after red light camera systems are in place and operational will affect the number of photographed violations, increasing the number of violations when yellow times are shortened and reducing the number of violations when yellow times are lengthened. Where changes in the yellow times at intersections with red light camera systems are required as the result of updated speed surveys or other factors, the changes should be clearly described in public information announcements. Providing warning notices for a reasonable amount of time after the change is particularly important for violations recorded at intersections where the yellow interval has been shortened.

System Selection and Technologies

The most widely used systems employ film-based cameras and inductive loop vehicle detection technologies. However, other automated technologies have become available over the past five years, most notably technologies that employ digital camera equipment where photographic data, including streamed video clips, may be immediately downloaded for processing using leased telephone line or microwave communications. Additionally, automated systems that use video-based and radar vehicle detection methods, as well as systems that employ overhead camera placements and floodlighting equipment as an alternative to the curb-based placements, are used by many State and local agencies. Photo radar can be packaged in a number of ways. The unit can be installed on a tripod, in a non-moving vehicle, or in a cabinet that is attached to a pole and can be moved from site to site.

A red light camera/photo radar system consists of the following on-the-street components:

- * Camera Units.
- * Intersection Lighting.
- * Camera Housing and Supporting Structure.
- * Vehicle Detection.
- * Communications.
- * Warning Signs.

Each of these components is reviewed in the following sections.

Camera Unit

There are three general types of cameras units used to automatically record red light violations. The types of camera units used in red light camera systems include:

- * 35mm Conventional Film Units.
- * Digital Still Picture Units.
- * Digital Video Units.

Camera Unit: Pros: Cons

35 mm

Pros: Best resolution

Cons: Collection and development of film

Digital Still

Pros: Digital format, Ease of use, No film collection or development

Cons: Needs communication links between cameras and processing center, Comparatively poor resolution

Digital Video

Pros: Provide video clips of alleged violations, Provides circumstances in which violations occur

Cons: Impression of surveillance, Needs communication links between cameras and processing center

Intersection Lighting

Additional intersection lighting is required in conjunction with the operation of the camera units. The additional lighting will need to be installed in accordance with the equipment manufacturer's specifications, as well as with State or local ordinances that govern the amount of lighting that is permitted in the driver's field of view.

For camera units that record violations with one or two photographs or digital images, flash units synchronized with the camera shutter provide additional lighting at the intersection at time of exposure so vehicle license plate and drivers, if local or State law allow, can be more clearly photographed. Typically, one flash unit is installed as an integral part of the camera housing. Additional flash units may be installed at intersections where there are more than two lanes being monitored or to maximize the amount of backlighting in the vehicle interior as it traverses the intersection.

For camera units that record a video clip for each violation, continuous additional lighting will be

considered. This may be provided by curb or overhead mounted lighting equipment, as specified by the equipment manufacturer.

Camera Housing and Supporting Structure

The types of camera housing and supporting structures will depend on the type of red light camera system being installed.

Curb-mounted red light camera systems, the most common type currently being employed by State and local agencies, need a camera housing enclosure that is mounted on a pole. The camera unit housing should be weather and damage resistant, and contain a locking mechanism to protect the system from vandalism. Additional poles may be employed for auxiliary flash lighting units. For digital camera systems, a separate enclosure for the data storage and communications equipment is also required at the intersection.

The poles for curb-mounted red light camera systems should be tall enough to provide the necessary angle of view to clearly record violations at the intersection. There are at least two types of poles currently in use. The first, a hinged pole, lowers the camera housing on a hinge located in the center of the pole. A second type, a solid pole, utilizes a motorized "elevator" to raise and lower the camera housing.

Overhead-mounted red light camera systems normally require curb-mounted poles with cantilever arms extending over the traffic lanes. Camera and flash units are mounted on the cantilever arms as required for system operation. Red light camera systems of this type provide an increased field of view that is especially advantageous for red light camera systems on wider arterial streets as well as enhanced lighting for enhanced photographic data quality.

Some jurisdictions have found that they can afford only a limited number of red light camera systems. By installing red light camera housings at problem intersections, and periodically moving the actual cameras from housing to housing, gives motorists the impression that cameras are omnipresent and reduces red light violations throughout the community.

Vehicle Detection

Vehicle detectors are used to trigger the camera to record a vehicle running a red light. Different vehicle detection technologies are available for this purpose.

Most red light camera systems employ pairs of inductive loops installed near the intersection at a location suitable for showing that a violation has occurred. It is critical for the system design and operation that the inductive loops be installed in the appropriate locations, consistent with the agency's definition of a violation. Red light camera systems may also employ piezo-elements, video-based equipment, or radar devices for vehicle detection and tracking, as an alternative to, or in conjunction with, inductive loop detectors.

The placement of the vehicle detectors is critical to the integrity of the red light camera system and the citations developed from the photographic data.

For red light camera systems that document violations with two photographs, the first photograph should be taken to show the motor vehicle that will be running the red light, at a location immediately before it enters the intersection against a red traffic signal indication. The vehicle detection equipment should be configured to detect the presence of the vehicle at the desired location and to initiate the first photograph being taken with the vehicle at that location. If the vehicle is detected after it has already entered the intersection, it cannot be determined with certainty from the photographs that the

vehicle entered the intersection illegally and consequently, a citation should not be issued. The second photograph is taken after the vehicle has entered the intersection, at a time interval after the first photograph calculated to provide the best view of the vehicle and its license plate, and where required, the driver's face.

For red light camera systems that document violations with video clips that show the vehicle running the red light continuously starting at a location before the vehicle enters the intersection against the red traffic signal indication, vehicle detection should be configured so that the video clip recording is initiated at an appropriate location.

The placement of inductive loop detectors immediately in advance of the intersection stop line for vehicle detection may require that existing stop line loop detectors used for the traffic signal operations need to be abandoned, relocated, or replaced with another type of vehicle detection system, such as video-based detection. Generally, a solution that accommodates vehicle detection requirements for both traffic signal operations and the red light camera system can be developed although there may be some additional costs for vehicle detection associated with the installation of the red light camera system equipment under these circumstances.

Vehicle Detection – Photo Radar

The equipment combines two well-known technologies, photography and radar. The equipment is able to track multiple targets simultaneously. When a car passes through the radar field, the unit's electronics calculate its speed and sends a signal to the camera, which then snaps a picture of the violator's license plate and in some cases, the driver.

Communications

For digital camera units, a communications link with adequate bandwidth should be provided from the intersection to a location where the violations data is processed. The required communications may be implemented using State and local agency fiber optics, leased high-capacity telephone lines, or microwave technologies.

No communications outside of the intersection are required for 35mm conventional film camera units.

Communications links are normally required to support certain functions related to citation data processing, including access to vehicle registration and driver's license databases, data transfers to and from traffic court data processing systems, and on-line inquiries or payments from persons receiving citations.

ENGINEERING DESIGN OF RED LIGHT CAMERA SYSTEMS

The red light camera system installation plans should be prepared and signed by an appropriately licensed engineer. Installation plans should be prepared in accordance with the system manufacturer's standard plans and technical specifications, and with State and local agency standard plans and specifications for public works and traffic engineering improvements. The plans should address the placement of the red light camera system equipment and related components, including:

- * Camera equipment.

- * Camera housing and supporting structure.
- * Intersection lighting.
- * Vehicle detection system.
- * Communications.
- * Pullboxes, conduit runs, and conductor schedule.
- * Electrical service.
- * Warning signs.

There are currently no standard plans and specifications for the acquisition and installation of red light camera systems, except for the plans and specifications provided by the manufacturers and standard plans and specifications that have been developed by State and local agencies for their own use and application. The U.S. Department of Transportation (USDOT), through a cooperative agreement with the International Association of Chiefs of Police (IACP), are developing red light camera systems performance specifications and testing laboratories to ensure the accuracy and reliability of these systems.

The installation plans should be processed through the appropriate State or local agency plan review and permitting procedures.

RED LIGHT CAMERA SYSTEM INSTALLATION

Where a contractor does the installation work, the normal construction inspection procedures employed by the State or local agency should be carried out for the installation of the red light camera equipment. Proper installation includes:

- * Installation consistent with the equipment manufacturer's guidelines and State or local agency specifications.
- * Inspection of all installation work by State and local agency officials and, where necessary, by the project engineer.
- * Testing of the red light camera equipment prior to its cutover for unattended operation.
- * The preparation of as-built drawings that reflect actual construction conditions.

Installations should be thoroughly inspected before testing begins. A comprehensive testing program should then be conducted using both simulated and actual traffic before the system is placed into unattended operation. No warning letters or citations should be issued until it is determined that the system is working accurately and reliably.

OPERATION AND MAINTENANCE

As with any integrated system, every element of a red light camera/photo radar system should function properly for the system to produce the desired results. In addition to proper design and installation, procedures to ensure the proper operation and maintenance of the system should be developed and implemented by the State and local agency.

Proper operation should be consistent with the manufacturer's instructions and the documented operational procedures that have been developed, reviewed, and approved by all parties involved. Periodic checks and audits to verify that it continues to operate properly should also be conducted.

Proper maintenance should include both preventive and corrective maintenance. Preventive maintenance should be performed on a regular basis. Tests of operational performance should be conducted regularly, and actual operational results examined constantly in order to identify any variation from specified performance. If any flaw in the system operation or performance is detected, the issuance of citations should be immediately stopped and any citations previously issued with the possibility of flawed operation or performance should be withdrawn.

Red light camera/photo radar system operations and maintenance should include the following tasks and functions:

- * Collect images of recorded violations and related violations data from photo-enforced intersections.
- * Inspect camera and vehicle detection system operations.
- * Perform preventative maintenance and cleaning.
- * Identify defective equipment and make repairs or replace the equipment.
- * Store recorded violations data.
- * Review recorded violations data to identify violations.
- * Identify vehicle-registered owner.
- * Prepare draft citations for review and approval.
- * Prepare and mail citations to vehicle registered owners.
- * Answer telephone inquiries.
- * Schedule violator appointments.
- * Process vehicle registered owner certifications regarding driver identity at the time of the violation.
- * Provide court-requested information and support court hearings.
- * Prepare monthly progress reports.

Citation Data Processing

The procedures and methods employed for system operations should be designed to ensure the preservation of the chain of custody of evidence for each recorded violation so that backup data and documentation can be easily retrieved when needed. The procedures and methods used for system operations should be comprehensive, clearly documented in writing, and followed without exception.

Citation data processing should be carried out in a secured facility using a data processing system with appropriate security features and firewalls. All personnel, especially those with access to motor vehicle registration and driver's license databases, should be cleared with appropriate background checks.

Internal quality control is essential and should be achieved by the use of two separate internal reviews of each violation, periodic audits by independent law enforcement or engineering staff, and other procedures. Procedures, especially important to ensure quality control, should be developed for each of the following areas:

- * Guidelines to be applied for issuing a citation. In other words, a very specific definition is needed to identify what constitutes a red light running violation.
- * Citation review and approval requirements, including provisions for the procedure to be used when the time to review is shortened, traffic officers are not available to conduct the reviews, or the number of citations is larger than usual.

* Quality assurance audits, to be conducted by trained traffic officers for randomly selected sample of recorded violations on a periodic basis.

Only a qualified law enforcement officer should be authorized to issue a citation. Citations should not be created prior to review of appropriate evidentiary material by the officer. Under no circumstances should a citation be issued when the officer expresses any lack of confidence that a properly documented and provable violation has occurred.

System Maintenance

Periodic inspections and preventative maintenance should be required to ensure that the equipment is functioning properly. Service and inspection logs should be maintained to document the inspections and preventative maintenance activities. The service and inspection logs may be required at court hearings to confirm that the red light camera equipment was functioning properly at the time that the violations were recorded.

As part of the periodic preventative maintenance, the camera unit and housing should be thoroughly cleaned and the camera unit activated in its "test" mode and confirmed to be operating correctly. The condition of the camera housing and mounting structure, camera unit, vehicle detection system, and warning signs should be inspected and the conditions noted in the service and inspection logs.

On-Going System Assessment

Continual analysis of violation and crash data, with community input, is an important element of a successful red light camera/photo radar program. Adequate funding should be provided to assure the necessary data analysis, problem identification, and problem diagnostic review work tasks are undertaken.

Automated enforcement efforts should be monitored, with adequate pre- and post- installation study periods, in order to measure the program's effectiveness. Timely collection and reporting of crash data is an important part of the monitoring process, as are control sites with no photo enforcement so the effects of camera enforcement can be distinguished from other external effects.

The steering committee should meet on a regular basis. Regular agenda items should be to review the data of violations and citations issued with a discussion of any changes or trends noted. Input from the State or local agency's traffic engineering department and street maintenance department should include regular updates on planned traffic signal modifications or street improvements construction that could impact the operation of the system. Discussion should be encouraged on whether program objectives are being met through the deployment of automated systems or whether alternative measures should be applied. The group should have input to the regular prioritization of intersections targeted for safety-related improvements.

A monitoring program based on the timely collection and reporting of crash data is needed. These crash data should include control sites with no photo enforcement so that the effects of camera enforcement can be distinguished from other external effects. Responsibilities for the collection and reporting of crash data need to be established and clearly defined. Traffic safety professionals need to review intersection safety issues and conduct diagnostic reviews of intersections identified from the crash data tabulations as warranting safety-related improvements.

Regular reports on the public awareness and information campaign should be prepared and reviewed. Public use of the web site and telephone information systems should be monitored.

ON-GOING PUBLIC INFORMATION AND EDUCATION

An on-going public information and education campaign is needed to assure the motoring public that the red light camera/photo radar program is being operated in the most effective, efficient, and fair manner possible. Public information and education efforts begin before installation, but do not end when the system is fully operational.

The on-going educational program should be designed to combat red light running and speeding, in general, as well as to provide information related to the operation of the camera equipment. Where possible, the on-going public information and education program should be developed and delivered in a way so as to address any specific populations or conditions that have been identified as contributing extensively to the traffic problem.

The on-going public information and education program should use various media, including the print and broadcast media, to communicate the problem, the program and the results. The agency should monitor the effectiveness of the educational program in order to achieve maximum effectiveness and public support for the red light camera program.

PROGRAM COSTS:

There are several companies that offer red light camera/photo radar systems. Agencies currently using this technology generally lease the equipment from a vendor. Costs will vary depending on the number of systems put in place, the type of system used, and the negotiated contract. Some private vendors earn a commission for each citation processed while others charge a flat fee. Listed below are some cost considerations:

- Engineering - Approximately \$10,000 - \$15,000 per direction per intersection camera.
- Lease of equipment. Approximately \$2,000 per month for one photo radar van.
- Administrative cost of administering the program.
- Cost of officer to operate photo radar van.
- Cost of officer and equipment to review each photo to ensure that a violation has occurred and the vehicle is properly identified.
- Cost of City's administrative hearing to include officer's presentation.

Addendum:

Issues pertaining to using photo radar and photo traffic light enforcement

Photographic traffic signal enforcement systems are digital cameras mounted above the corners of an intersection pointing in all four directions of traffic. There are several companies that operate these cameras under contract with the municipalities. The cameras are connected by computer to both the traffic signal and to underground electrical wires that activate the cameras when a driver runs a red light. The systems use a passive sensor that switches on the cameras only when a vehicle enters the intersection after the light has turned red. When a vehicle runs a red light, the computer triggers the camera to take two overhead pictures to document the violation: a picture of the vehicle entering the

intersection after the light turns red and another picture of the vehicle moving through the intersection while the light is red. A separate camera takes a photograph of the vehicle's license plate. After taking the pictures, the computer superimposes data on the image to include the time and date of the infraction, location of the intersection, speed of the car, and elapsed time between when the light turned red and when the car entered the intersection. Different vendors may have variations of this process.

In 1993 - 94, the City of Billings considered the use of photo radar enforcement for speeding infractions. In response to a request by the City Attorney of Billings, the Montana Attorney General opined that "the City of Billings, under its self-government charter, is not precluded by statute from enacting a photo-radar ordinance providing either accountability on the part of the registered owner for illegal speeding by any person operating the vehicle with the owner's permission, or for a permissive inference that the registered owner was the speeding violator." There are currently no Montana cities using photo radar enforcement. There are multiple concerns cited by the other cities who have considered photo traffic enforcement:

- The offense would have to be established as an absolute liability offense making the registered owner absolutely liable with no potential for incarceration; because the registered owner would not necessarily be driving the vehicle.
- Offenses could most likely not be reported to the state of Montana as habitual offender offenses; because the registered owner might not be the driver. There could be multiple registered owners of the vehicle which could make it even more challenging.
- There was some concern about the extra work for law enforcement in determining who was in control of leased motor vehicles or rental vehicles, or business vehicles registered to a company rather than an individual.
- There was some concern about an increase in motor vehicle accidents as a result of motorists slamming on their brakes to stop for a changing light and getting rear ended by the motorist following them. There have been conflicting studies over the increase or decrease of rear end accidents after a photo red light enforcement system is put into use.
- There are concerns about the monetary fees or percentage take or something along those lines associated with paying the company. The company is in it to make money, and typically shares in the revenue with the municipality. Also, issuance of criminal citations by a private company is prohibited under Montana Law. The violations would necessarily have to be municipal infractions if a private vendor were going to be issuing the tickets.

The Montana AG opinion did not address red-light cameras but only speeding; however, the rationale supporting the use of photo radar would also be applicable to self-government powers wanting to implement a similar ordinance for photographic traffic signal enforcement. The Attorney General did not address the issues of sharing fines, issuing the citations under Montana criminal procedural statutes, or other constitutional issues. Making a violation of the ordinance or state law a municipal infraction would eliminate the issues related to the criminal procedure statutes and would be consistent with most of the models around the country. The model used by Garland Texas seems to provide the best model to follow if we wanted to initiate a photo traffic enforcement program. The essence of this model is that infraction is civil rather than criminal. The city, not the vendor, issues the citation after weeding out the infractions where there is inconclusive evidence or legitimate reason for the violation, such as a funeral procession. The citation is issued to the registered

owner of the vehicle. The owner can pay the fine, contest the infraction, or provide evidence that someone else was driving. If someone other than the owner was driving, a citation would then be issued to the driver. Signs placing drivers on notice are placed at ingresses to the City rather than at each intersection.

The City may additionally need to obtain permission from the State of Montana to erect the poles and cameras since the poles will most likely be erected upon State or federally funded intersections and right of ways. Once permission is granted, then an RFP for the program can be advertised and proposals received.

Billings Public Library

Second Quarter Statistics

LIBRARY OCTOBER STATS

Checkouts
40,026

Locker
Checkouts
531

Door Count
24,449

Program
Attendance
2,417

Charging
Station Uses
682

LIBRARY NOVEMBER STA

Checkouts
39,114

Locker
Checkouts
582

Door Count
22,413

Program
Attendance
1,959

Charging
Station Uses
663

LIBRARY DECEMBER STA

Checkouts
35,001

Locker
Checkouts
532

Door Count
20,968

Program
Attendance
890

Charging
Station Uses
848

2024 COUNCIL MEETINGS SCHEDULE

(Year to date listing appears at the end of this schedule)

January 16, 2024 (Tues.) – WORK SESSION at the Library!

1. Continuing Public Safety Strategy – focused on Crime Prevention
2. Council Discussion

January 22, 2024 - REGULAR BUSINESS

CONSENT:

1. Change Order 1 – New City Hall Access Control and Camera System
2. Contract for New City Hall elevator modernization
3. Contract for Airport Master Plan update
4. Amendment to Memorandum of Understanding with the Yellowstone Conservation District for West End Reservoir Master Plan
5. Memorandum of Understanding with Yellowstone County - West End Neighborhood Plan Update
6. Amend Park Development Council 2024 Proposed Budget
7. Federal Aviation Administration Airport Improvement Program Grants
8. Donation to Parks from Billings Go Kickball to Youth Scholarship Fund
9. Donation to Parks from Scheels for Youth Scholarship Fund
10. Easements - North 28th Street
11. Preliminary plat extension request for Annafeld North Subdivision, 2nd Filing
12. Annual Resolution Authorizing the Filing and Acceptance of Transit Grant Funds and Related Documents
13. Resolution Authorizing the Issuance and Private Negotiated Sale of Expanded North 27th Street Tax Increment Bonds
14. Resolution of Intent to Create District and Set a Public Hearing-SID 1427
15. Resolution of Intent to Create District and Set a Public Hearing-SID 1426
16. 2nd/ Final Reading ORD. – ZC 1040 – 1404 and 1406 Avenue B
17. 2nd/ Final Reading ORD amending Cemetery Rules and Regulations and Repealing ORD 03-5240

REGULAR:

2. PH - MT Dept. of Commerce Infrastructure Grant Application
3. PH and 1st reading ORD - BMCC Chapter 26 Water and Wastewater First Reading and Public Hearing
4. Sale of City Hall, South Parking Lot, and North Parking Lot
5. Appointments to Council Subcommittees and Boards and Commissions

February 5, 2024 – WORK SESSION

1. MRM update – Matt Lundgren
2. CRU and MRT Updates (Pepper)
3. Family Violence Response Unit Update (St. John per Owen's Initiative)
4. Local Government Review – Resolution for June Ballot
5. CPTED – Skate Park
6. Council goals and strategies
7. Council Discussion

February 12, 2024 - REGULAR BUSINESS

CONSENT:

1. Change Order 1 - Public Library Hail Repairs
2. Amendment 16 with Morrison-Maierle, Inc. for Engineering Services to Rehabilitate Aviation Place Access Road
3. Amendment 15 with Morrison-Maierle, Inc. for Engineering Services to Construct Cargo Ramp Slot 5
4. New City Hall Elevator Modernization
5. Landon's Inclusive Playground and Phase II Parking Lot Poly Vista Park
6. Contract for scanning services with DIS Technologies
7. Adoption of Council Goals and Strategies

REGULAR:

- 1.

February 20, 2024 (Tues.) – WORK SESSION

1. Billings Mustangs??
2. City Ordinance Amendments – Code Enforcement (Tina Hoeger)
3. PMD Assessment Approval Discussion (Per Rupsis's question) (Schedule Staff Prep meeting to discuss the impacts of Rupsis's questions)
4. Council Discussion

February 26, 2024 - REGULAR BUSINESS

CONSENT:

1. Boards and Commissions
2. Local Government Review – Resolution for June Ballot
3. Amend Park Development Council budget

REGULAR:

1. Public Hearing & Resolution for Nuisance Property Abatement Assessments
2. Public Hearing & Resolution for Weed Assessments
3. Public Hearing for Sale of City Hall, South Parking Lot, and North Parking Lot

March 4 and 5, 2024 (Council Retreat)

March 4, 2024 – WORK SESSION

1. 2024-2028 Transportation Improvement Program Review (Lora Mattox)
2. Tax Abatement Policy (Dianne, BSEDA/Chris)??
3. Council Discussion

March 11, 2024 - REGULAR BUSINESS

CONSENT:

- 1.

REGULAR:

1. Downtown Billings Partnership - Tax Increment Assistance - Rockman Hotel Project

March 18, 2024 – WORK SESSION

CLOSED EXECUTIVE SESSION 4:30 – 5:30 PM

1. Council Discussion

March 25, 2024 - REGULAR BUSINESS

CONSENT:

- 1.

REGULAR:

- 1.

April 1, 2024 – WORK SESSION

- 1.
2. Council Discussion

April 8, 2024 - REGULAR BUSINESS

CONSENT:

- 1.

REGULAR:

- 1.

April 15, 2024 – WORK SESSION

- 1.
2. Council Discussion

April 22, 2024 - REGULAR BUSINESS

CONSENT:

- 1.

REGULAR:

- 1.

****Judge Kolar would like to be first during budget meetings**

May 6, 2024 (BUDGET) – WORK SESSION

- 1.
2. Council Discussion

May 13, 2024 - REGULAR BUSINESS

CONSENT:

- 1.

REGULAR:

- 1.

May 20, 2024 (BUDGET) – WORK SESSION

- 1.
2. Council Discussion

May 28, 2024 (Tues.)- REGULAR BUSINESS

CONSENT:

- 1.

REGULAR:

- 1.

June 3, 2024 – WORK SESSION

CLOSED EXECUTIVE SESSION 4:30 – 5:30 PM

- 1.
2. Council Discussion

June 10, 2024 - REGULAR BUSINESS

CONSENT:

- 1.

REGULAR:

- 1.

June 17, 2024 – WORK SESSION

- 1.
2. Council Discussion

June 24, 2024 - REGULAR BUSINESS

CONSENT:

- 1.

REGULAR:

- 1.

July 1, 2024 – WORK SESSION

- 1.
2. Council Discussion

July 8, 2024 - REGULAR BUSINESS

CONSENT:

1.

REGULAR:

1.

July 15, 2024 – WORK SESSION

1.

2. Council Discussion

July 22, 2024 - REGULAR BUSINESS

CONSENT:

1.

REGULAR:

1.

August 5, 2024 – WORK SESSION

1.

2. Council Discussion

August 12, 2024 - REGULAR BUSINESS

CONSENT:

1.

REGULAR:

1.

August 19, 2024 – WORK SESSION

1.

2. Council Discussion

August 26, 2024 - REGULAR BUSINESS

CONSENT:

1.

REGULAR:

1.

September 3, 2024 (Tues.) – WORK SESSION

CLOSED EXECUTIVE SESSION 4:30 – 5:30 PM

1.

2. Council Discussion

September 9, 2024 - REGULAR BUSINESS

CONSENT:

1.

REGULAR:

1.

September 16, 2024 – WORK SESSION

- 1.
2. Council Discussion

September 23, 2024 - REGULAR BUSINESS

CONSENT:

1.

REGULAR:

1.

October 7, 2024 – WORK SESSION

CLOSED EXECUTIVE SESSION 4:30 – 5:30 PM CA Annual Review

1. Council Discussion

October 15, 2024 - REGULAR BUSINESS

CONSENT:

1.

REGULAR:

1.

October 21, 2024 – WORK SESSION

- 1.
2. Council Discussion

October 28, 2024 - REGULAR BUSINESS

CONSENT:

1.

REGULAR:

1.

November 4, 2024 – WORK SESSION

1.

2. Council Discussion

November 12, 2024 (Tues.) - REGULAR BUSINESS

CONSENT:

- 1.

REGULAR:

- 1.

November 18, 2024 – WORK SESSION

- 1.
2. Council Discussion

November 25, 2024 - REGULAR BUSINESS

CONSENT:

- 1.

REGULAR:

- 1.

December 2, 2024 – WORK SESSION

CLOSED EXECUTIVE SESSION 4:30 – 5:30 PM

- 1.
2. Council Discussion

December 9, 2024 - REGULAR BUSINESS

CONSENT:

1. Beartooth RC&D MOU

REGULAR:

- 1.

December 16, 2024 – WORK SESSION (Vacate?)

- 1.
2. Council Discussion

December 23, 2024 - REGULAR BUSINESS

CONSENT:

- 1.

REGULAR:

- 1.

January 2, 2024 (Tues.) – WORK SESSION

1. Administration of Oaths and Affirmations of Office for reelected Councilmembers
2. DES Emergency Management Update (K.C. Williams)
3. Ordinance Amendments to Water and Wastewater Utilities
4. Stormwater Billing
5. Council Discussion

January 8, 2024 - REGULAR BUSINESS

CONSENT:

- A. Bid Award: W.O. 24-03: Contract 2 Chip Seal / Scrub Seal
- B. Bid Award: W.O. 23-46: Compost Facility Waterline
- C. Purchase Water Reclamation Facility Equipment – Disinfection parts
- D. City-County Special Investigations Unit (CCSIU) Agreement for 2024
- E. W.O. 19-42: WE Water Treatment contract - Dick Anderson
- F. Bureau of Reclamation WaterSMART Small-Scale Water Efficiency Projects
- G. Donations to Library
- H. MT FWP trail stewardship grant application
- I. Northwestern Energy easement for Mountview Cemetery
- J. ~~Easements North 28th Street~~

REGULAR:

2. PH and 1st reading ORD – Cemetery Code changes
3. PH and 1st reading ORD – ZC 1040 - 1404 and 1406 Avenue B
4. PH and 1st reading ORD – Special Review 998 – 1406 Avenue B
5. Nomination and Election of Deputy Mayor Pro Tempore